

Lincolnshire County Council Planning Permission

Town and Country Planning Act 1990

Town and Country Planning General Regulations 1992

Date of Proposal 5 December 2013

Application No. 2013/0110/CCC
13/0169/CCC
129661

LCC Ref. No. L/0110/13

Part 1 Planning Permission

- On 10 June 2013 Lincolnshire County Council resolved, for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992, to construct a single carriageway bypass to the eastern side of Lincoln known as the Lincoln Eastern Bypass. The bypass would link the existing northern relief road at the junction of the A15/A158 (Wragby Road) to the A15 (Sleaford Road) with new junctions/bridge crossings at Hawthorn Road, Greetwell Road, Lincoln-Market Rasen Railway line, River Witham, Washingborough Road (B1190), Heighington Road and Lincoln Road (B1188).
- Take notice that Planning Permission is hereby granted by Lincolnshire County Council to carry out the above development in accordance with the application and plans submitted subject to the following conditions.

Part 2 Conditions

- The development hereby permitted shall be commenced within three years of the date of this permission. Written notification of the date of commencement of development shall be sent to the County Planning Authority (CPA) within seven days of commencement.

Signed,
Development Manager
Lincolnshire County Council

Date 10 June 2013

NOTES:

- This permission must be entered in the statutory register of planning decisions maintained by the District Council (as required by the Town and Country Planning General Regulations 1992). In addition the District Council is requested to make an entry in the Land Charges Register of any conditions attached to this permission.
- This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. The development hereby permitted shall be undertaken strictly in accordance with the details contained in the application and in full compliance with the mitigation measures identified and set out in the supporting Environmental Statement, unless otherwise agreed in writing with the CPA, or where modified by the conditions attached to this planning permission or by details subsequently approved pursuant to those conditions.
3. No development shall take place until a detailed landscaping scheme, including any proposed fencing, has been submitted to and approved in writing by the CPA. The landscaping scheme shall include information on the species, numbers, spacing and positions of all grasses, trees, shrubs, hedgerows and bushes to be planted as part of the development and include details of the long term maintenance and aftercare proposals to ensure their success for a period of 10 years commencing from the date of completion of the development. Any plants which at any time during the development and/or 10 year aftercare period die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the CPA. In respect of fencing, details shall include the type, height, treatment/colour and position of any fencing to be erected as part of the development. The approved scheme shall thereafter be carried out and maintained in accordance with the approved details.
4. No development shall take place until details of the bunds for noise mitigation and landscaping to be constructed along the boundaries of the development have been submitted to and approved in writing by the CPA. Such details shall include appropriate cross sections of the bunds and include details of the location, size and height of the bund as well as details of the proposed materials and method of construction. Following the construction of the bunds they shall be grass seeded, landscaped and maintained in accordance with the details approved pursuant to Condition 3. Thereafter the bunds shall be constructed and all works implemented and carried out in full accordance with the approved details and thereafter whilst ever the development subsists.
5. Unless minor variations are otherwise agreed in writing by the CPA, construction works which are audible at the site boundary shall only take place between 07:00 – 19:00 Monday to Friday, and 09:00 – 13:00 on Saturdays, and not at any time on Sundays, Public or Bank Holidays. Construction activities which are assessed as being inaudible at the site boundary (such as electrical work) may be undertaken outside of these times.
6. All vehicles, plant and machinery shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers. Any breakdown or malfunction of silencing equipment or screening shall be treated as an emergency and should be dealt with immediately. Where a repair cannot be undertaken within a reasonable period, the equipment affected should be taken out of service.
7. (a) No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the County Planning Authority. This scheme should reflect the practices and mitigation measures to reduce or avoid impacts on archaeological deposits as set out in Chapter 12,

