DALCOUR MACLAREN

Planning Supporting Statement Milverton School

Severn Trent Water Limited
EP – Green Recovery Leamington
September 2023

dalcourmaclaren.com

Project Details

Project Name	EP – Green Recovery Leamington
Scheme Number	21006937
Report Number	001

Prepared by	
Name	Matt Taylor (Environmental Planner)

Approved by	
Name	Caroline Morris (Director Environment & Planning)

Contents

Appendices

Drawings

Drawing Name	Title	Scale
Site Location Plan	20230925_PLN_LOC_1.1	1 : 1250
Site Layout Plan (Existing)	A7S14574-WSP-SA-ZZ-DR-C-0007	1 : 250
Site Layout Plan (Proposed)	A7S14574-WSP-SA-ZZ-DR-C-0004	1 : 250
Existing and Proposed Elevations	A7S14574-WSP-SA-ZZ-DR-C-0005	As shown

1 Introduction

1.1 Background to the Planning Application

1.1.1 Dalcour Maclaren (DM) has been commissioned by Severn Trent Water Limited (STWL) to seek full planning permission for the widening of an existing vehicular access (permanent) and the creation of a new access (temporary for construction) off Lillington Road, Leamington Spa, required in connection with the construction of an underground storage system.

1.1.2 The development will be located off Lillington Road, Milverton, Leamington Spa, (nearest postcode: CV32 5TS), National Grid Reference: SP 31555 66631.

1.2 Context to the Proposed Development

1.2.1 OFWAT has agreed to invest £566 millions into STWL's Green Recovery Programme. As part of this programme, STWL are investing circa £78 million to enhance river health and create two bathing rivers in the Warwickshire region by reducing harm from storm overflows, by reducing spills and increasing storage capacity in its existing underground sewerage network and STWL sewage treatment works.

1.2.2 The scheme will enable STWL to continue to make use of their existing sewerage assets and network within the drainage area of Leamington Spa, whilst upgrading to ensure maximum capacity and resilience to comply with the aims set out within the Green Recovery Programme.

1.2.3 This is the underlying key driver behind the proposed development at Milverton School Playing Field, which STWL are committed to deliver by 2025.

1.3 Site Location and Description

1.3.1 The proposed development is located at National Grid Reference: SP 31555 66631, off Lillington Road, Milverton, Leamington Spa, Warwickshire (nearest postcode: CB32 5TS), hereafter referred to as 'the Site'. The Site can be seen from drawing 20230925_PLN_LOC_1.1 and Figure 1 below:

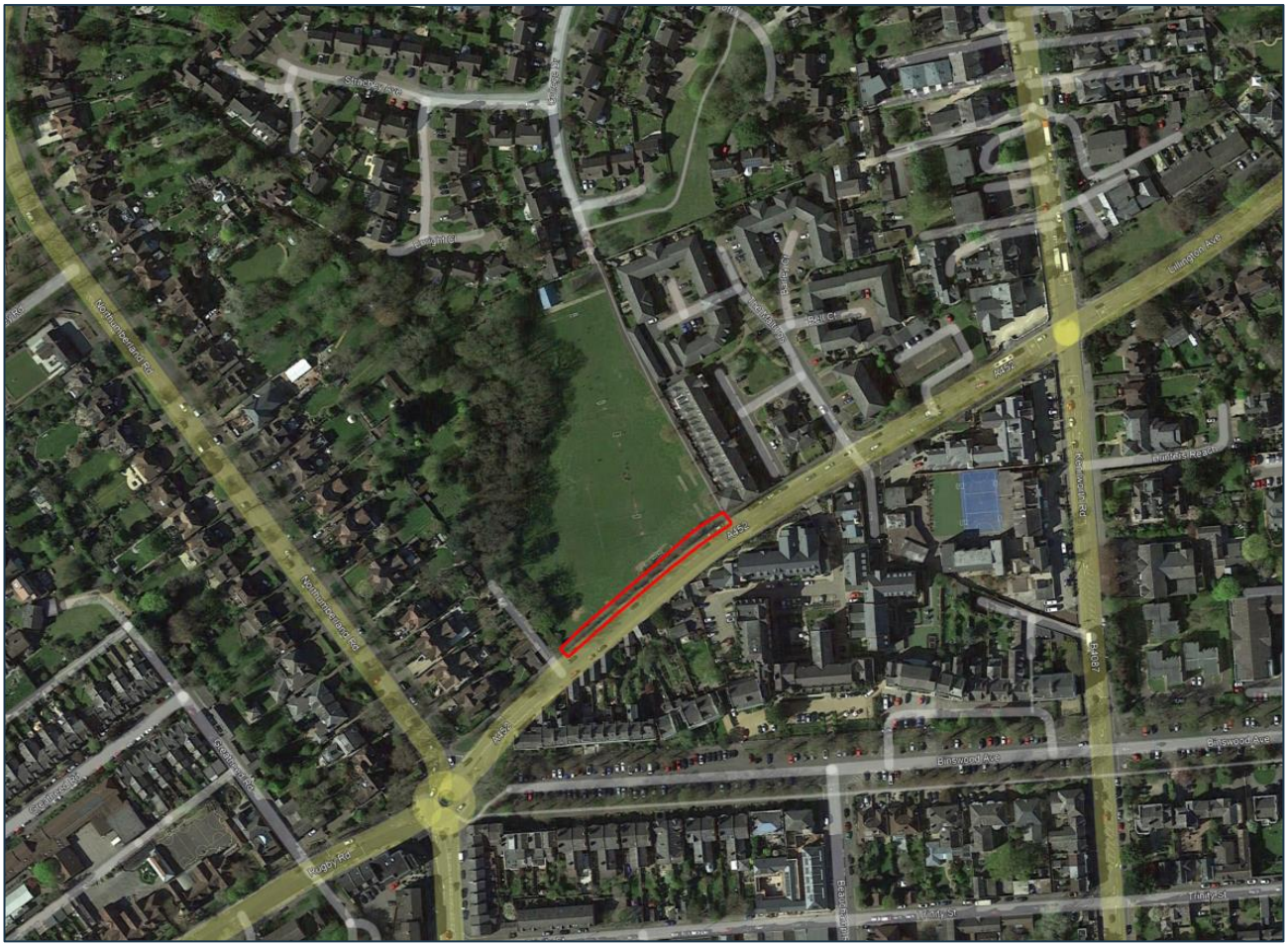

Figure 1: Aerial imagery of the site location boundary (demarcated in red), Google Earth 2023

1.3.2 The Site location as shown in Figure 1 above is located c. 1.4km north of Leamington Spa train station and is bounded by:

- Milverton School Primary School playing field to the north with urban development beyond.
- Residential and urban development including dwellings and transport links to the east.
- A452 road, residential and urban development to the south with Leamington Spa railway and town centre beyond.
- Band of mature trees to the west with residential and urban development including Milverton Primary School beyond.

1.3.3 The location for the eastern access to be widened permanently is visible below:

Figure 2: Street view of the eastern access that is proposed to be permanently widened, Google Earth 2023.

1.3.4 The location for the temporary western access which will be reinstated like-for-like upon works completion is visible below:

Figure 3: Street view of the western access that is proposed to be created temporarily for construction and reinstated like-for-like, Google Earth 2023

2 Proposed Development

2.1 Description of the Development

2.1.1 STWL are proposing to permanently widen the existing eastern access by approx. 7m, to create an access of approx. 10m, as shown in drawing number A7S14574-WSP-SA-ZZ-DR-C-0004 and A7S14574-WSP-SA-ZZ-DR-C-0005. The widening of the existing access is necessary to allow for the safe access and egress of contractor vehicles required in connection with the construction of the underground storage system as outlined within the 'need for development' section within this planning statement. On works completion, the access gate, fence line and majority of the previously removed brickwork excluding approx. 1m, will be reinstated like-for-like, as shown in drawing number A7S14574-WSP-SA-ZZ-DR-C-0004. The permanent removal of approx. 1m of brick wall is required to allow for future, albeit infrequent, maintenance visits, when required.

