

No.4	APPLICATION NO.	2021/0782/FUL
	LOCATION	Bus Station Moor Street Ormskirk Lancashire L39 2AW
	PROPOSAL	Refurbishment of bus station, including demolition of existing building. Provision of new combined public toilet, office and storage facility. Upgrade of the public realm including paving, landscaping, street lighting and bus shelters. Installation of SUDS. Provision of segregated cycle track. New boundary walls and fencing. Amended car park entrance and exit arrangements.
	APPLICANT	Lancashire County Council
	WARD	Derby
	PARISH	Unparished - Ormskirk
	TARGET DATE	10th August 2021

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme; however, Councillor Ian Davis has requested it be referred to Planning Committee due to the scale of the application and its significance to the community.

2.0 SUMMARY

- 2.1 This application is for refurbishment of the existing bus station, including provision of a new public toilet block, improved street lighting, provision of a cycle track link and repaving. The proposed development is acceptable in principle in this town centre location and would provide enhanced facilities for sustainable transport. I am satisfied that the proposals are acceptable in terms of heritage, visual amenity, highway safety, residential amenity, drainage and ecology, in accordance with relevant policies contained in the NPPF and Local Plan.

3.0 RECOMMENDATION: APPROVE subject to conditions.

4.0 THE SITE

- 4.1 The site is located on an existing plot of land that accommodates Ormskirk Bus Station and its adjacent car park. The application site is bounded by the Ormskirk-Liverpool railway line to the west; a footpath connection leading to the railway station to the north; residential properties to the east, and Moor Street to the south. The site lies within the Ormskirk Town Centre Conservation Area.
- 4.2 The site is currently used for Ormskirk Bus Station, with bus movements restricted to the perimeter of the site and a car park at the centre. At present buses enter from the western access point along Moor Street and loop around the car park (via their allocated stop) and then exit via the eastern access point. The car park is accessed from a separate location along Moor Street located between the bus access and egress. There is also space dedicated to taxi pick up/drop off.
- 4.3 There are 7 bus stands at the Bus Station, with each stand having its own shelter with timetable information. There is also a single storey building to the west of the site which previously contained the Travel Information Centre and public toilets. The car park contains 50no. standard size parking bays and 2no. disabled parking spaces.

5.0 THE PROPOSAL

- 5.1 The application proposes refurbishment of the bus station. The proposed redevelopment forms part of the wider Ormskirk Eastern Gateway project, which is designed to improve public realm and enhance facilities for sustainable travel in the areas of Moor Street and St Helens Road to the east side of Ormskirk Town Centre.
- 5.2 The existing building to the west would be demolished and a new single storey public toilet/office/storage building would be erected to the east of the site. Upgraded street lighting and bus shelters with internal seating and illumination would be installed, and paving would be updated. A segregated cycle track would be installed to west of the site, which would link Moor Street to an existing cycle path towards Ormskirk Railway Station.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 None relevant.

7.0 CONSULTEE RESPONSES

- 7.1 Highway Authority (20.07.2021) – No objection.
- 7.2 Environmental Protection (10.06.2021) – No objection.
- 7.3 Lancashire County Council, Archaeology (21.07.2021) – No objection.
- 7.4 Lead Local Flood Authority (11.10.2021) – No comment.
- 7.5 Network Rail (29.06.2021) – No objection. Request conditions.

8.0 OTHER REPRESENTATIONS

- 8.1 Two representations have been received and can be summarised as:

Due to the provision of bollards at the corner of Moor Street/St Helens Road there would be a lack of access to the booking office belonging to Ormskirk Coaches & Taxis LTD which would restrict safe pick up for passengers.

Basements belonging to properties on the opposite side of Moor Street may be more prone to flooding due to surface water run off from the proposed car park entrance/exit.

9.0 SUPPORTING INFORMATION

- 9.1 Preliminary Ecological Appraisal
Preliminary Roost Assessment
Arboricultural Impact Assessment
Heritage Statement
Design and Access Statement
Statement of Community Involvement
Utility Survey
Drainage Strategy

10.0 RELEVANT PLANNING POLICIES

- 10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 provide the policy framework against which the development proposals will be

assessed. The site is within Ormskirk Town Centre as designated in the West Lancashire Local Plan 2012-2027 DPD. It is also within the Ormskirk Town Centre Conservation Area.