Section 12.6 of the Environmental Statement and include the following items set out below and be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the County Planning Authority:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements);
 2. A methodology and timetable of site investigation and recording
 3. Provision for site analysis;
 4. Provision for publication and dissemination of analysis and records provision for archive deposition;
 5. Nomination of a competent person/organisation to undertake the work;
 6. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.
- (b) The archaeological site work shall be undertaken only in full accordance with the approved written scheme. The applicant will notify the County Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the County Planning Authority.
- (c) A copy of the final report will be submitted within three months of the work to the County Planning Authority for approval (or according to an agreed programme). The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.
8. (a) No development shall take place until details of the historic landscape survey referred to in Chapter 12, Paragraph 12.6.15 of the Environmental Statement have been submitted to and approved in writing by the CPA. The submitted scheme shall provide for the recording of the identified Historic Landscapes affected by the development (as identified by the Drawing No.1030171-LEB-EIA-HER-003a contained within Section 12.7 (Volume 2) of the Environmental Statement) and should include measured survey of any field boundaries to be removed as well as photographic survey of the wider area and long views to and from the Historic Landscape Types. The historic landscape survey shall be carried out prior to any construction works taking place within the identified Historic Landscape areas, in full accordance with the approved scheme.
- (b) A copy of the final report relating to the above shall be submitted within three months of the work to the County Planning Authority for approval (or according to an agreed programme). The material and paper archive shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.
9. (a) No development shall take place until details of a scheme of historic building recording relating to the Railway Underbridge (Site 220) as referred to in Chapter 12, Paragraph 12.6.14 of the Environmental Statement has been submitted to and approved in writing by the CPA. The scheme shall provide a written and photographic record of the structure (as appropriate) and provide a

permanent record of the structure in its current condition. The historic building recording works shall thereafter be implemented and carried out prior to the structures demolition, in full accordance with the approved scheme.

- (b) A copy of the final report relating to the above shall be submitted within three months of the work to the County Planning Authority for approval (or according to an agreed programme). The material and paper archive shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.
10. No development shall take place until full details of all bridges, structures, underpasses, bridge wing walls, abutments and crossings (including temporary bridges across the River Witham during construction works) have been submitted to and approved in writing by the CPA. Such details shall include information on the colours and treatment of all surfaces, finishes and textures associated with these elements (e.g. railings, wing walls, side walls of underpass) as well as exact clearance heights. The bridges, structures, underpasses, bridge wing walls, abutments and crossings shall thereafter be constructed in accordance with the approved details.
 11. All floodlighting and external site lighting associated with the construction of the development hereby permitted shall be positioned and operated to minimise the potential nuisance of light spillage from the site.
 12. Before the bypass hereby approved is brought into use details of all proposed lighting to be implemented as part of the development (including street lighting and that associated with the bridges, underpasses and other circulation areas, etc) shall be submitted for the approval of the CPA. Thereafter the lighting shall be implemented and carried out in full accordance with the approved details.
 13. Should, during construction works, contamination not previously identified be found within the site then no further development (unless otherwise agreed in writing with the CPA) shall be carried out until the developer has submitted to and obtained written approval from the CPA for a remediation strategy detailing how the unsuspected contamination shall be dealt with.
 14. No development shall take place until a method statement, detailed plan and timetable of works to mitigate the impacts of the development on the Greetwell Hollow Quarry SSSI have been submitted to and approved in writing by the CPA. All works shall thereafter be carried out in full accordance with the approved details.
 15. No development shall take place until details of the facilities to be constructed to provide public/pedestrian access to the quarry floor and retained exposures of the Greetwell Hollow Quarry SSSI have been submitted to and approved in writing by the CPA. All works shall thereafter be carried out in full accordance with the approved details and the means of access completed at the date the bypass is open for traffic.
 16. No development shall take place until a method statement, detailed plan and timetable of works to mitigate the impacts to bats, water voles and grass snakes have been submitted to and approved in writing by the CPA. All works shall thereafter be carried out in full accordance with the approved details.