2.1.2 As the space within the existing school playing field is limited, STWL also propose to create a new temporary access to the west of the Site, where the existing pedestrian access lies, to allow for the safe turning, access and egress of construction vehicles, temporarily during construction. For clarity, the creation of the new western access is required temporarily during construction only and the wall and fence line will be reinstated like-for-like upon works completion. Detailed methodology on brick reinstatement is outlined within the Heritage Impact Assessment, written in support of this planning application. This proposed new temporary access will measure approx. 10m in width with approx. 14m of boundary wall and fencing are proposed to be removed and reinstated like-for-like on works completion.

2.1.3 For clarity, this planning application only relates to the widening of an existing eastern vehicular access (permanent) and the creation of a new western access (temporarily for construction) where the existing pedestrian access lies.

2.1.4 By virtue of the required vehicular access leading off a classified road, and the proposed works comprising a material widening and creation (even temporarily), the creation and widening of the accesses is not considered to constitute PD under Part 2, Class B of the GPDO. As such, planning permission is sought for the creation of an access (temporary) and the widening of an existing access (permanent) from Warwick District Council (WDC).

2.1.5 It is anticipated that there will be a single working compound immediately adjacent to the proposed development during construction within the

existing playing field to make use of existing PD rights afforded to STWL as a statutory sewerage undertaker.

2.1.6 The temporary working compound would fall under Part 4 Class A of the GPDO which states:

"the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on adjoining that land"

2.1.7 Following completion of the proposed works, all machinery, welfare units, etc., will be removed from the area and the land will be reinstated like-for-like back to its original condition in accordance with the relevant conditions associated within Part 4 Class A.

2.2 Need for the Proposed Development

2.2.1 The permitted development works at Milverton School playing fields form part of STWL's Green Recovery programme in Leamington. A key driver behind the proposals is to separate surface water flows that currently discharge into the existing combined sewer system and contribute towards spill into the River Leam from several Combined Sewer Overflows (CSO's) in Leamington.

2.2.2 The surface water separation works consist of laying new surface water sewers in Campion Road, Binswood Avenue, Kenilworth Road, Lillington Road and Hemestede Lane in Leamington. These new additional sewers will discharge into a 1900m^3 underground storage system to be constructed in Milverton School playing field as can be seen in A7S14574-WSP-SA-ZZ-DR-C-0004.

2.2.3 Therefore based on parameters required for suitable underground storage area for the Site, including space, access, topography, levels and gradients associated with hydraulic design of the Green Recovery works, the proposed site at Milverton School Playing Field is key to the successful delivery of the proposed surface water drainage improvement scheme and subsequently the wider Green Recovery Programme.

2.2.4 The storage system will be entirely underground and will comprise several large diameter pipes linked together. They will attenuate surface water flows and will then discharge at a controlled flow rate to the existing surface water system that runs to the southwest of the Site. The controlled surface water from the new storage facility will ensure reduced risk of flooding to the adjacent properties. The proposed construction of this underground storage system would be considered to fall under Part 13 Class B(a) of the GPDO,

which refers to below ground construction in connection with the improvement of a sewers and associated infrastructure.

2.2.5 To construct the storage system, an additional temporary construction access off Lillington Road will be required and the existing access will need to be permanently widened, both of which are the subject of this planning application. The new temporary access will utilise a vehicular ramp and will not require a drop kerb. The permanent access will utilise the existing dropped kerb.

2.2.6 On completion of the construction works the playing field will be reinstated to its previous grass condition like-for-like and the temporary access removed and also reinstated like-for-like. The boundary wall will be reconstructed using the original bricks which will be stored correctly using best practice measures, and the existing access, which will have been permanently widened, will be utilised for maintenance visits to the underground asset.

2.3 Proposed Access Arrangement and Design

2.3.1 A Construction and Operational Traffic Management Plan (COTMP) has been prepared to support this planning application.

