

**Item No:** 4  
**Application No:** 15/02056/FUL Author: Haley Marron  
Date valid: 12 February 2016 ☎: 0191 643 6330  
Target 13 May 2016 Ward: Collingwood  
decision date:

Application type: full planning application

**Location:** Fields Between , Fairfield Green And Bywell Grove, Whitley Bay, Tyne And Wear,

**Proposal:** Improvement of surface water management by the upgrading of existing ditches, the installation of new ditches and the installation of 3 new storage ponds with approximately 9000m<sup>3</sup> of storage (Amended description).

Applicant: North Tyneside Council, FAO Mr Mark Newlands 16 Quadrant East The Silverlink North Cobalt Business Park North Tyneside NE27 0BY

Agent: Capita, FAO Mr Steven Harvey 16 The Quadrant East Silverlink North Cobalt Business Park North Tyneside NE27 0BY

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

1.1 The main issue is whether the proposed flood alleviation works are acceptable and the impact that they would have upon the site and the surrounding area having regard to the:

- Principle of development
- Impact on amenity
- Impact on ecology
- Impact on landscaping features
- Impact on highways
- Other matters including impact on ground conditions and archaeology

1.2 Members need to consider the proposed flood alleviation measures are acceptable having regard to the issues above.

#### 2.0 Description of the Site

2.1 The application site measures 3.38 hectares in area and is currently used as arable farmland. The land is located to the north of Murton Village between the settlements of Shiremoor and West Monkeaton and to the south of the Metro line.

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2.2 The site is Safeguarded Land according to the Proposals Map of the North Tyneside Unitary Development Plan 2002.

### 3.0 Description of the proposed development

3.1 The proposal seeks full planning permission for earthworks forming a network of surface water management measures including:

- the installation of three connecting dry storage basins with restricted flows (providing 9000m<sup>3</sup> water storage volume)
- the upgrading of existing ditches; and
- the installation of new ditches to improve the capture of surface water and direct it into the basins

3.2 In an intense period of rainfall, it is proposed that all ditches will drain to the basins. The basins will fill up and once the storm subsides, the ponds will gradually empty towards the West Monkseaton culvert which has recently been upgraded.

3.3 The applicant advises that the development is the second phase of flood improvement works in the area.

### 4.0 Relevant Planning History

4.1 None.

### 5.0 Development Plan

5.1 North Tyneside Unitary Development Plan (adopted March 2002).

5.2 Direction from Secretary of State under paragraph 1(3) of Schedule 8 of Town and Country Planning and Compulsory Purchase Act 2004 in respect of policies in the North Tyneside UDP.

### 6.0 Government Policy

6.1 National Planning Policy Framework (March 2012).

6.2 National Planning Policy Guidance (As Amended).

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in the determination of this application. It requires local planning authorities to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the National Planning policy Framework.

## **PLANNING OFFICERS REPORT**

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## 7.0 Main Issues

7.1 The main issues in this case are

- Principle of development;
- Impact on amenity
- Impact on ecology
- Impact on landscaping features
- Impact on highways
- Other issues including ground conditions and archaeology.

7.2 Consultations and representations received as a result of the publicity given to this application are set out in the appendix to this report.

## 8.0 Principle of development

8.1 The NPPF sets out the overarching roles that the planning system ought to play and sets out core land-use planning principles which should underpin both plan-making and decision-taking. These 12 principles are that planning should (amongst other matters) encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for flood risk mitigation).

8.2 In the current UDP the site is designated as safeguarded land according to policies E21 and E21/1. It is clear that the proposal would not be located on previously developed. Whilst NPPF encourages the use of previously developed land it is not a prerequisite.

8.3 According to policy E21 safeguarded land is defined as land that may be required for development beyond the plan period.

8.4 UDP Policy E21/1 states that the development within the area defined as safeguarded land will not be permitted unless the following apply:

- It preserves the open nature of the area especially where this forms important open breaks between or within the built up area, and
- It does not cause significant visual intrusion, and
- It does not adversely affect access for recreation, and
- It will not adversely affect important landscape features, and
- It will not cause significant harm to agricultural or forestry operations, and
- No alternative site is reasonably available.

8.5 The proposed development involves earthworks to form a network of surface water management measures including the installation of three dry storage basins; the upgrading of existing ditches; and the installation of new ditches to improve the capture and control of surface water.