17. No earthworks, site clearance or ground disturbance works shall take place between March and September, inclusive unless otherwise agreed in writing with the CPA. If these works cannot be undertaken outside this time, they should be evaluated and checked for breeding birds by an appropriately qualified ecologist and if appropriate, an exclusion zone set up. No work shall be undertaken within the exclusion zone until birds and any dependent young have vacated the area.
18. No development shall take place until a scheme for the provision of surface water drainage, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the CPA, in consultation with surface drainage authorities, including the Internal Drainage Boards and the Environment Agency. The scheme shall reflect the principles, mitigation measures and specification requirements as set out in Chapter 7, Section 7.6 of the Environmental Statement including the provision of level for level floodplain compensatory storage as indicated in the applications Flood Risk Assessment. The approved scheme shall be implemented and carried out before the development is completed and shall thereafter be maintained for the duration that the development hereby permitted subsists.
19. 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 compound 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 capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
20. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the CPA. The Plan shall include details of the development which shall include but not necessarily be limited to the following:
 - a) identify the locations of the contractor's temporary site storage areas/compounds including details of the number, size (including height) and location of contractors' temporary buildings;
 - b) the means of moving, storing and stacking all materials, plant and equipment around the site;
 - c) the measures to be adopted during all works to ensure that dust emissions are minimised (reflecting those practices and mitigation measures set out in Chapter 11, Section 11.6 of the Environmental Statement);
 - d) the measures to be adopted during all works to minimise the incidence and impacts of noise and vibration arising from the development (reflecting the practices and mitigation measures set out in Chapter 10, Section 10.6 of the Environmental Statement);
 - e) the measures to avoid the pollution and discharge of any substances, including surface water run-off, into controlled water during the construction and operation phases of the development (reflecting the practices and measures set out in Chapter 7, Section 7.6 of the Environmental Statement);

- f) details of any wheel wash facility, use of water bowsers and any other measures necessary to ensure that vehicles do not leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the public highway.

The approved plan shall thereafter be implemented and carried out in full accordance with the approved details.

21. No development shall take place until a detailed strategy and method statement for minimising the amount of construction waste resulting from the construction of the development shall be submitted to and approved in writing by the CPA. The statement shall include details of the extent to which waste materials arising from construction activities will be reused on site and demonstrating that as far as reasonably practicable, maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be removed from the site for reuse, recycling, composting or disposal. All waste materials shall thereafter be reused, recycled or dealt with in strict accordance with the approved strategy and method statement.
22. No development shall take place until a scheme to assess the nature and extent of any contamination on the site and the methods proposed to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the County Planning Authority. The scheme shall include:
- (1) A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
 - (2) A site investigation scheme, based on (1), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the County Planning Authority. The scheme shall be implemented as approved.

23. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the County Planning Authority detailing how this unsuspected

contamination will be dealt with and obtained written approval from the County Planning Authority. The remediation strategy shall be implemented as approved.

24. No development shall take place until details have been submitted to and approved in writing by the County Planning Authority which confirms the specification, materials and sections or areas of the bypass route where low noise surfacing is to be used. As a minimum these sections or areas shall include those parts of the bypass which lie in proximity to Hawthorn Road, Bunkers Hill, Whitefriars Road, Greetwell Road and in proximity to and south of the village of Washingborough. All works shall thereafter be carried out in full accordance with the approved details including any future replacement or resurfacing works which affect those sections or areas of the bypass which are subject of the approved details.
25. No development shall take place until details relating to the translocation of the Giant Bellflower have been submitted to and approved in writing by the County Planning Authority. Such details shall include the findings and results of a survey conducted to identify the locations of any stands affected by the development hereby permitted, details of the proposed methods to be adopted to translocate those species, the locations where those stands/species are to be relocated, a timetable for carrying out such works and details of the measures to be adopted to ensure the successful establishment and maintenance of those translocated species. All works shall thereafter be carried out in accordance with the approved details.

The reasons for the conditions are:

1. To comply with Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development is carried out in accordance with the details as contained in the application and the principles of the mitigation set out in the Environmental Statement in order to minimise the environmental effects of the development.
- 3 & 4 To minimise the impact of the development on the local landscape in the interests of visual amenity.
- 5, 6 & 24 To minimise the impacts of noise arising from the development, in the interests of amenity.
- 7 to 9 To ensure that satisfactory arrangements are made for the investigation, retrieval and recording of archaeological deposits within the site and to secure appropriate schemes for recording of the historic railway underbridge and historic landscape features as identified and proposed within the Environmental Statement.
10. To ensure that the final design, scale and appearance of the proposed structures are appropriate and would not adversely detract or impact upon the visual amenity of the area and views to and from the historic city centre. Such details would also ensure that adequate clearance is provided to allow safe and unrestricted access by users of the River Witham and to protect the bridge from defacement/vandalism as per the recommendations of British Waterways.

11 & 12

In the interests of visual amenity and to minimise the impacts of light pollution on the local landscape and adjoining land uses (e.g. railway infrastructure).

