

Item Number:
Application No: 18/00656/MFUL
Parish: Pickering Town Council
Appn. Type: Full Application Major
Applicant: Pickering Fishery Association (Mr Michael Eady)
Proposal: Works to Pickering Beck and adjacent land to allow the formation of two new meanders with spoil to be distributed within the Big Crooks field
Location: Land off Ings Lane Pickering North Yorkshire

Registration Date: 27 June 2018
8/13 Wk Expiry Date: 26 September 2018
Overall Expiry Date: 15 August 2018
Case Officer: Alan Goforth **Ext:** Ext 332

CONSULTATIONS:

Health And Safety Executive	Advice : HSL-180807142035-136 Does Not Cross Any Consultation Zones - HSE have advised that the development does not lie within the consultation zone of any major accident hazard pipeline
Vale of Pickering Internal Drainage Boards	Support
Public Rights Of Way	Recommend informative
Yorkshire Water Land Use Planning	No comment
Countryside Officer	No comments received
Parish Council	Support
Sustainable Places Team (Environment-Agency Yorkshire Area)	No objection

Neighbour responses: No response received

SITE:

The application site is a field on the south east side of Ings Lane known locally as 'Big Crooks'. The site, which is owned by the Pickering Fishery Association (PFA), is situated in the open countryside. The site amounts to 2.76 hectares and is situated 1.5km south west of Pickering. The field is in agricultural use (sheep grazing) and the banks of the beck are used for private angling by PFA members. Access to the site is off Ings Lane via a field gate in the north west corner of the site. The site boundary on the western and northern sides is a mature roadside hedge with sporadic trees.

The site is bounded to the north by Haygate Lane, to the west by Ings Lane and to the east and south by Pickering Beck. The surrounding land is in agricultural use. The beck is approximately 5m in width and the section adjacent to 'Big Crooks' field is approximately 430m in length. The nearest residential properties are Pry End House and North Barker Stakes Farm which stand approximately 25m to the west of the site.

Public footpath no. 25.73/32/1 runs across the site in a generally southwest – northeast alignment to meet a stile in the north-east corner of the site adjacent to Ings Bridge. A gas pipeline owned by Third Energy Ltd crosses the northern part of the field in a west-east alignment (routed through the field in 2002/3). The majority of the site is within Flood Zone 2 although the eastern side is floodplain connected to the beck which is in Flood Zone 3. A low embankment (approx. 0.5m high) runs across the field north-east to south west and is most prominent in the southwestern end of the field.

The present, straightened course of the beck through 'Big Crooks' field is relatively recent with the historical maps showing that 2-3 meanders existed from the mid-1800s up to at least 1958. During the period from 1958 to 1970 the meanders were removed and the beck realigned.

HISTORY:

There is no planning history relevant to the determination of this application.

PROPOSAL:

Planning permission is sought for works to Pickering Beck and the adjacent land to allow the formation of two new meanders with spoil to be distributed within the Big Crooks field. A bespoke environmental permit ref. EPR/KB3450SA (flood risk activity) has been issued by the Environment Agency (EA) for the proposed works.

The proposed works would create two permanent meanders in the beck and restore the line of the beck to its original route (so far as practicable). Meander 1 would be 111m long with an average cross-sectional area of 12.5m² and Meander 2 would be 120m long with an average cross-sectional area of 11m². The existing watercourse would be retained but the flow would be split 80:20 to divert the majority via the new meanders. The works would also improve two parts of the existing bank on the eastern side of the beck which currently suffer from erosion.

The aim of the development is to provide a variety of flow in the beck which is absent at present and this would enhance habitats present at the beck and improve angling and access to the beck. In addition the new meanders will increase the capacity of the field to hold flood water and the overall cross section of the beck will not be reduced.

The meanders would be created in Flood Zone 3. The spoil excavated to create the meanders is estimated to be 2,700m³ and would be deposited within the field but graded to ensure that run-off is directed back towards the beck. Approximately 1/3rd of the spoil would be distributed in the Flood Zone 3 area immediate to the watercourse and 2/3rds would be in western part of the field in Flood Zone 2 (higher ground). The distribution of the spoil has been mandated in the EA permit that has been granted. The excavation would be completed using a 360° excavator and all-terrain dumper. There would be no import or export of materials. Once the spoil has been distributed across the field it will be reseeded with a 'Derwent mix' to re-establish the grassland. The proposed works of construction/excavation would be limited to standard day time work hours.