8.6 It is considered the proposals would not significantly affect the open nature of the land and would not cause significant visual intrusion. The proposals are considered a benefit to the area and would assist in alleviating flooding issues in the local area.

8.7 The Council as Local Lead Flood Authority is fully supportive of the application. The North Tyneside Surface Water and Drainage Partnership have produced a Flood Risk Implementation Plan. This evidence based document was updated in November 2015 and identifies flood risk projects throughout the borough. The application site forms part of these works. The works will be maintained by the Council.

8.8 In the summer of 2012 widespread surface water flooding was experienced following exceptional, high intensity rainfall. It is considered that this scheme, which forms part of a wider strategy, will improve surface water management in this area and reduce the likelihood of flooding to nearby homes and gardens.

8.9 The Environment Agency (EA) does not object to the application.

8.10 It is the advice of Officers that this scheme is acceptable and complies with the aims of the NPPF and UDP policies E21 and E21/1.

#### 9.0 Impact on amenity

9.1 Policy H13 of the UDP states that applications for non-residential development within or adjacent to residential areas will be approved only where the Local Planning Authority consider that they would not adversely affect residential amenity. Uses that generate excessive noise, smell fumes, traffic, or on street parking will not be allowed.

9.2 Residential properties are located to the east of the application site. Two representations from surrounding neighbouring properties have been received as a result of the consultation process. They express concern regarding the impact the development during construction.

9.3 The applicant has advised they aim to complete the works within 12 weeks weather conditions permitting. They aim to commence works in May and residents will be kept informed via further public consultation event(s) and letter drops.

9.4 The Manager for Environmental Health has been consulted. She does not object subject to conditions to control the hours of construction and dust suppression measures. Subject to these conditions the impact on residential amenity is considered acceptable.

#### 10.0 Impact on biodiversity

10.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment as part of this helping to improve biodiversity amongst other matters.

10.2 Paragraph 109 of NPPF states that the planning system should contribute to and enhance the natural and local environment by amongst other matters minimising the impacts on biodiversity and producing net gains to biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

10.3 Paragraph 118 of NPPF states that when determining a planning application, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from development cannot be avoided or as a last resort be compensated for, then planning permission should be refused.

10.4 The above site is dominated by arable land that is intensively managed with hawthorn dominated hedges along some of the field margins and scrub habitat.

10.5 Breeding and Wintering Bird Surveys have been submitted. These demonstrate that the site supports a number of breeding bird species (whitethroat, blackcap, dunnock and skylark). The site is of district value for wintering birds (yellowhammer, grey partridge, skylark, tree sparrow, linnet, reed bunting and bullfinch).

10.6 The Phase 1 Habitat survey has been also undertaken identified badger foraging and commuting through the site, however, no evidence of otter or water vole was recorded. The watercourse to the north west of the site, was identified as offering potential for water vole and further surveys are recommended in this location. Hedgerows were identified as potential foraging and commuting routes for bats.

10.7 The Council's Biodiversity Officer does not object to the application but advises that the proposed earthworks have the potential to cause some loss of habitat and disturbance to wildlife during construction.

10.8 The Biodiversity Officer recommends mitigation measures including appropriate landscaping in and around the storage basins suitable for breeding and wintering bird species; measures to control timing of works and further ecological walkover surveys. The requirements of the Biodiversity Officer can be conditioned.

10.9 Newcastle International Airport (NIA) has been consulted and does not object to the application.

10.11 It is the advice of Officers that the scheme is acceptable in terms of ecological impact and complies with the aims of the NPPF.

## 12.0 Impact on Landscaping

12.1 Trees and landscaped features make a significant contribution to the character and appearance of the urban area and to nature conservation. Trees in parks and public open spaces, in private gardens and grounds and on streets and highways are all significant in this respect.

12.2 Policy E14 in the North Tyneside Unitary Development Plan, which states that the Local Planning Authority will seek to protect and conserve existing trees and landscape features within the urban environment and will encourage new planting in association with development and whenever possible in other suitable locations.

12.3 The application site consists of arable farmland. The majority of trees are located within the hedgerows located to eastern boundary and to the north of the

site (beyond the site boundary). A Tree Appraisal and Impact Assessment have been submitted with detailed Tree Protection Measures for these areas.