13. In accordance with the recommendations and advice of the Environment Agency and to ensure that appropriate remediation measures can be secured to protect controlled waters for any contaminated land which may be present within the site.

14 & 15

In accordance with the recommendations of Natural England and to minimise the impacts of the development on the SSSI and to mitigate for the loss of the SSSI by ensuring suitable access to the retained exposures of the SSSI is secured in the interest of nature conservation.

16. In accordance with the recommendations of Natural England so as to protect bats, water voles and grass snakes that have been identified as being affected by the development and to secure the mitigation measures for these species as set out in Section 10.7 of the Environmental Statement.
17. In the interests of safeguarding nesting birds that are protected by law.

18 & 19

To reflect the recommendations and conditions proposed by Environment Agency so as to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system.

20. To ensure that the development does not give rise to adverse impacts by virtue of noise, dust and to protect water resources from pollution in the interests of the amenity of the area.
21. To minimise the amount of construction waste to be removed from site for final disposal.

22 & 23

To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner and to prevent the pollution of controlled waters.

25. To secure the measures proposed to mitigate and ensure the successful translocation of Giant Bellflower as part of the development.

Reason for Granting Permission

The Lincoln Eastern Bypass (LEB) is a major highway scheme which is considered to be of strategic importance and would improve the effectiveness of the transport network in and around Lincoln. Although this development relates to the construction of a single carriageway road, like the dual carriageway scheme approved in 2010, this revised LEB would also help to remove traffic from the centre of Lincoln and therefore reduce congestion and traffic levels within the City to the benefit of local residents and the impacts on the city's heritage and historic core. The LEB would also have wider environmental and social benefits such as improving air quality in the city, reducing social exclusion by providing

better links between communities, providing new and extended cycle and pedestrian facilities, as well as creating a more attractive living and working environment within the city. All of these would assist in creating improved investment conditions within the city resulting in future development and regeneration opportunities which would attract activities and people back into the urban area. The LEB is therefore not only an important infrastructure project but would also have wider economic, environmental and social benefits which would help to support the future economic success and growth of Lincoln.

Whilst the route of the bypass does not conform to that which has been identified and protected within the Development Plan it is the same as that which was previously approved in 2010 which was similarly considered to be acceptable in land use planning and environmental terms. Overall, it is considered that the development, subject to the implementation of the mitigation measures identified within the application and suitable planning conditions, can be undertaken in a manner where the level of impact would be acceptable and would not significantly conflict with the wider objectives or development control policies contained within the Development Plan.

The County Planning Authority has worked with the applicant in a positive and proactive manner by processing the application efficiently so as to prevent any unnecessary delay. This approach ensures the application is handled in a positive way to foster the delivery of sustainable development and is consistent with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework.

Policies Referred To

National Planning Policy Framework – March 2012

City of Lincoln Local Plan 1998

- Policy 5 - Strategic Network of Cycleways, Footpaths and Bridleways
- Policy 14 - Strategic and Major Road Proposals
- Policy 38 - Design and Amenity Standards
- Policy 38E - Development adjacent to Greetwell Quarry
- Policy 44A - Sites of Special Scientific Interest or other Critical Natural Assets
- Policy 44C - Protected Species
- Policy 45A - Trees and Other Ecological and Landscape Features
- Policy 46A - Woodland and Other Major Planting Initiatives
- Policy 46B - Protecting the Water Environment
- Policy 55 - Long Views Into and Out of the City
- Policy 70 - Greetwell Quarry

West Lindsey Local Plan 2006

- Policy STRAT1 - Development Requiring Planning Permission
- Policy STRAT3 - Development in the Countryside
- Policy STRAT10 - Longer Term Development Options – Lincoln and Bardney
- Policy SUS1 - Development Proposals and Transport Choice
- Policy SUS4 - Cycle and Pedestrian Routes in Development Proposals
- Policy ECON13 - Lincoln Eastern Bypass
- Policy CORE10 - Open Space and Landscaping Proposals
- Policy CRT9 - Public Rights of Way affected by Development
- Policy NBE10 - Protection of Landscape Character

Policy NBE11 - Sites of Special Scientific Interest and National Nature Reserves
Policy NBE12 - Nature Conservation in Wildlife Corridors
Policy NBE14 - Waste Water Disposal
Policy NBE15 - Water Quality and Supply
Policy NBE16 - Culverting Watercourses
Policy NBE17 - Potentially Polluting Uses
Policy NBE18 - Light Pollution

