

Item Number: 8
Application No: 19/01263/MFULE
Parish: Lillings Ambo Parish Council
Appn. Type: Major Environmental Statement
Applicant: Mr Richard Lever (Environment Agency)
Proposal: Formation of flood storage area consisting of construction of earth embankment with spillway, excavation of two temporary and two permanent borrow pits, erection of river flow control structure, re-profiling of sections of the River Foss, realignment of short section of Black Dike, raising of section of Ings Lane, carriageway edge protection to part of Lilling Low Lane and associated new and improved access arrangements, drainage, accommodation works, landscaping and biodiversity mitigation (cross boundary application with York)

Location: Land Adj To River Foss Lilling Low Lane West Lilling

Registration Date: 12 November 2019 **8/13 Week Expiry Date:** 3 March 2020
Case Officer: Rachael Balmer **Ext:** 43357

CONSULTATIONS:

Sustainable Places Team (Environment-Agency Yorkshire Area) Recommend conditions
Sheriff Hutton Parish Council
Flaxton Parish Council
National Grid Plant Protection
Flood Risk
Highways England
Natural England

No objection - subject to appropriate mitigation being secured

NYCC Natural Services
Thank you for consulting the NYCC ecology team regarding the additional information posted in support of this application. As far as I can see, this comprises an Addendum covering agricultural land and soils together with appendices. This subject is not within our remit, so we have no comments to offer. Please advise us if you are aware of other information related to ecology which we need to consider.

Sustainable Places Team (Environment-Agency Yorkshire Area)

Archaeology Section
Foss Internal Drainage Board
National Planning Casework Unit (Gerry Carpenter)
Highways England
Health And Safety Executive
Natural England
Minerals And Waste
North Yorkshire Education Authority
Highways North Yorkshire
Lillings Ambo Parish Council
Flaxton Parish Council
Thornton-le-Clay Parish Council
Sheriff Hutton Parish Council
Public Rights Of Way

Our response remains the same as that submitted on 19th December 2019.

Ramblers Association

PLANNING COMMITTEE

27 October 2020

Sabic Ethylene Pipeline	
National Grid Plant Protection	
Yorkshire Water Land Use Planning	
Yorkshire Wildlife Trust	
Thornton-le-Clay Parish Council	
Sheriff Hutton Parish Council	
Flaxton Parish Council	
Sabic Ethylene Pipeline	SABIC should be consulted by the developer before construction commences on site.
Natural England	Comments and recommendations
Sustainable Places Team (Environment-Agency Yorkshire Area)	Amendments to be submitted
Yorkshire Water Land Use Planning	No observation comments
Foss Internal Drainage Board	Objection
Minerals And Waste	
Highways North Yorkshire	Recommend conditions
Public Rights Of Way	Info re the public right of way
Ramblers Association	
National Grid Plant Protection	No objection
National Grid Plant Protection	Apparatus that would be affected by the activities
Yorkshire Wildlife Trust	Concerns
Archaeology Section	Recommend conditions
NYCC Natural Services	Comments
Foss Internal Drainage Board	Recommend condition and informative
NYCC Natural Services	Recommendations
Sustainable Places Team (Environment-Agency Yorkshire Area)	previous comments remain
Archaeology Section	Previous advice remains valid
National Planning Casework Unit (Gerry Carpenter)	
Health And Safety Executive	Comments unchanged
Natural England	Comments
Minerals And Waste	
Highways North Yorkshire	Whilst no highway authority objections are raised in principle (subject to appropriate conditions being recommended), there are areas of concern, particularly in respect of the submitted Transport Statement dated November 2019. Await amended documents before making a formal recommendation
Flaxton Parish Council	
Lillings Ambo Parish Council	
Sheriff Hutton Parish Council	
Thornton-le-Clay Parish Council	
Public Rights Of Way	Response same as previously submitted
Ramblers Association	
Sabic Ethylene Pipeline	
Yorkshire Water Land Use Planning	
Yorkshire Wildlife Trust	We are encouraged to see that the ecologist has made attempts to discharge our concerns with regards to our previous comments. However, at this time we would wish to support those comments made by ecologist, Martin Hammond. In particular we would be further encouraged to see compensation and precautionary measures secured for farmland birds through integration into the proposal design and for a revised LEMP to incorporate detailed planting schedules.
Flaxton Parish Council	

Sabic Ethylene Pipeline Highways England Thornton-le-Clay Parish Council North Yorkshire Education Authority Natural England	Comments No objection
Lillings Ambo Parish Council Health And Safety Executive	Recommend refusal FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON BEST AND MOST VERSATILE SOILS Cannot support the application HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.
Highways North Yorkshire Lillings Ambo Parish Council Flood Risk	Comments Recommend conditions
Representations:	Mr D Wadsworth, Mrs D Wadsworth And Mr S Wadsworth, Mr James Crawford, Robin Barker, Mr Brian Liddle, Mr Philip Swiers, Mr David Armitage, Mrs Fiona Hill, Mr And Mrs Hodgson, Mr Paul Wreglesworth, Mr Tom Watson, Mr Philip David, Mr AW and BW Mook, Ms Claire Wesley, Mrs Amanda Hodgson, James Copeland, Mr John Armitage, Mr Stephen Loynes, Mr John Roe, Ms Alison Scott, Dr Michael Reakes, Mrs Elaine Magee,
Overall Expiry Date:	13 November 2020

1.0 PURPOSE OF THE REPORT AND APPLICATION UPDATE

1.1 For Members to consider a recommendation for a site inspection prior to the determination of the application.

1.2 Members may recall that a report relating to this application was withdrawn from the agenda of the meeting held on the 9th June 2020. This followed comments submitted by Natural England at a late stage in the process. The applicant has undertaken further work to address the issues raised and this has included the submission of further information to supplement the Environmental Statement.