12.4 The Council's Landscape Architect is satisfied with the proposals because the basins and the new ditch to the east boundary have been set well back from the existing landscape areas. He notes however, pruning works are required to the far eastern boundary and two trees will be removed to facilitate a pipe line diversion at Dickey's Holm. This is deemed acceptable in the context of the overall works subject to conditions requiring a replacement tree strategy and pruning works to be agreed. It is considered that the proposal complies with policy E14.

### 13.0 Highways Network Manager

13.1 The National Planning Policy Framework states that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives. The guidance states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

13.2 The proposed construction access is via Fairfield Drive leading to a compound area located to the south of the storage basins within the application site. A secondary access is proposed via Well Lane / Murton Lane.

13.3 The Highways Network Manager has no objection to the application subject to a construction method statement being submitted and agreed. The statement will provide a detailed scheme for the routing of construction vehicles, dust suppression including wheel washing and/or road cleaning facilities. He also requires full condition surveys of the construction route to be submitted for approval. This will ensure any damage to the highways (attributed to construction traffic) is repaired and reinstated.

13.4 Furthermore there are two definitive 'Public Right of Way' within the site. There is formal bridleway running east to west along the southern boundary and 'field based path' running north – south through the middle of the site. To facilitate the new ditches to the far eastern boundary some new pipe work is required under the bridleway. The applicant has advised that both routes will be kept open at all times using safety controls and a working method statement. The Council's Rights of Way Officer has no objections to the application. Informatives are recommended to ensure the applicant liaises with the Rights of Way Officer throughout the works.

13.5 It is the advice of Officers that the proposal is acceptable on highway grounds subject to conditions.

### 14.0 Archaeology

14.1 National Planning Policy Framework (NPPF) states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to its significance.

14.2 Paragraph 128 of NPPF states that in determining application, local planning authorities should require an applicant to describe the significance of any heritage assets affected.

14.3 Paragraph 129 of NPPF states that local planning authorities should identify and assess the particular significance of any heritage assets that may be affected by a proposal.

14.4 UDP Policy E19/6 states that where assessment and evaluation have established that proposed development will affect a site of Area of Archaeological Interest, the applicant will be required to preserve archaeological remains in situ unless this is clearly inappropriate or destruction of the remains is demonstrably unavoidable in which case a programme of archaeological works will be required.

14.5 An Archaeological Desk Based Assessment has been submitted. There is a pre-historic enclosure on the site next to basin number 2. The Tyne and Wear Archaeology Officer advises basins and ditch works could affect buried archaeological remains associated with the prehistoric settlement or Murton medieval village.

14.6 The Archaeology Officer requires further archaeological work. This work is subject to planning conditions.

14.7 It is officer advice that the proposal subject to conditions would accord with NPPF and policy E19/6 of the UDP.

#### 15.0 Ground conditions

15.1 Paragraph 120 of NPPF states 'To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area of proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or land owner'.

15.2 NPPF states that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects of pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibilities for securing a safe development rests with the developer and/or landowner.

15.3 Policy E3 seeks to mitigate the impact of pollution on the environment including existing land uses and on proposed development and will support and encourage measures including monitoring of pollution to reduce it to the lowest practicable levels.





5. Notwithstanding the details submitted, a programme for maintenance of the development including details of access arrangements shall be submitted to and approved in writing by the Local Planning Authority, thereafter, this programme of maintenance shall be implemented in accordance with the approved details.

Reason: In the interests of surface water management

6. Dust suppression during construction                      SIT03        \*

7. Restrict Hours No Construction Sun BH                      HOU04        \*

8. Notwithstanding the plans approved, a landscaping scheme must be submitted to the Local Authority for approval prior to development commencing. The landscaping scheme shall include full details of

- 1) new native tree and hedge planting in areas to be agreed;
- 2) wild bird cover mixes around the storage ponds;
- 3) reedbed planting and damp wildflower meadow mix within the flood storage areas
- 4) proposed pruning works

Reason: In the interests of amenity and ecology and to ensure a satisfactory standard of landscaping.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and ecology and to ensure a satisfactory standard of landscaping having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

10. Prior to development commencing, details of protective measures for the attenuation basins and long grassland areas must be submitted to the Local Planning for approval. Thereafter the measures must be implemented in accordance with the details agreed unless otherwise agreed in writing.