North Kesteven Local Plan 2007

Policy C2 - Development in the Countryside
Policy C3 - Agricultural Land Quality
Policy C5 - Effects on Amenities
Policy C7 - Comprehensive Development
Policy C10 - Flood Risk
Policy C11 - Pollution
Policy C14 - Surface Water Disposal
Policy C19 - Landscaping
Policy C22 - External Lighting Schemes
Policy T4 - Safety
Policy T7 - Lincoln Eastern Bypass
Policy RST2 - Public Rights of Way
Policy RST4 - Public Access to the Countryside
Policy LW1 - Landscape Conservation
Policy LW2 - Green Wedges
Policy LW3 - Visual Amenity Areas
Policy LW4 - Sites of Special Scientific Interest
Policy LW6 - County Wildlife Sites and Local Nature Reserves
Policy LW7 - Features of Importance for Wildlife
Policy LW8 - Protected Species
Policies HE1 to HE3 - Protection of Features of Archaeological Interest

Informatives

Attention is drawn to:

- (1) The Informatives and advice set out in the Environment Agency's letter dated 4 March 2013.
- (2) The comments and advice set out in the email from Network Rail dated 5 March 2013.
- (3) The comments contained within the Canal and River Trust's letter dated 15 March 2013 in respect of the need to contact and obtain separate consent from the Trust prior to undertaking any works which affect their assets.
- (4) The validity of the grant of planning permission may be challenged by judicial review proceedings in the Administrative Court of the High Court. Such proceedings will be concerned with the legality of the decision rather than its merits. Proceedings may only be brought by a person with sufficient interest in the subject matter. Any proceedings should be brought promptly and within three months from the date of

the planning permission. What is prompt will depend on all the circumstances of the particular case but promptness may require proceedings to be brought at some time before three months have expired.

Whilst the time limit may be extended if there is good reason to do so, such extensions of time are exceptional. Any person considering bringing proceedings should therefore seek legal advice as soon as possible. The detailed procedural requirements are set out in the Civil Procedure Rules Part 54 of the Practice Directives for these rules.

Lincolnshire County Council
Spatial Planning
Witham Park House
Waterside South
Lincoln
LN5 7JN

Our ref: AN/2013/116642/01-L01
Your ref: PL/0007/13
Date: 04 March 2013

FAO Marc Willis

Dear Sir/Madam

**To construct a single carriageway bypass to the eastern side of Lincoln known as the Lincoln Eastern Bypass. The bypass would link the existing northern relief road at the junction of the A15/A158 (Wragby Road) to the A15 (Sleaford Road) with new junctions/bridge crossings at Hawthorn Road, Greetwell Road, Lincoln-Market Rasen railway line, River Witham, Washingborough Road (B1190), Heighington Road and Lincoln Road (B1188)
Land to the east of Lincoln**

Thank you for referring the above application, on 12 February 2013.

Environment Agency position

The proposed development will only be acceptable if planning conditions are applied as set out below.

Flood risk

This revised application for the Lincoln Eastern Bypass includes an updated Flood Risk Assessment (FRA) dated November 2012 which makes reference to the FRA from 2009 which was approved for the previous application. It relies on information in the 2009 FRA without fully reproducing it. Our response is based on the information that we have previously seen in the 2009 FRA so *we recommend to the applicant and the LPA that the 2009 FRA is included as a supporting document for this new application.* This included the 'Hydraulic Modelling Report' and the 'Drainage Strategy Report' as Appendices.

Condition (1)

No development shall take place until the details of level for level floodplain compensatory storage have been agreed in writing by the local planning authority.

Reason (1)

To prevent flooding elsewhere by ensuring that adequate compensatory storage of flood water is provided.

Condition (2)

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason (2)

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

Contamination and groundwater protection

Condition (3)

Prior to the commencement of each phase of development, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons (3)

The majority of the proposed route appears to be situated on agricultural/greenfield land. The potential for contamination to be present along the majority of the route is therefore considered to be low.