National Planning Policy Framework (NPPF)

Ensuring the vitality of town centres

Promoting sustainable transport

Achieving well designed places

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural environment

Conserving and enhancing the historic environment

West Lancashire Local Plan 2012-2027 DPD

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3- Criteria for Sustainable Development

IF2 – Enhancing Sustainable Transport Choice

IF3 – Service Accessibility and Infrastructure for Growth

EN1 – Low Carbon Development and Energy Infrastructure

EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Principle of Development

- 11.1 The site is within Ormskirk Town Centre and currently functions as a bus station with a central car park area. Policy IF2 of the Local Plan advises that the Council will support the delivery of the remodelling of the bus station at Ormskirk, including the provision of improved linkages with Ormskirk Railway Station. The proposed redevelopment includes modernisation of the existing bus station and provision of a dedicated cycle link from Moor Street through the site to a recently improved cycle path which leads to Ormskirk Railway Station, and as such I am satisfied that the principle of the development is in accordance with this requirement of Policy IF2.

Heritage

- 11.2 In coming to decisions on heritage matters Local Planning Authorities should refer to the Planning (Listed Buildings and Conservation Areas) Act 1990, which require decision takers to pay special regard to the desirability of preserving listed buildings or their setting (s.66), and to the desirability of preserving or enhancing the character or appearance of conservation areas (s.72). Recent High Court judgements identify the need to give considerable weight and importance to the duty imposed and to the presumption in favour of the desirability of the preservation of heritage assets, including their setting. Decision makers should consider the impacts on the character and appearance of a conservation area separately and development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.
- 11.3 Ormskirk Bus Station is located within the Ormskirk Town Centre Conservation Area and lies in close proximity to a number of Grade II listed buildings along Moor Street, which comprise its historic setting. The main issues to consider in the heritage assessment of the proposal are; whether the proposal would preserve or enhance the character or appearance of the Ormskirk Town Centre Conservation Area; and the impact of the

proposals on the historic character (significance) of the nearby Grade II Listed Buildings (which include their setting).

- 11.4 In its present form I consider the existing bus station complex to have a neutral impact on the Conservation Area and the setting of the nearby listed buildings through its design, layout and materials. The proposed redevelopment includes an upgrade of the lighting on the site, replacement paving material with natural stone, new street furniture and enhanced landscaping, all of which I consider will improve the quality and appearance of the public realm and be an enhancement to the site and the Ormskirk Town Centre Conservation Area and its setting.
- 11.5 The existing bus station building will be demolished to make way for a cycle link towards the railway station and a new purpose built amenity building erected to the east of the site behind and abutting commercial buildings which front Moor Street (47-53 odds). I consider that provided suitable materials are used in the external finishes of the proposed building it would preserve the character and appearance of the conservation area; details of materials will be secured by condition. In terms of the railings to be installed on the site, a traditional railing, painted black with a finial detailing, consistent with historic railings in the Town Centre would be appropriate and could be secured by condition. In terms of impact from the development on the nearby listed buildings, I am satisfied that the proposed development would have no greater impact on these buildings and as such the development would preserve the historic character of the listed buildings including their setting.
- 11.6 The Local Planning Authority are required to give the duties imposed by the P(LBCA) Act 1990 considerable weight in the planning balance. Paragraph 199 of the NPPF states that great weight should be given to the conservation of heritage assets. I consider that the proposal would represent an improvement to the existing bus station, which appears tired and in need of refurbishment meaning that it does not contribute positively to the character and appearance of the Conservation Area or its historic setting, or the setting of adjacent listed buildings. I would regard the harm caused by the works to be 'less than substantial' (as defined under the terms of P.202 of the NPPF) and as such this harm can be weighed against any public benefits accrued by the scheme, which is a much improved public transport facility and cycle link. I consider the proposal meets the test to preserve as laid down the P(LBCA) Act 1990 and complies with the guidance contained in the NPPF and in accordance with Policy EN4 of the Local Plan and the Council's Design Guide SPD.
- 11.7 Lancashire County Council Archaeology Team have assessed the proposals and advised that as no archaeological investigation of the area was undertaken in the 1970s during the construction of the current bus station, nothing is known of what damage might have been caused by these works, but the site does lie within an area considered to have potential to contain buried archaeological deposits associated with settlement of the medieval and post-medieval periods. For this reason preservation by record would be appropriate and a condition will be imposed to secure the implementation of a programme of archaeological work in accordance with an agreed written scheme of investigation, in accordance with paragraph 199 of the NPPF and Policy EN4 of the Local Plan.