Reason: In the interests of amenity and ecology and to ensure a satisfactory standard of landscaping.

11. Areas suitable for supporting nesting birds will not be cleared during the bird breeding season (March to August inclusive) unless checking surveys by a suitable qualified ecologist have ascertained that active nests are absent.

Reason: In the interests of ecology and biodiversity.

12. A badger walkover survey must be undertaken and submitted to the Local

Authority immediately prior to works commencing to ensure there are no impacts on this species.

Reason: In the interests of ecology and biodiversity.

13. An otter/water vole walkover survey must be undertaken and submitted to the Local Authority immediately prior to works commencing to ensure there are no impacts on this species.

Reason: In the interests of ecology and biodiversity.

14. Prior to development commencing, full details of protection measures for trees, scrub and hedgerows (Tree Protection Method Statement) must be submitted to the local authority for approval to ensure engineering work does not impact on existing planting and root zones. Thereafter the development must be carried out in accordance with the details agreed.

Reason: In the interests of ecology and biodiversity

15. No ground works or development shall commence until a programme of archaeological fieldwork (to include geophysical survey, evaluation trenching and where appropriate mitigation excavation and/or watching brief) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan S9.11, Policy DM9.12 and DM9.13 and saved UDP policy E19/6

16. The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 15 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan S9.11, Policy DM9.12 and DM9.13 and saved UDP policy E19/6

17. The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF, Local Plan S9.11, Policy DM9.12 and DM9.13 and saved UDP policy E19/6

18. No ground works or development work shall take place until temporary fencing has been erected to protect the site of the prehistoric enclosure area from disturbance by construction machinery in accordance with a specification agreed with the Local Planning Authority. The approved scheme for the erection, maintenance and subsequent removal of the fencing shall be implemented.

Reason: To ensure the preservation in-situ of archaeological features.

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

**Informatives**

Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer.

Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

Contact ERH Construct Highway Access (I05)

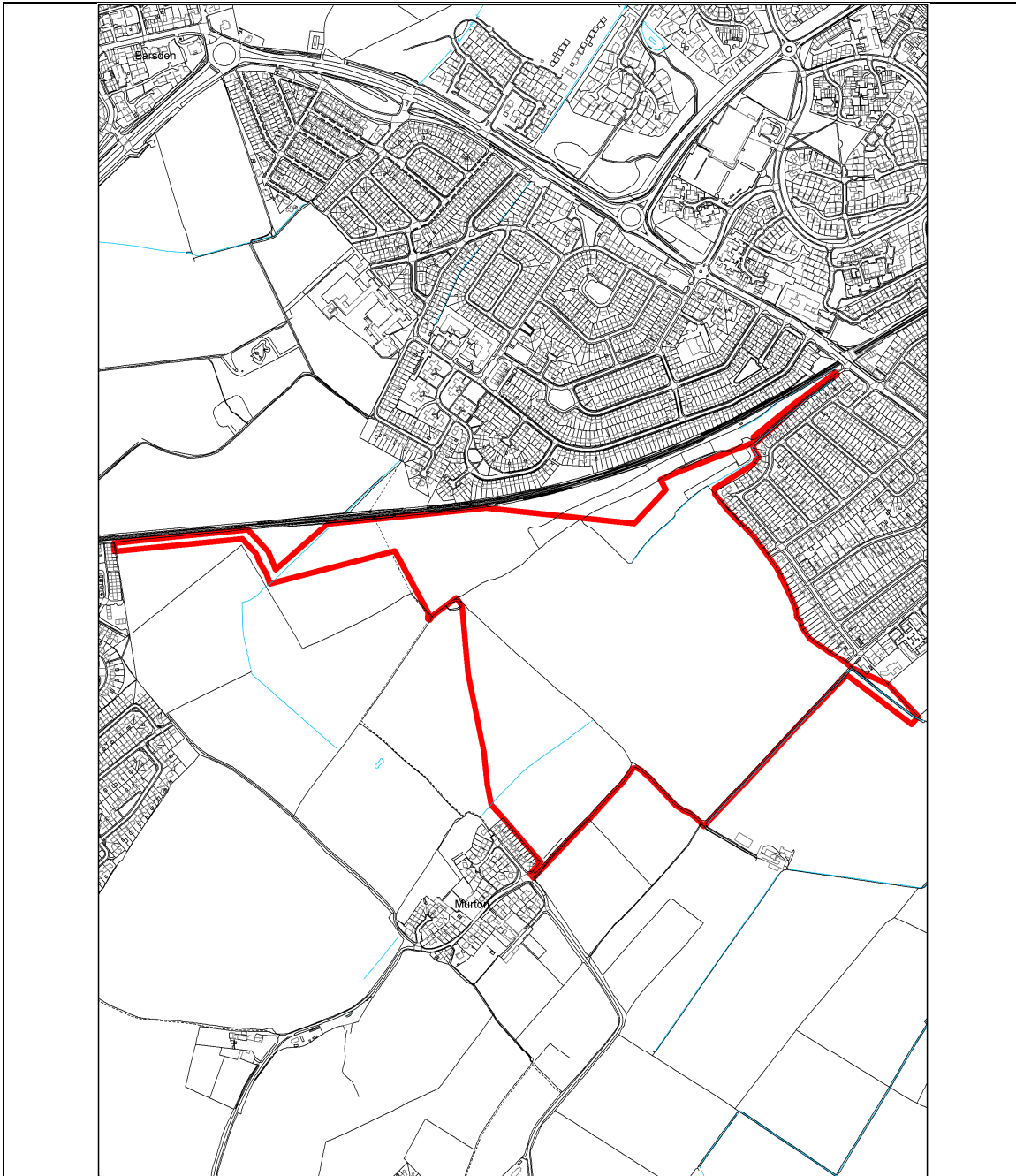
Contact ERH Path Bridleway Xs Site (I07)