However, the Environmental Statement indicates that potentially contaminative site uses have been identified in close proximity to the proposed route, including historic landfills and a sewage works. We therefore recommend that a preliminary risk assessment be carried out as the first stage in assessing the potential risks to controlled waters from contamination. Much of the route lies over a Principal Aquifer, within a Source Protection Zone 2. The route also crosses some surface watercourses, including the River Witham and South Delph.

Condition (4)

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination will be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons (4)

To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner.

Informative advice for the applicant

Flood Defence Consent

Culverts

Calculations have been included for culvert sizing to the level of 'conceptual design' based on CIRIA Report 168. The CIRIA report recommends that further hydraulic design is undertaken to finalise the design of the culverts. This will look at how upstream and downstream conditions and the design of headwalls could affect the flow through the culvert. When designing culverts to go under permanent structures, such as major roads, it is recommended that they are a suitable size to avoid the need for alterations in the future if flows in the watercourse increase.

The installation of culverts affecting a main river will require Flood Defence Consent from the Environment Agency and at this stage the design will be looked at in more detail.

Under the terms of the Land Drainage Act 1991, any culvert or works that may impede the flow of water on any ordinary watercourse will require permission in the form of a Flood Defence Consent, in this case from the Witham 1st or 3rd Drainage Boards.

Bridges over the South Delph and the River Witham

Under the terms of the Water Resources Act 1991 and Land Drainage Byelaws, the bypass bridge over the River Witham and the South Delph and the footbridge over the South Delph will require Flood Defence Consent. *It is very important that the applicant contacts us to discuss our requirements for maintenance access along the river banks.* We need to discuss the headroom which we require for machine access. These comments also apply to any proposed temporary bridges.

The applicant is advised to contact Katherine Samms in the Partnerships and Strategic Overview team on 01522 785840 for further information.

Please note that our formal consent is required irrespective of any Town and Country Planning Act approvals/permissions. Consent is not implied by these comments and it is therefore imperative that early contact is made with the above team for advice regarding our byelaw requirements. Each Flood Defence Consent application can take a maximum of 2 months to determine.

Land Contamination

We recommend that developers should:

- follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination;

- refer to the Environment Agency Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- refer to our website at www.environment-agency.gov.uk for more information.

Water Quality

During all phases of the development the developer should adopt all appropriate pollution control measures to ensure that the integrity of the aquatic environment, both groundwater and surface water, is assured.

Our macro-invertebrate data classifies the water quality at Washingborough on the Sincil Dyke as good (2012). There is potential for the bypass may have a negative effect on this good water quality from surface run off.

It is important that the Pollution Prevention Guidelines (PPG) referenced in Environmental Statement, Volume 2, Section 7.3.15 are adhered to.

We have a regulatory position statement for the temporary water discharges from excavations which is available on our website.

Clean surface water run-off such as that from a roadway can be discharged into the water environment without requiring an environmental permit.

Waste

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers.

If controlled wastes are to be utilised for construction purposes, the developer must register the activity with the Environment Agency. The Duty of Care Regulations apply to all movements of controlled waste.

According to our records there is one historic landfill site within 250 metres of the proposed bypass route. This is situated at land north of Lincoln Road, Washingborough (TF 500800, 370600), site reference L070, RD4-31-01/89, NK-31-01/89. Waste comments indicate rubble and top soil.

Please forward a copy of the Decision Notice to us for monitoring purposes.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

Nicola Farr
Planning Advisor

Direct dial 01522 785967

Direct fax 01522 785040

Direct e-mail nicola.farr@environment-agency.gov.uk

End

From: Lake Margaret [Margaret.Lake@networkrail.co.uk]
Sent: 05 March 2013 17:29
To: Dev_PlanningSupport
Subject: Lincolnshire/PL/0007/13/Construction of single carriageway bypass at Land to the East of Lincoln

FAO – Marc Willis
Ref – PL/0007/13
Proposal – Construction of single carriageway bypass
Location – Land to the East of Lincoln

Thank you for your letter of 12/02/2013 providing Network Rail with an opportunity to comment on the abovementioned application.

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met.