1.3 This is a major infrastructure project, with a number of time sensitive issues. The applicant is keen for the application to be determined as soon as possible. It is anticipated that the application will be on the agenda for the November meeting. A site visit is recommended in order for Members to familiarise themselves with the site and the development proposed, prior to the consideration and determination of the application.

1.4 Part of the application area falls within the administrative boundaries of the City of York, which is currently at a 'High' local COVID alert level. A risk assessment will be undertaken and Members will be updated at the meeting on how this will affect a site inspection.

1.5 Members should be aware that the list of Consultations on the report front sheet and the summary of representations at section 5 of this report are repeated from the agenda report of the 9/6/20. Further representations have been received and these will be fully updated and documented when the application is brought to the Committee for determination. (Members are reminded that all representations received to date are available to view on the Council's web-site)

2.0 SITE:

2.1 The application site, in terms of the red outline, covers an area of 151.88 hectares, and is owned by seven landowners. It is an application which straddles two Local Planning Authority jurisdictions: Ryedale District (RDC) and City of York (CYC). Although the majority of the site is within RDC. A relatively small area to the extreme south of the scheme is the part in CYC authority. The site is to the north east of Strensall and to the south of West Lilling. The land is agricultural, used for crops and some grazing. One farm holding, with two dwellings, is within the site red outline (Lilling Green Farm and Lilling Green Cottage). The River Foss runs through the site, on a broadly central alignment. The site includes a public footpath which is part of the following Long Distance Walks: Centenary Way, Ebor Way and Foss Walk. The site area also includes the road known as Lilling Low Lane, and the access track which serves Lilling Green and forms part of the Long Distance Walk route (known as Ings Lane). The site also runs close to the Ethylene pipeline, and National Grid power lines (some of which are to be grounded).

3.0 PROPOSAL:

3.1 The proposal is titled the Foss Flood Storage Area (Foss FSA), and is part of a wider York Flood Alleviation Scheme (York FAS). It is an engineering operation which combines a number of elements to provide additional flood storage capacity upstream for up to 1,000,000m³ of water. This is to significantly reduce the risk of flooding of the land and properties downstream of the River Foss, in an area described as the 'Foss Corridor', which is already at high risk of flooding (greater than 1 in 100 year chance of being flooded). The Design and Access Statement states that the key impetus for this is the impacts of the 2015 flooding in York. The Environment Agency advises that whilst the Ouse responds more slowly to extreme rainfall, the Foss does not, and flooding can occur very quickly (as in 2007). Climate change predictions also show the incidence of extreme weather events will increase, and therefore so will the risk of flooding. The red outline of the application broadly corresponds with the extent of 1 in 100 years flood probability, this post development, and is in conjunction with any infrastructure considerations. Although the plan does show some areas within the red outline where flood risk is not expected to increase.

3.2 The engineering scheme described as the Foss FSA is made up of the following original components which are described in summary:

- Construction of an earth embankment (1.65km long and 19.85m above Ordnance Datum) with spillway. This embankment runs from Lilling Low Lane in a westerly direction, and then diverts southwards to follow the alignment of the River Foss, where at the southern extent the structure then straddles the River Foss at the point of the flow control structure siting. Approximately 400m of this embankment are in the CYC boundary. The clay core is to ensure impermiability. The spillway is designed, in the event of overtopping, to allow excess water to flow into Black Dike
- Excavation of two temporary and two permanent borrow pits, which have been chosen based on their ability to yield clay. The former are to aid in the construction, and will be backfilled with the material which does not meet the necessary requirements for the embankment, it will be returned to pre-existing levels and use. The latter will be a means to hold back water and provide a wetland habitat.
- Erection of a river flow control structure with 1900mm diameter aperture - with two tarmac/asphalt access tracks to that structure- its purpose is to regulate the flow of water leaving this area.
- Re-profiling sections of the River Foss (225 metres)
- Realignment of a section of Black Dike of 119 metres in length, formed by a two-stage channel.

This is necessary due to the position of the embankment. This work is within the CYC area.

- Raising a section of Ings Lane between the bridge and Lilling Low Lane to the existing level of the bridge.
- Carriageway edge protection to part of Lilling Low Lane and creation of new hardstanding/parking in tarmac/asphalt.
- Associated new track (560m long) and improved access arrangements (in unbound crushed stone), drainage and accommodation works, with one permanent parking space
- Landscaping and biodiversity mitigation- including tree planting.

3.3 The scheme would also require:

- Temporary diversion of the Public Right of Way along Ings Lane;
- The grounding of various electrical power lines (subject to a different consent regime);
- Temporary diversion of the River Foss to permit construction of the flow control structure;
- Four temporary bridge crossings on the River Foss and one on Black Dike.

3.4 The scheme also originally proposed to potentially import c.2,3000m³ of clay to facilitate the timely formation of the embankment. Due to implications on the highway network for this, and changes to the construction schedule, this clay is now not required.

3.5 The main issues arising from the application include:

- Principle of Development in terms of Flood Risk Management and Drainage
- Impact on Agricultural Land and land uses
- Ecological implications
- Highways implications and general accessibility
- Landscape setting
- Minerals considerations
- Archaeology and Heritage Environment
- Amenity
- Further procedural considerations raised by consultees

These issues will be considered in detail in the Officer's report that will be presented to Members at the meeting following the site inspection.

RECOMMENDATION: Site Inspection