Do Not Obstruct Highway Build Materials (I13)

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## Highway Inspection before dvlpt (I46)

It is recommended that the excavated material to be transported off site be tested prior to transportation to ensure it is not contaminated and to ensure that no cross contamination of land occurs.



**Application reference: 15/02056/FUL**

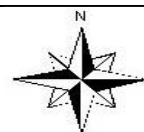
**Location: Fields Between , Fairfield Green And Bywell Grove, Whitley Bay, Tyne And Wear**

**Proposal: Improvement of surface water management by the upgrading of existing ditches, the installation of new ditches and the installation of 3 new storage ponds with approximately 9000m3 of storage (Amended description).**

Not to scale

Date: 07.04.2016

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**Appendix 1 – 15/02056/FUL  
Item 4**

**Consultations/representations**

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This application is for the improvement of surface water management by the upgrading of existing ditches, the installation of new ditches and the installation of 3 new storage ponds with approximately 9000m<sup>3</sup> of storage. Excavated material (earth) is to be transported and used to create mound to the west of Wellfield. Conditional approval is recommended.

1.3 Recommendation - Conditional Approval

1.4 Condition:

1.5 SIT05 - Construction Method Statement

1.6 No development shall commence until a scheme to carry out condition surveys of the proposed construction route has been submitted to and approved by in writing the Local Planning Authority. This scheme shall include regular highway inspections prior to, during & after the duration of the works and the developer will be required to repair & reinstate any damage to highways attributed to construction traffic.

Reason: In the interests of highway safety.

1.7 Informatives:

I05 - Contact ERH: Construct Highway Access

I07 - Contact ERH: Footpath/Bridleway X's Site

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlpt

1.8 Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer.

1.9 Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

1.10 The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

2.0 Local Lead Flood Authority

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2.1 This is an application for the improvement of surface water management by the upgrading of existing ditches, the installation of new ditches & the installation of three new storage ponds with approximately 9000m<sup>3</sup> of storage.

2.2 The area has suffered from flooding in the past with a number of contributing factors including:

- Restrictions to ditch surface area
- Narrowing of channels
- Inadequate culvert diameter under railway line
- Blocked culvert between Shiremoor & Monkseaton
- Free flow of surface water between properties

2.3 This scheme is the second of three schemes in the area, which consist of:

- Shiremoor & Wellfield
- Shiremoor, Murton & Monkseaton (Fairfield Green area)
- Monkseaton (Briar Vale area)

2.4 The current scheme (Shiremoor, Murton & Monkseaton (Fairfield Green area) involves the installation of three dry storage basins with restricted flows. Due to the restriction, these basins will fill up during an intense period of rainfall and once the storm subsides, the ponds will empty towards the West Monkseaton culvert, which has recently been upgraded. New ditches will also be installed to improve the capture surface water and direct it into the basins.