Residential amenity

- 11.8 Policy GN3 of the Local Plan requires proposals for development to be of high quality design and have regard to the West Lancashire Design Guide and retain or create reasonable levels of privacy and amenity for local residents.
- 11.9 In terms of noise and disturbance as a result of the proposals, it is not envisaged that there will be an increase in traffic flow through the bus station and therefore the overall

ambient noise levels should not increase following the refurbishment of the site. A lighting assessment has been included within the submission which demonstrates that the overall surrounding light pollution levels will not be significantly influenced by the proposed lighting.

- 11.10 The proposed redevelopment includes a replacement single storey facilities building which would be sited approximately 11m from the rear of properties in Stanley Street. The building would be approximately 7.2m x 13m and have an approximate height of 2.7m to eaves and 4.6m to the ridge. There is a change in levels between the residential properties and the site, with the site being at a higher level than the adjacent residential dwellings, however there is existing landscaping within the site which would be retained to the rear of the proposed new amenities building and I am satisfied that this in combination with the fact the building would be single storey (with the roof sloping away from the common boundary) would ensure that there would not be a significant detrimental impact on residential amenity in accordance with Policy GN3 of the Local Plan.

Air Quality Management

- 11.11 The site is located immediately adjacent to an 'air quality management area', and noise, vibration and dust may be a factor during the construction phase of the development. For this reason, I consider it necessary to impose a condition requiring the submission of a Construction Environmental Management Plan, to include the demolition phase.

Highway and Railway Safety

- 11.12 Policy GN3 of the Local Plan states that developments should integrate well with the surrounding area and provide safe, convenient and attractive pedestrian and cycle access, ensure that parking provision is in line with Policy IF2, and incorporate suitable and safe access and road layout.
- 11.13 The proposal forms part of the wider Ormskirk Eastern Gateway project which is designed to improve the public realm and enhance facilities for sustainable travel in the areas of Moor Street and St Helens Road to the east side of Ormskirk Town Centre. The redevelopment of the bus station will improve cycle and pedestrian linkages across the Town Centre towards the train station and will also provide enhanced facilities for those wishing to travel by bus. Car parking would be retained within the site, with no loss of parking, infrastructure installed to allow for future electric vehicle parking spaces, and an increase in cycle parking by 8no. spaces is proposed. The development is to be carried out by Lancashire County Council as Highway Authority and as such the impact of the development on highway safety and highway conditions in the vicinity of the site has been fully considered and the development does not require agreements/conditions regarding access or other works in the highway.
- 11.14 The site is next to operational railway land and as such any potential impact on the railway must be taken into consideration in the assessment of the proposals. Network Rail have provided comments and suitable conditions will be imposed to ensure that the scheme does not impact the railway during the construction phase.
- 11.15 I am satisfied that the proposed development would have the effect of improving facilities for sustainable transport, in accordance with Policy IF2 of the Local Plan.

Drainage

- 11.16 The site lies within Flood Zone 1 which has a low probability of flooding. A Drainage Strategy has been submitted with the application which is based on geotechnical investigations carried out during Summer 2021.
- 11.17 Foul water from the proposed new building on site would drain through the existing foul connection to the combined sewer in Moor Street to the western side of the site. In terms of surface water, a pervious paving system would be used for the front part of the car park (nearest Moor Street) with surface water draining to a sub-base stone filled attenuation system which would then drain to an existing public sewer within Moor Street. The Council's Drainage Engineer has assessed the proposals and is satisfied that the proposed surface water drainage arrangements are acceptable in accordance with Policy GN3 of the Local Plan.

Ecology and trees

- 11.18 Under the terms of Policy EN2 in the Local Plan, development proposals must seek to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, is required to fully offset impacts.
- 11.19 A Bat Survey has been submitted with the application which includes a preliminary roost assessment and dusk emergence/dawn re-entry surveys, and concludes that no evidence of roosting bats was found and I am therefore satisfied that the proposed development accords with the requirements of Policy EN2. To enhance biodiversity a condition will be imposed requiring the installation of bat boxes into the proposed utility building.
- 11.20 An Arboricultural Impact Assessment has been submitted with the application which advises that the scheme will require the removal of 13 trees, 7 of which are classed as trees of moderate quality, with the remaining 6 to be removed being of low quality. The Arboricultural Impact Assessment has been reviewed and it is considered that some of the trees which are proposed for removal are not fully sustainable due to the species type and limited space for growth, and given that 26 trees of mixed species are proposed to replace those trees that would be lost along with a significant amount of shrubs, perennials and grasses, I am satisfied that the requirements of Policy EN2 would be met. I consider it necessary to impose a condition requiring the submission of a suitable Arboricultural Method Statement to ensure adequate protection for those trees that are to be retained and a landscape management and maintenance plan.