The timing of the excavation works is dictated by ecological factors including the spawning season for fish and also when the weather is dry and the ground water levels low. The Applicant aims to complete works in late summer/early autumn. Sediment ingress would be minimised through the use of 'sedimats' on the stream bed downstream from the works.

POLICY:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

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Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy

Local Plan Strategy - Policy SP9 The Land-Based and Rural Economy

Local Plan Strategy - Policy SP14 Biodiversity

Local Plan Strategy - Policy SP15 Green Infrastructure Networks

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Material Considerations

Revised National Planning Policy Framework 2018 (NPPF)
National Planning Practice Guidance 2014 (PPG)

APPRAISAL

The main considerations in the determination of this application are:

- i) Principle of the development;
- ii) Design and impact on the open countryside;
- iii) Impact on local amenity;
- iv) Flood risk and drainage;
- v) Impact on the gas pipeline;
- vi) Highways impact;
- vii) Impact on biodiversity and protected species; and
- viii) Impact on the Public Right of Way.

Principle of the development

The application site is land in the open countryside (SP1). The proposed development aligns with the aims of Policy SP15 in that it would protect and enhance the stream corridor and once the work is complete would improve access adjacent to these features and enhance biodiversity along the beck in accordance with Policy SP14. The proposed development would enhance the viability of the PFA and, in principle, is considered an appropriate use of land for flood management purposes in line with Policy SP9.

Design and impact on the open countryside

The proposed meanders take the form of two loops off the north-western bank of the existing beck and aim to replicate the historical course of the beck in the 'Big Crooks' field. The layout has been designed to avoid the gas pipeline, the public footpath and the low embankment that cross the field.

Once complete the new course of the beck would only be visible to those using the public footpath across the site. Any visible change to the topography would also be negligible once the land has been reseeded and returned to pasture. The existing boundary planting in the form of the roadside hedge and mature trees would remain and additional tree planting would be completed in the areas between the new meanders and the existing course of the beck to enhance the setting of the beck. The location, scale and arrangement of the meanders are considered appropriate and would not undermine the character of the area or prejudice the quality of the natural environment and the development is considered to be in compliance with Policies SP16 and SP20.

Impact on local amenity

The proposed development does not involve any built development or any changes to the hedge and tree lined site boundary which provides natural screening of the field. The site is relatively remote with the nearest residential receptors beyond Ings Lane to the west. It is not considered that the proposed development would create any visual sensitivities for the occupants of those properties.

There is the potential for noise to be generated by the operation of the excavator and dumper. However, the construction/excavation works would take place during day light hours and a condition shall be included to restrict works to standard working hours in the interests of protecting amenity. There are no proposals for any on site lighting during the construction/excavation phase. Any fuel, oil or liquids that have the potential to cause pollution will be required to be stored in impervious bunded areas. It is not anticipated that the development would give rise to any unacceptable impacts in terms of pollution, disturbance or visual intrusion and would not conflict with the relevant parts of Policy SP20.

Flood risk and drainage

The site lies within Flood Zones 2 and 3, the medium and high probability zones. With regard to the flood risk vulnerability classification of the proposed development the creation of two meanders is considered to be a 'water compatible' land use as defined by National Planning Practice Guidance: Flood Risk and Coastal Change (2014). The Environment Agency has granted a flood risk activity permit for the proposed works. It is relevant to note that the highest flood recorded at the Environment Agency gauging weir, which is positioned in the beck at the northern end of the field, was contained within the Flood Zone 3 area.

The excavations to create the two meanders will generate approximately 2,700m³ of spoil. It is proposed that approximately 1/3rd of the spoil would be distributed in the Flood Zone 3 area immediate to the watercourse and 2/3rds would be in the part of the field in Flood Zone 2. The application details identify five spoil disposal areas within the site, four in Flood Zone 3 and one in Flood Zone 2. Within Flood Zone 3 the spoil will be deposited inside the loops of both meanders; between the two meanders; and also to the south west of meander 2. In Flood Zone 3 a depth of 0.25m will accommodate 1038m³ and the balance of about 1670m³ will be deposited in Flood Zone 2 at a fill depth of 0.32m. Spoil deposited in Flood Zone 2 would be behind (i.e. to the north and west of) the low embankment running though the field where the land height is lower and the aim is not to increase the height of the embankment. Similarly in Flood Zone 3, the aim is to keep land levels below the height of the embankment. The distribution of the spoil has been mandated in the EA permit that has been granted. The spoil in Flood Zone 3 will be graded so that surface water will drain to the existing watercourse and the proposed development will not decrease the surface area available for surface water run-off. The proposed development would result in a modest increase in water storage capacity in the field.