2.5 It is considered that this scheme, which forms part of a wider strategy, will improve surface water management in this area and reduce the likelihood of flooding to nearby homes and gardens. For these reasons, conditional approval is recommended.

2.6 Recommendation - Conditional Approval

2.7 Condition:

2.8 Notwithstanding the details submitted, a programme for maintenance of the propose scheme including details of access arrangements shall be submitted to and approved in writing by the Local Planning Authority, thereafter, this programme of maintenance shall be implemented in accordance with the approved details.

Reason: In the interests of surface water management

### 3.0 Manager of Environmental Health (Pollution)

3.1 I have no objection in principle to this application but would recommend conditions to restrict construction hours and dust mitigation.

3.2 If any external plant and equipment such as generators are to be used outside of the standard hours of construction then a noise scheme will be necessary to ensure noise from the plant does not cause a nuisance.

3.3 SIT03 and HOU04

3.4 A noise scheme must be submitted to the planning authority for written approval and implemented prior to development to ensure the rating level from plant and equipment, as measured one metre from façade of nearest sensitive receptor, does not exceed the background noise level for the representative time period that the plant and equipment is operated. The measurement shall be carried out in accordance with BS4142.

#### 4.0 Manager of Environmental Health (Contamination)

4.1 The excavated material is to be transported off site, it is recommended this material be tested prior to transportation to ensure it is not contaminated and that no cross contamination occurs.

#### 5.0 Biodiversity Officer

5.1 The above site is dominated by arable land that is intensively managed with hawthorn dominated hedges along some of the field margins and scrub habitat.

5.2 The site supports a number of breeding bird species and is of district value for wintering birds. The scheme will involve creation of storage areas for excess surface water, improvement of existing drainage ditches and creation of new ditches and installation of pipe bridges to facilitate bridleway crossings.

5.3 With regard to wintering birds, a total of 50 species were recorded during the winter survey, which included 15 red listed birds of conservation concern and 13 listed as S41 national priority species under the Natural Environment & Rural communities (NERC) Act 2006. These species included yellowhammer, grey partridge, skylark, tree sparrow, linnet, reed bunting and bullfinch.

5.4 A breeding bird survey which has been undertaken on this land in 2015 shows the scrub area to the north of the proposed storage ponds as a very good breeding site for species such as whitethroat, blackcap and dunnock, with the open agricultural fields recording good numbers of skylark.

5.5 The Phase 1 Habitat survey undertaken identified badger foraging and commuting through the site, however, no evidence of otter or water vole was recorded. The watercourse to the north west of the site, however, was identified as offering potential for water vole and further surveys are recommended in this location. Hedgerows were identified as potential foraging and commuting routes for bats.

5.6 The impact of this scheme without appropriate targeted mitigation, will result in:-

- Loss of habitat used by both breeding and wintering birds considered to be of district importance
- Loss of habitats used as a foraging resource by a limited range of bird species
- A risk of harm to nesting birds within grassland, scrub and hedgerow habitats during construction works
- Increased disturbance due to change of land use and construction works



- Potential short-term disruption to bird territories across the site during the construction phase
- Potential disturbance to badger during construction works
- Potential disturbance to otter/water vole
- Impacts on bats by removal of hedgerows and severance of commuting and feeding routes

5.7 In order to address the above impacts and ensure these are adequately mitigated for, the following measures must be incorporated into the plans:-

- Flood attenuation features must include a range of wetland habitats (reedbeds, damp grassland and scrub) to help improve water quality and to provide habitat (nesting and roosting) for birds
  - Areas of longer grassland (wild bird cover) buffering the drainage scheme, should be created to provide habitat and cover for farmland birds, particularly grey partridge.
  - Attenuation basins and associated long grassland should be protected to limit disturbance to species using these areas.
  - Areas of scrub and hedgerow lost to the development should be replaced on site and should include a range of native berry and fruit bearing species for birds/bats
  - Lighting should be kept to a minimum and night working avoided to ensure that artificial lighting during construction does not disturb bats. Any lighting should be low level and directed away from habitat features of value to bats (scrub, woodland, hedgerows)
  - The location of the earth mound from the excavated material works must not impact on protected species, habitats or biodiversity. Appropriate surveys and mitigation must be in place for this location if appropriate.
  - Areas of existing scrub, hedgerows and trees and their root zones must be adequately protected during construction works.