2.3.2 Two construction accesses are proposed from Lillington Avenue to the east and west of the site either side of the underground storage system (acting as two separate entrances and exits). The eastern access will make use of the existing permanent access with minor modifications to widen the existing vehicular access. The western access will widen the existing pedestrian access with wall and fence/gate to be removed for the duration of the works. Both the eastern and western access points will be returned to their existing state post construction, although the existing brick wall on the western access will finish 1m shorter than its current position to allow appropriate access for maintenance.

2.3.3 Visibility splays of 2.4m x 43m in accordance with Manual for Streets guidance can be achieved from each access point. A Temporary Traffic Regulation Order (TTRO) is proposed to protect the visibility splays and to allow a set down area for plant to be transferred immediately to site. This will temporarily reduce the space for informal on street parking.

2.3.4 Construction is expected to last up to 4 months (16 weeks), with 6 construction workers on site per day and a maximum of 10 HGVs per day arriving and the departing the site (typically 8-wheel rigid lorry - tipper), which will occur during the excavation phase. Following excavation the number of movements by HGVs will reduce. The largest vehicle would be an

articulated lorry which would deliver plant to site and would park on Lillington Avenue adjacent to the site and unload within the proposed TTRO.

2.3.5 A series of measures are proposed to manage and mitigate the impacts associated with construction vehicles and construction workers. This includes dedicated HGV vehicle routing (via Lillington Avenue and Kenilworth Road towards the A46), delivery booking system, travelling where possible outside of peak hours (including school peak), muck control, and encouraging car sharing.

2.3.6 During operation, the level of movements to and from the site is likely to be negligible and limited to maintenance vehicles, typically by panel van or similar, with quarterly (every 3 months) maintenance visits expected, if required.

2.3.7 Given, the limited scale of and time period for construction; that appropriate access can be delivered to and from the site; and, that a series of measures will be put in place to manage any construction impacts, it is considered that no severe impacts will arise from the proposed development and that there is no reason on transport and highways grounds for refusal.

2.4 Construction and Works Methodology

2.4.1 The proposed construction of both the temporary and permanent accesses are anticipated to last approximately six weeks in duration, commencing in January 2024 and programmed to be completed by March 2024.

2.4.2 The temporary western access will be created for construction access only and will be reinstated like-for-like on works completion. To allow construction traffic to enter the Site safely, highway standard matting will be laid with an appropriate ramp installed for temporary access during construction.

2.4.3 Lillington Avenue is used frequently for parking and drop-off. To ensure this area of carriageway on Lillington Avenue is available consistently throughout construction, a temporary traffic regulation order (TTRO) will be applied for to facilitate the necessary space and visibility splays for safe access.

2.4.4 The eastern existing vehicular access will be widened for construction access and will act as a permanent access for machinery during construction as well as for future maintenance. To facilitate this, approx. 1m of boundary wall is to be removed to allow access for maintenance vehicles in the future (such as for jetting) and will also act as a locked shared access and a wider access point for machinery required to maintain the amenity grassland for the school.

2.4.5 The largest vehicle anticipated to serve the site is an eight-wheel rigid lorry, measuring 9.5m long x 2.6m wide. It is anticipated that all plant will be delivered on articulated lorries, offloaded on Lillington Avenue and driven onto Site via both accesses.

2.4.6 Vehicles on-site during construction only are likely to include:

- 2no. 25t 360-degree excavator(s)
- Eight-wheel lorries (muck away)
- Vibrating roller
- Articulated dump truck
- 9t Dumper
- Smaller vans for site operatives
- Car for the site manager

2.4.7 Security features including security fencing, gated access as well as manned security will be available throughout construction to maintain a high-level of safety towards residents as well as construction workers.

2.4.8 Post construction, it is anticipated that HGV jetting machinery will be required for maintenance in the future.

2.4.9 Construction will take place Monday to Friday with construction traffic travelling where possible outside of peak hours (including school peak) with no planned weekend works. STWL are working closely with the School to ensure works are undertaken with minimal disruption to the school playing field.