The Lead Local Flood Authority (LLFA) has confirmed that as the works relate to a main river it falls under the Environment Agency's remit and there is no requirement for LLFA comments. The Vale of Pickering IDB has confirmed that their ditch network will not be affected by the proposed introduction of meanders to the watercourse and they fully support the project. Yorkshire Water have no comments to make and the Environment Agency have no objections provided that the development is carried out in accordance with the submitted Flood Risk Assessment. The Environment Agency supports the enhancements to fish habitat and local biodiversity.

It is considered that the proposed development would incorporate satisfactory drainage arrangements and would not give rise to increased flood risk at the site or elsewhere in compliance with the relevant part of Policy SP17.

Impact on the gas pipeline

The route of the gas pipeline is marked on the plans submitted with the application which includes a 'no dig' zone. It is understood that the pipe is approximately 1m below ground level. The proposed route of the meanders take account of the gas pipeline. The applicant has been in direct contact with Third Energy Ltd and a 3m exclusion zone either side of the pipeline has been agreed in order to avoid disturbance to the pipe and its associated fibre-optic data cable. A planning condition shall be included to confirm the exclusion zone.

During excavation/construction it will be necessary for the heavy machinery such as the excavator and loaded dumpers to cross the route of the pipeline. Prior to the commencement of work it will be necessary for the Applicant to liaise with the pipeline operator (Third Energy Ltd) to identify a crossing point and install suitable load spreading plates over the route of the pipeline and an informative shall be included to that effect.

Highways impact

All excavated spoil would be redistributed within the application site and there would be no export or import of materials. As a result there would be no increase in heavy traffic associated with the development. The vehicle movements would be limited to the delivery and removal of the plant and machinery at the start and end of the excavation/construction period. The vehicles would use the

existing access in the north-west corner of the field. During the excavation/construction period the main vehicle movements would be the daily travel to/from the site by workmen. A condition shall be included to ensure that all vehicles are parked within the site. In light of the above it is considered that the proposed development would not give rise to conditions prejudicial to highway safety and complies with the relevant parts of Policy SP20.

Biodiversity and protected species

No trees or hedgerows in the field/roadside boundary will be removed. In order to strengthen the eastern part of the existing beck from ongoing erosion two trees would need to be cut and hinged as part of the protection of the bank. Once the trunks are pinned the space behind would be filled with brash from the trees which will slow the flow of the water and allow the build-up of sediment which over time will consolidate and protect the bank.

The areas isolated by the creation of the two meanders will be planted with trees and the banks of the beck will be populated with indigenous marginal plants including trees which will provide cover and shade and protect fish from avian predation. In addition stock proof fencing will be installed along the length of the beck in the field to prevent bank erosion and to allow for riparian improvement.

The application is accompanied by an extended phase 1 habitat survey. The results indicate that no further surveys are required for birds, bats, great crested newts, reptiles, badgers or otters. The survey also concluded that the works would have a positive effect on the water vole population and on local fish populations. The survey confirmed that a further presence/absence survey for water vole was required and this was completed in July 2018. It was noted that the watercourse has features and habitat suitable for water vole. However, there were no signs of recent or old water vole activity and this is likely to be due to the presence of American mink in the area which is a predator and therefore a limiting factor for vole populations along the beck. The survey concluded that no mitigation or other measures are needed in relation to water vole along this section of the watercourse and the works would result in an improved habitat for water vole upon completion. It is understood that there are currently no records of crayfish at the proposed development site, however, a pre commencement presence/absence check for crayfish shall be conducted in accordance with the submitted habitat survey and any necessary steps taken to relocate any crayfish a safe distance from the works. It is considered that the proposed development would protect and enhance habitats in and around the beck and complies with the requirements of Policy SP14.