5.8 Please attach the following conditions to this application:-

#### 5.9 Conditions

- A detailed landscape plan must be submitted to the Local Authority for approval prior to development commencing. Details must be provided showing 1) new native hedge and scrub planting; 2) wild bird cover mixes around the storage ponds; 3) reed bed planting and damp wildflower meadow mix within the flood storage areas

-Details of protective measures for the attenuation basins and long grassland areas must be submitted to the Local Planning for approval prior to development commencing.

-A management plan must be submitted detailing how the newly created landscaped areas will be maintained and managed.

-No areas suitable for supporting nesting birds will be cleared during the bird breeding season (March to August inclusive) unless checking surveys by a suitable qualified ecologist have ascertained that active nests are absent.

-Works will be undertaken to a working method statement to be agreed with the LPA ecologist, prior to development commencing

-A badger walkover survey must be undertaken and submitted to the Local Authority immediately prior to works commencing to ensure there are no impacts on this species.

-An otter/water vole walkover survey must be undertaken and submitted to the Local Authority immediately prior to works commencing to ensure there are no impacts on this species.

- Details of protection measures for trees, scrub and hedgerows (Tree Protection Method Statement) must be submitted to the local authority for approval prior to development commencing to ensure engineering work does not impact on existing planting and root zones.

- Details of culvert design to be submitted to the Local Authority for approval prior to development commencing.

## 6.0 Landscape Architect

6.1 The proposed site comprises mainly of a gently undulating, agricultural patchwork of field systems used for crop production. The area is interspersed by solitary trees, hedgerows and environmental areas, which have been planted or left to naturally regenerate.

6.2 The majority of trees on the site are located within the hedgerows, which divide up the farmland or on the boundaries of the site; with existing drainage ditches generally located along side the existing hedgerows.

6.3 The area is bounded by residential properties to the east and west, with Murton Village occupying a central island setting. The local Metro train line traverses the site in an east west direction, effectively annexing further compartments of open arable land to the north. Most of the bordering residential settlements overlook the adjoining agricultural land and entertain open aspect views across the field systems, interrupted occasionally by solitary trees and hedgerows.

6.4 A network of Public Footpaths and farm access roads also help to link and delineate the circulation and visual attenuation of the area.

6.5 There are two environmental areas on the site G19 and G29 containing trees, which have either been planted or naturally regenerated.

### 6.6 Tree and Hedgerow Protection Measures

I refer to the submitted Tree Appraisal and Impact Assessment (June 2015) and Tree Protection Plan(s) No's 1-4 and further Section 9 of the Tree Data Schedule and Root Protection Area (RPA) information.

6.7 The plans indicate a number of instances where the protective (fencing) measures are shown on (4no. submitted) plans in relation to trees and sections of hedgerow. I am satisfied the root protection zones and canopies of trees and

hedges will be adequately protected, however a Tree Protection Method Statement (MS) will need to be submitted detailing the type of protection (fencing) measures that will be used with regard to the tree, hedgerow and suburban (3<sup>rd</sup> party neighbouring trees).

#### 6.9 Tree and Hedging Works

6.10 The Proposed Vegetation Measures document (plan) has identified the following for either removal and/or pruning works, as follows;

-2 no. Trees to remove (for pipeline diversion of existing culvert at Dickeys Holm) and;

-Tree G.1/Section 10. Tabulated Tree Data Schedule. (Tree overhanging existing ditch and location of proposed works. Cutback required)

6.11 Information regarding the replacement tree strategy and (G1 crown lift) pruning works should be submitted in relation to the extent of the pruning works and how the removal of trees will impact and be mitigated by replacement planting. The extent of the proposed replacement planting should conform to the (Selective Policy Guidance) information set out below.

6.12 All works are to be carried out in accordance with BS3998: 2010 maintaining shape and form. Branches are not to be lopped or topped. Ensure overall shape and form of the tree species is maintained. The work is to include the removal of deadwood, weak, damaged, crossing and overlapping branches but leaving the main branch structure intact.