Network Rail have a statutory obligation to procure the availability of safe train paths and as such we are required to take an active interest in any construction/ demolition activity adjacent to our property that potentially could affect the safe operation of the railway. Any proposals which cross the railway will require the applicant to obtain the following from Network Rail:

- Easement agreement
- Basic Asset Protection agreement
- Detailed bridge design (including an outline in principle bridge design) and bridge agreement
- Method statements and temporary works design
- A full programme of works
- All other relevant legal agreements

Discussions have taken place previously with regard to the bridge designs where the proposed road crosses the railway and these discussions should recommence with the Network Rail Asset Protection. It should be conditioned that the specific details of the design and construction of the bridges at the point they cross the railway are submitted to and agreed with Network Rail as part of a legal agreement. It should be noted that the under bridge in particular will probably need a disruptive possession to construct, for which at least 104 weeks notice is required i.e. booked by November 2013 for Christmas 2015). The Network Rail Property negotiations when the CPO is issued could also be protracted.

Network Rail has a policy of closing level crossings when it is possible to do so. It is noted that the proposed bridge on the Lincoln to Market Rasen line is close to the Allenby Estate Footpath Crossing (TF039737). We therefore request that as part of this application the opportunity should be taken to close the level crossing and divert the footpath over the new bridge.

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made on the approach ramps adjacent to the railway bridge.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. As the road will cross the railway a **method statement should be submitted for Network Rail approval and be conditioned accordingly.**

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Cranes

With a development of a certain height that may/will require use of a tower crane, the developer must bear in mind the following. Tower crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat "Zebrina"

Not Acceptable:

Alder (Alnus Glutinosa), Aspen – Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any road lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

It is realised that much of the above does not apply directly to the application given its outline status but should be taken into consideration as appropriate. Nevertheless it gives a useful guide as to the considerations to be taken into account in relation to development adjacent to the railway. I would advise that in particular the **drainage, boundary fencing, Armco barriers, method statements (including bridge design and construction plans), lighting and landscaping** should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

I trust full cognisance will be taken in respect of these comments. If you have any further queries or require clarification of any aspects, please do not hesitate to contact myself I would also be grateful if you could inform me of the outcome of this application, forwarding a copy of the Decision Notice to me in due course.

The method statement will need to be agreed with:

Asset Protection Project Manager
Network Rail (London North Eastern)
Floor 2A
George Stephenson House
Toft Green
York
YO1 6JT

Email: assetprotectionlne@networkrail.co.uk

M Lake
Town Planning Technician LNE
Network Rail



Please send all Notifications and Consultations to townplanning.lne@networkrail.co.uk or by post to Network Rail, Town Planning, Floor 3A, George Stephenson House, Toft Green, York. YO1 6JT



Canal &
River Trust

Keeping people, nature & history connected

15 March 2013

Lincolnshire County Council
Planning Department
City Hall
Lincoln
Lincolnshire
LN1 1DN

Our Ref BWYS-PLAN-2013-12653-1
Your Ref PL/0007/13

Dear Mr Marc Willis

**The Town & Country Planning Act 1990 (as amended)
Planning & Compulsory Purchase Act 2004**

Application No: PL/0007/13

Proposal: To construct a single carriageway bypass to the eastern side of Lincoln known as the Lincoln Eastern Bypass.

Location: Land to the East of Lincoln, Lincolnshire

Waterway: River Witham

Thank you for your consultation dated 12 February 2013 in respect of the above.

The British Waterways Board (Transfer of Functions) Order 2012 has substituted references to British Waterways in the Town and Country Planning (Development Management Procedure) (England) Order 2010 to the Canal & River Trust. As such, local planning authorities are now required to consult the Canal & River Trust on applications for planning permission in the same way as British Waterways was previously consulted. In addition, under the British Waterways Board Transfer Scheme 2012 (also made under the Public Bodies Act 2011) all the property of British Waterways in England and Wales has now vested in the Trust.

The Canal & River Trust is a company limited by guarantee and registered as a charity. It is separate from government but still the recipient of a significant amount of government funding.

The Trust has a range of charitable objects including:

- To hold in trust or own and to operate and manage inland waterways for public benefit, use and enjoyment;
- To protect and conserve objects and buildings of heritage interest;
- To further the conservation, protection and improvement of the natural environment of inland waterways; and
- To promote sustainable development in the vicinity of any inland waterways for the benefit of the public.