Other matters

- 11.21 Concern has been raised about the potential for bollards to close the western part of Moor Street to vehicles and the impact this would have on the operations of the existing taxi hire business. The bollards being proposed are not permanent and are only to be used as a temporary measure to provide additional vehicular free space for specific public events, for example the Christmas lights switch on event. As is currently the case, the Council would still have to formally apply for a temporary road closure notice for such events. In the past when the Council has closed this section of the road off, it has been done using temporary cones/barriers through a traffic management company.

Conclusion

11.22 I consider that the principle of the proposed development is acceptable in this town centre location, as it would provide enhanced facilities for sustainable transport and would be an acceptable form of development within the Ormskirk Town Centre Conservation Area. I am satisfied that the proposed development would not have a detrimental impact on residential amenity, highway safety or biodiversity and would provide an adequate drainage system and appropriate landscaping. I am satisfied that the proposed development accords with all relevant policies in the NPPF and Local Plan.

12.0 RECOMMENDATION

12.1 That planning permission be GRANTED subject to the following conditions and reasons:

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Plan reference:
1662/3001 sheet 1 of 1 - Soft Landscaping Proposals
received by the Local Planning Authority on 04.10.2021.
SK02 (Rev C) - Proposed Amenity Block
received by the Local Planning Authority on 28.07.2021.
Option 3, Proposed Drainage Layout with Porous Paving in Car Park Area, 1964/500/005
RevB
Lighting Design 1964/1300
Proposed Site and Block Plan, 1964/102
Proposed Hardstanding Area Plan, 1964/500/002
Location Plan
received by the Local Planning Authority on 15.06.2021.
Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specification of materials to be used externally including for the proposed amenity block, boundary treatments and street furniture have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, size, colour and texture of the materials including the method of jointing of any stone or brick work and coursing of any roof work and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.
The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.
Reason: To preserve the character and appearance of the Conservation Area and to comply with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
4. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to

and approved in writing by the Local Planning Authority prior to the development becoming operational.

The landscape management plan shall be implemented in accordance with the approved details.

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

5. Prior to the commencement of development, including demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal

resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site.

Measures to minimise the impact on air quality should be explored such as avoiding diesel generators and vehicle idling. The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: These details are required prior to the commencement of development in order to protect the amenity of neighbouring occupiers and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. A method statement and risk assessment, including details of any scaffolding works within 10m of the railway boundary, any proposed vibro-impact works, details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The development shall be implemented in full accordance with the agreed method statement and risk assessment.

REASON: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

7. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: These details are required to be approved before the commencement of development to ensure any remains on site are properly recorded in accordance with Policy EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

8. Details of the number and location of bird nesting boxes and bat boxes to be incorporated into the scheme shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes shall be installed in accordance with the approved details prior to the bus station becoming operational and shall be retained at all times thereafter.

Reason: In the interests of biodiversity conservation and to comply with Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Strategy received by the Local Planning Authority 15.06.2021 and Drainage Strategy Appendix G received by the Local Planning Authority on 20.08.2021. The development shall be completed in accordance with the approved details prior to the new bus station being brought into use.

Reason: To ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

10. No site clearance, preparatory work or development shall take place until a Method Statement detailing measures to be taken during construction to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method Statement shall be fully implemented during construction.

Reason: To protect the existing trees on site and thereby retain the character of the site and the area and to ensure the development complies with the provisions of Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

11. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes for the Reduction of Obtrusive Light; GN01/21 (2021).' The approved lighting scheme shall be implemented prior to the new bus station being brought into use and thereafter be permanently retained.

Reason: To minimise the visual impact of light on nearby residential properties in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

12. All hard and soft landscape works shall be carried out in accordance with the approved details shown on 1662/3001. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within 7 years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. Network Rail Note

The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs.

Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer. The applicant /developer should submit the RAMs directly to: AssetProtectionLNWNorth@networkrail.co.uk.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

*There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.

*All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.

*Buildings and structures must not over-sail Network Rail air-space.

*Any future maintenance must be conducted solely within the applicant's land ownership.

*Rainwater goods must not discharge towards or over the railway boundary

*Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network

Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for

all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network

Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.

*Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

Scaffolding

Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

This is to ensure that the safety of the railway is preserved, and that scaffolding does not:

*Fall into the path of on-coming trains

*Fall onto and damage critical and safety related lineside equipment and infrastructure

*Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).