2.4.10 To ensure there is minimal disruption for the school children at Milverton School, continuous discussions have been undertaken with the Headteacher Matthew Fisher and associated agents, in regards to the appropriate sourcing of an alternative playing field in the local area in which the school children can utilise for recreational activities during the construction period and at the time of writing this statement is under final agreements.

2.4.11 STWL Communications Team with support from Dalcour Maclaren are undertaking the necessary prior communications with residential properties in the locality, including the residential flats adjacent to the playing field. Communication strategies include letter drops as well as hosting a community consultation event in the local area prior to works commencing. All health and safety best practice measures including height of vehicle, type and widths have been considered as part of the design parameters to ensure no adverse impact upon the adjacent residential building.

2.5 Warwickshire County Council Pre-application Advice

2.5.1 A formal pre-application advice request was submitted to WCC on the 14th June 2023 (Ref: Preapp0089) in order to discuss the proposed works in further detail, allowing WCC to input their advice and opinions as well as to agree on the necessary reports and surveys that would be required as supporting documents to the planning application. The pre-application consultation also allowed for the agreement of the planning strategy for this project.

2.5.2 Following DM's initial consultation with WCC in June 2023, a detailed response was received in July 2023, with David Cooper (Senior Planning Consultant) assigned as the dedicated planning officer to the pre-application advice request.

2.5.3 For context, the proposals subject to pre-application advice initially comprised both the accesses that are the subject of this full planning application, as well as the installation of an artificial pitch as a form of reinstatement of the school field. During the pre-application process and following feasibility discussions with both the planning officer and the school, the conclusion was drawn that the playing field should instead be reinstated on a like-for-like basis with grass seed to return to its original pre-works condition.

2.5.4 Due to the alteration to the originally planned reinstatement option, this application for full planning permission now only applies to the proposed accesses off Lillington Road.

2.5.5 During the pre-application engagement with WCC, it was agreed that the following additional surveys would be undertaken and submitted in support of the planning application:

- Preliminary Ecological Appraisal (PEA)
- Arboricultural Impact Assessment and Method Statement (AIA/AMS)
- Construction and Operational Traffic Management Plan (COTMP)
- Access, Design and Heritage Impact Assessment (HIA)

2.5.6 The pre-application process undertaken with WCC allowed STWL to demonstrate that best practice measures have been implemented throughout the design phase of the proposals. All necessary supporting surveys and mitigation measures have been considered and undertaken or implemented to ensure that there will be minimal impacts to the surrounding environment as a result of the development.

3 Environmental Planning Considerations

3.1 Ecology and Wildlife

3.1.1 The Site is not located within or adjacent to any European statutory sites such as Special Protection Areas (SPA's), Special Areas of Conservation (SAC's) or RAMSAR. Further, the Site is not located within or adjacent to a Site of Special Scientific Interest (SSSI). As such, the Site is not considered to be located within an environmentally sensitive location.

3.1.2 The Site currently comprises urban hardstanding, fencing, a mix of trees, species poor defunct hedgerow, boundary wall and borders amenity grassland. A Preliminary Ecological Appraisal (PEA) of the wider site, including the proposed accesses and working area, has been undertaken in April 2023 by Middlemarch, Appendix 1. This includes an evaluation of the potential presence of protected and notable habitats and species on and nearby the Site.

Badgers

3.1.3 The PEA notes that no evidence of badger such as setts, latrines, snuffle holes or mammal trails were identified during the desk study search within 1km and also during the field survey. As the majority of the Site is within existing hardstanding, it is therefore deemed unsuitable for badgers and the amenity grassland has very limited value for foraging. There is a low risk of badgers being impacted during construction, to reduce this risk further, all pipework will be capped overnight.

Otter, Water Vole and White-clawed Crayfish

3.1.4 The desk study returned no records of water vole or white-clawed crayfish and nine records of otter within 1km of the survey area. During the field visit, the Site was deemed unsuitable for otter, water vole or white-clawed crayfish and therefore is not a constraint to the proposed development.