Canal & River Trust Peel's Wharf Lichfield Street Fazeley Tamworth Staffordshire B78 3QZ

T 0303 040 4040 E customer.services@canalrivertrust.org.uk www.canalrivertrust.org.uk

Patron: H.R.H. The Prince of Wales. Canal & River Trust is a company limited by guarantee registered in England & Wales under number 7807276; and a charity registered with the Charity Commission under number 1146792.

After due consideration of the application details, the Canal & River Trust has **no objections** to the proposed development, **subject to** the imposition of suitably worded **conditions** relating to the following matters:

Bridge crossing the River Witham

The Canal & River Trust would wish to ensure that the detailed design and finish of the proposed bridge crossing the River Witham is appropriate and that there is adequate clearance between the navigation and the underside of the bridge where it oversails the river and would look to maximise the clearance height in order to prevent interference with the navigation. This last point also applies to any temporary crossing proposed during construction works. We would request that the Trust is consulted on these details prior to the discharge of any condition relating to bridge design. We would also suggest that a suitable anti-graffiti finish be applied to the bridge to reduce the likelihood of it being defaced/vandalised. Please also refer to our separate comments below made in our capacity as adjoining landowner. We would also point out that although Certificate B has been completed on the application form, the Trust does not appear on the accompanying list of affected landowners and we do not appear to have received formal notice of the application from the Applicant.

Condition

Notwithstanding the details contained on Drawing B/1030171/1700/004 Rev A, full details of the design, materials and external finishes of the bridge crossing the River Witham, together with details of the exact clearance height between the navigation and the underside of the bridge over the river (and the clearance of any other temporary bridge crossing the river as may be required during construction works) shall be submitted to and approved in writing by the Local Planning Authority before any works commence to construct such a crossing. The bridge(s) shall only be constructed in accordance with the agreed details and clearances.

Reason

To ensure that the road bridge has an appropriate appearance in the interests of protecting the character and appearance of the waterway corridor and the visual amenity of users of the waterway and to ensure that adequate clearance is provided between the navigation and the underside of the bridge and of any other temporary bridge required during construction, to allow safe and unrestricted passage of river traffic.

Condition

Prior to the construction of the road bridge crossing the River Witham, full details of the means of applying an anti-graffiti finish to it shall be submitted to and agreed in writing by the Local Planning Authority. The bridge shall only be constructed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason

To protect the bridge from defacement/vandalism in the interests of safeguarding the visual amenities of the locality.

Mitigation/prevention of pollution of the River Witham

We would also request that the mitigation measures identified in the Environmental Statement to prevent material entering the watercourse during construction work be secured via a Construction Environmental Management Plan in order to prevent pollution of the Witham Navigation.

Condition

No development shall take place until a Construction Environmental Management Plan incorporating the mitigation measures to prevent pollution of the River Witham as identified in the Environmental Statement has been submitted to and agreed in writing by the Local Planning

Authority. The development shall thereafter only be carried out in accordance with the agreed Management Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that adequate mitigation measures are undertaken during all stages of construction work to minimise the impact of these works upon the local environment and to prevent waste and other material from entering the Witham Navigation and polluting the watercourse, in the interests of protecting water quality and maintaining safe navigation.

Comments as Adjoining Landowner

The Trust would also like to take the opportunity to make the Council/Applicant aware of the following matters in our capacity as an affected landowner:

The proposed road bridge and temporary crossing as may be required during construction will both oversail Canal & River Trust land, and as such the prior consent of the Trust will be required. Such consent, where it is granted, is normally subject to a commercial agreement. It is therefore recommended that the Applicant discusses these matters with the Trust before any development commences.

If the Council is minded to grant planning permission, it is requested that the following informative is attached to the decision notice:

1. The applicant/developer is advised to contact the Works Engineers Team at the Fazeley Office on 01827 252000 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust.
2. The proposed development includes a new bridge crossing the River Witham; the Applicant is advised that this bridge, and any other temporary structures which may oversail the river during construction, will require the prior consent of the Canal & River Trust. Where granted, such consent is normally subject to a commercial agreement. Please contact the Estates Team at the Fazeley Office on 01827 252000 for further advice.

In addition, in order for the Canal & River Trust to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Should you have any queries please contact me at this office.

Yours sincerely

Ian Dickinson
Area Planner (East and West Midlands)
Telephone: 01636 675790
E-Mail: ian.dickinson@canalrivertrust.org.uk