Vibro-Impact Machinery

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail for agreement.

*All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.

*The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

Drainage proposals and Network Rail land

In order to comply with the NPPF, the applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

- *All surface waters and foul waters must drain away from the direction of the railway boundary.

- *Soakaways for the proposal must be placed at least 30m from the railway boundary.

- *Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.

- *Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or runoff onto Network Rail's land and infrastructure.

- *Proper provision must be made to accept and continue drainage discharging from Network Rail's property.

- *Drainage works must not impact upon culverts, including culverts/brooks etc that drain under the railway. The applicant will not be permitted to direct surface or foul waters into culverts which run under the railway - any discharge of surface water under the railway via a culvert will require review and agreement from Network Rail who reserve the right to refuse use of any culverts.

- *The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway.

- *Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.

NB: Soakaways can materially affect the strength of soil leading to stability issues. A large mass of water wetting the environment can soften the ground, and a build-up of water can lead to issues with the stability of Network Rail retaining walls/structures and the railway boundary. Network Rail does not accept the installation of soakaways behind any retaining structures as this significantly increases the risk of failure and subsequent risk to the travelling public.

If the developer and the council insists upon a sustainable drainage and flooding system then the issue and responsibility of flooding, water saturation and stability issues should not be passed onto Network Rail.

The drainage proposals are to be agreed with Network Rail and surface water drainage on the site should be removed by a closed sealed pipe system.

The HSE identifies railways as a Major Hazard Industry. An earthwork failure within a high-hazard area has the potential to result in a catastrophic accident with multiple fatalities or long-lasting environmental issues. It should be noted that where the actions of an adjacent landowner have caused a landslip on the railway the loss adjusters are likely to advise recovery of Network Rail costs from the 3rd party, which would include costs of remediation and recovery of costs to train operators. Many railway earthworks were constructed in the Victorian period and are susceptible to failure by water saturation. Water saturation leads to an increase in pore water pressure within the earthwork material. Please also note that railways, and former railway land adjacent to it, is considered as contaminated land due to historic use of railways, which can affect the suitability of infiltration drainage.

Excavation and Earthworks and Network Rail land:

In order to comply with the NPPF, the applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:

- *Alterations to ground levels

- *De-watering works

- *Ground stabilisation works

*Works to retaining walls

*Construction and temporary works

*Maintenance of retaining walls

*Ground investigation works must not be undertaken unless agreed with Network Rail.

*Confirmation of retaining wall works (either Network Rail and/or the applicant).

*Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.

*For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.

Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area.

The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

3m Gap

Network Rail requires that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments.

Parking / Hard Standing Area

As the proposal calls for the following adjacent to the boundary with the operational railway, running parallel to the operational railway or where the existing operational railway is below the height of the proposal site:

*hard standing areas

*turning circles

*roads, public highways to facilitate access and egress from developments Network Rail requests the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers).

This is to prevent vehicle incursion from the proposal area impacting upon the safe operation of the railway.

BAPA (Basic Asset Protection Agreement)

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent. The applicant / developer should liaise directly with Asset Protection to set up the BAPA on this email AssetProtectionLNWNorth@networkrail.co.uk

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

Should the above proposal be approved by the council and should there be conditions, where the proposal interfaces with the railway the outside party is advised that a BAPA (Basic Asset Protection Agreement) must be in place, in order for Network Rail to review and agree the documentation and works outlined in conditions (and those areas covered by the discharge of conditions).

The applicant is advised that before the proposal progresses (should it be approved) they will be required to submit the development form to Network Rail's Asset Protection team and agree the BAPA before any works commence on site.

Network Rail is a Government funded Organisation and we are expected to recover our involvement costs from this type of interface, to proceed in more detail with discussions a signed Basic Asset Protection Agreement (BAPA) would be required to be in place.

Permanent impacts of development are usually material considerations (such as the position of permanent structures, or drainage design etc) and where these are likely to occur, requests for planning conditions or scheme amendments are requested to protect the existing railway infrastructure from the impacts of the works on site and as a permanent arrangement. Controls on the temporary impact of construction to outside party land should also be picked up via building control, or in some cases a party wall surveyor. Once the attached Asset Protection Questionnaire has been completed and forwarded to the team the enquiry will then be processed and an email sent to the applicant giving a project reference number and name of person with the asset protection team that will deal with the enquiry.

For further information on interfacing with Network Rail please see 'Working by the railway - Network Rail'.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3- Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

EN1 - Low Carbon Development and Energy Infrastructure

EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.