Impact on the Public Right of Way

The proposed meanders would not have a permanent impact on the existing route of the PRoW across the field. However, the applicant is to apply for a temporary closure or diversion on safety grounds in light of the movement of vehicles and machinery in close proximity to the footpath. The PRoW Team have requested that any permission granted includes an informative requiring that no works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

In the short term, during construction/excavation, there would be an impact on users of the PRoW. However, it is considered that any short term adverse impact on users of the PRoW is outweighed by the longer term enhancement arising from the development in terms of access along land adjacent to the beck side and habitat creation and improvement.

Conclusion

The Town Council recognises the ecological and environmental benefits of the scheme and supports the application. Furthermore, no representations have been made by any local residents or members of the public and there are no objections to the development from any consultee. The proposed development would improve the flow of water in the beck in terms of reducing and controlling erosion and siltation and restore the historical course of the beck through the recreation of meanders. The meanders would provide 'nursery areas' for fish in normal flow periods, improve angling conditions along this part of the beck and also conserve and enhance biodiversity through improved natural habitats along the beck.

The proposed development would not undermine the character of the area or the appearance of the open countryside and can be accommodated without resulting in a materially adverse impact on flood risk management in the locality. In light of the above, the proposal is considered to meet the relevant policy criteria outlined within Policies SP1, SP9, SP14, SP15, SP16, SP17 and SP20 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework. The recommendation to Members is one of approval.

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

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

General Location Plan ref. PFA/BC/Plan/1 Issue 2, undated
Large Scale Plan ref. PFA/BC/Plan/2 Issue 4, undated
Site Location Plan ref. PFA/BC/Plan/4 Issue 1, undated
Pickering Beck Feasibility Survey, dated 12.12.2017

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

3 Within 2 months of the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, a landscaping and planting scheme based on drawing ref. PFA/BC/Plan/2 Issue 4 shall be submitted to the Local Planning Authority for approval in writing. The scheme shall provide for the planting of trees and shrubs and indicate the species and their general positions, and show areas to be grass seeded or turfed. Planting seeding and/or turfing comprised in the above scheme shall commence during the first planting season following the completion of the ground works for the meanders, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance and ecological value of the development hereby approved.

4 During the excavation/construction period a root protection exclusion zone shall be in place adjacent to the hedgerow and trees that line the western and north boundaries of the site. The exclusion zone shall be 5m from the centre line of the hedge and shall be kept free of any parked vehicles, plant and machinery or material storage.

Reason: To protect existing planting in the interest of amenity.

5 No vehicles, mobile plant or machinery associated with on-site works shall be parked on the adjacent highway or outside the application site.

Reason: In the interests of highway safety and the general amenity of the area.

6 There shall be no construction, excavation or spreading of spoil undertaken within the application site except between the following hours:- 08:00 - 17:30 Monday to Friday and 09:00 - 13:00 Saturdays. There shall be no work on Sundays or Bank/Public Holidays.

Reason: In the interests of amenity.

- 7 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compounds shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank or the combined capacity of the inter-connected tanks plus 10%. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata.

Reason: In the interest of pollution prevention.

- 8 No construction/excavation work, tree planting, storage of materials or parking of vehicles or machinery shall take place within 3 metres either side of the Third Energy Ltd gas pipeline as shown on the Pickering Beck Feasibility Survey, dated 12.12.2017. The stand-offs shall be maintained at all times.

Reason: In the interest of pipeline protection.

- 9 The development shall not be carried out otherwise than in strict accordance with the Extended Phase 1 Habitat Survey produced by Wold Ecology Ltd, dated March 2018.

Reason: To comply with Policy SP14 (Biodiversity) of the Ryedale Plan - Local Plan Strategy.

- 10 There shall be no excavation in the existing watercourse until a pre-commencement presence/absence survey has been completed for crayfish by a qualified ecologist. If crayfish are present any necessary mitigation and/or enhancement shall be incorporated into the development scheme.

Reason: In the interests of species protection and to comply with Policy SP14 (Biodiversity) of the Ryedale Plan - Local Plan Strategy.

- 11 The development shall not be carried out otherwise than in strict accordance with the flood risk measures as set out document ref. PFA/BC/ERA Issue 1.

Reason: To comply with Policy SP17 of the Ryedale Plan - Local Plan Strategy.

INFORMATIVES

- 01 The Applicant is advised to contact Third Energy Ltd prior to the commencement of development to agree a suitable crossing point over the gas pipeline and install suitable load spreading plates or similar where deemed necessary.

- 02 No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.