#### 6.13 Mitigation - Tree and Hedgerow Replacement Planting

6.14 The strategy for the proposed tree and hedgerow replacement works should acknowledge and address the guidelines as set out below. A 'Specification' and 'Planting Schedule' for the proposed (planting) works, detailing all species types, sizes, fixing method(s), planting layout and associated protective (plant) fencing and/or measures should also be provided.

### 7.0 County Archaeologist

7.1 The archaeological desk based assessment for the wider Murton Gap site has been submitted. Pond 2 lies adjacent to a prehistoric settlement. The prehistoric remains could extend beyond the extent of the enclosed settlement into the area proposed for pond 2.

7.2 A mound in the north-east corner of what the archaeologists call field 21, could be affected by the proposed work. The mound is likely to relate to a mine shaft.

Former field boundaries in field 21 will be affected by the new ditch.

7.3 The new ditch and three ponds could affect buried archaeological remains associated with the prehistoric settlement or Murton medieval village.

7.4 The following archaeological work is required:

7.5 Geophysical survey (rather than just survey the width of the proposed drainage ditches, which would be impossible to interpret, I suggest that the

complete field through which the ditches run should be surveyed. This will be needed in due course for the SLR site). Fields 16, 18, 28, western half of 26 and the northern part and east edge of 27 (as numbered in the archaeological report) require geophysics. See attached plan.

7.6 Evaluation trial trenching along the routes of the new ditches and site of new ponds, following the geophysics.

7.7 Depending on what is found in the preliminary trenches, further archaeological excavation and/or a watching brief might be required.

7.8 Recording of cast iron fence post next to mound in field 21 if it is to be removed

7.9 Recording of the mound in field 21 if it is to be disturbed.

7.10 Temporary protective fence (orange plastic fencing) to be erected round prehistoric enclosure close to pond 2, to prevent it from being damaged by construction machinery (wheel rutting). The area to be fenced off will be determined after the geophysical survey.

7.11 Archaeological Conditions recommended. I can provide a specification for the geophysics if required.

## 8.0 Representations

8.1 Two letters of representation received. The comments can be summarised as follows:

- What are the landscaping plans for the ponds
- How long will it take to complete the works
- What consideration have you given for the impact of noise
- Is this work to assist in the proposed housing on this Greenfield site
- Who will be responsible for maintenance
- I object to the proposed entry point
- It should not be used for heavy plant access
- I object to the building of a temporary road and site compound
- Who is responsible for reinstating the land

## 9.0 External Consultees

### 9.1 The Coal Authority

9.2 The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

9.3 The Coal Authority Response: Material Consideration

9.4 I have reviewed the proposals and confirm that parts of the application site fall within the defined Development High Risk Area.

9.5 The Coal Authority records indicate that the site is in an area of recorded and likely unrecorded underground coal mine workings at shallow depth.

9.6 The planning application is supported by a Phase I Geo-Environmental Desk Study, dated August 2015 and prepared by CAPITA.

9.7 This report has been informed by an appropriate range of sources of information including; historic maps, geological maps and a Coal Mining Report. The Coal Authority notes that this report has actually been written for a residential development and not the current proposal for surface water management works. The recommendations within the report are therefore not considered to be relevant to the current proposal.

9.8 The Coal Authority has previously commented on the works proposed and noted that the part of the site where the three storage ponds are proposed falls outside of the defined Development High Risk Area and the majority of the existing and proposed ditches also fall within the Low Risk Area.

9.9 The ditch which is indicated as running northwards from Well Lane does fall within the defined Development High Risk Area. However, it is assumed that any significant earthworks will relate to the excavations required for the storage ponds and not the extent of the ditches themselves.

9.10 The Coal Authority Recommendation to the LPA -

9.11 On the basis the proposed storage ponds fall outside the defined Development High Risk Area and the ditches proposed do not require significant earthworks then the coal authority does not object to this planning application and does not consider that Coal Mining Risk Assessment is required to support the submission.

#### 10.0 The Environment Agency

10.1 We have no comments to make on the proposed Drainage Scheme. The Council as Local Lead Flood Authority will be leading on surface water arrangements.

#### 11.0 Newcastle Airport

11.1 The proposal has been considered by the Aerodrome Safeguarding Team and I can confirm that as the site lies outside of the 13km safeguarding zone I'd offer no comment on the scheme.

#### 12.0 Nexus

12.1 Nexus are currently assessing the proposal and their comments will be reported in an addendum.