Bats

3.1.5 The desk study returned records of at least seven bat species within 1km of the survey area. In addition, there are trees present within the survey area that may be suitable for bat roosting. Additionally, it has been determined that the school playing field adjacent to the works may be used by bats for foraging. To minimise the impact of the proposed development on bats, a Preliminary Bat Roost Assessment will be undertaken prior to any works commencing, additionally, construction will take place during normal daylight hours and no temporary lighting anticipated to facilitate construction.

Other Mammals

3.1.6 The desk study returned twenty-eight records of hedgehogs including within the survey area. Due to the potential for hedgehogs to use the scrub within the playing field for foraging and refuge as well as neighbouring gardens, all excavations and pipework will be capped overnight to minimise the risk of harm to the species.

Birds

3.1.7 The tree line within the red line boundary has the potential to be used by nesting birds. To minimise the risk to this protected species, construction is scheduled to start outside of bird nesting season (March-August inclusive). If construction encroaches upon bird nesting season, a suitably qualified ecologist (SQE) will supervise any vegetation removal if required.

Amphibians

3.1.8 There is no suitable habitat for amphibians to use for breeding on Site or within 250m of the Site. In addition, as the access works are to be contained within existing hardstanding and the underground storage system to be under the amenity grassland, both of which are considered suboptimal for amphibians and therefore the proposed development is not anticipated to impact upon the protected species.

Reptiles

3.1.9 The desk study returned records of three reptile species within a 1km radius of the Site. As aforementioned, as the access works are to be contained within existing hardstanding and the proposed underground storage system under amenity grassland, as these habitats are considered suboptimal for reptiles, no impacts on reptiles on the proposed works are anticipated.

Notable and Invasive Non-Native Species/Plants

3.1.10 The field survey did not record any notable or protected plant species within the survey area and no plant species included on Schedule 9 of Wildlife and Countryside Act 1981 (as amended) recorded.

3.1.11 In summary, in light of the above and supporting biodiversity report, due to the nature of the proposed development, it is not anticipated that the works will result in an adverse impact to ecology or biodiversity.

3.2 Arboriculture

3.2.1 The Site is not designated as an Ancient Woodland nor is it a protected woodland.

3.2.2 The Site borders Leamington Spa Conservation Area, where trees are afforded automatic protection. As such, an arboricultural survey in accordance with BS5837:2012 has been undertaken at the Site by Ligna Consultancy in September 2023 intended to support this planning application and to provide appropriate mitigation measures to be applied throughout construction, Appendix 2.

3.2.3 For clarity, no trees within Leamington Spa Conservation Area are to be removed to facilitate the proposed accesses off Lillington Avenue.

3.2.4 The line of pavement trees that border the Site along Lillington Avenue have been classified as Category B1 mature large leaved lime trees. In light of this, both site entrances have been carefully designed so to minimise the impact upon the street trees and subsequently the Conservation Area's character or setting.

3.2.5 The location of western access has been determined so to remain outside of the Root Protection Areas (RPA's) and to minimise the impact upon the Cat B1 trees. To facilitate this access, it has been advised that a crown lift of the tertiary branches and tips of 2 southwestern most trees within G2 will be required to allow for sufficient 4.5m clearance. Additionally, a section of G1 trees identified as a 'sparce group of saplings' along the inside of the fence line, outside of the Conservation Area boundary, will require removal and it is not deemed necessary to replant due to the low value of the group.

3.2.6 The eastern access will utilise the existing access to Site and therefore it is considered that any perceived impact on the individual easternmost G2 tree is deemed non existent due to the extensive existing hardstanding within the RPA. This tree identified will also require a crown lift of the tertiary branches to allow for sufficient clearance with the ground. Additionally, similarly to the western access, a section of G1 will require removal outside of the Conservation Area boundary. It is also considered low value and therefore does not require offsetting.

3.2.7 As aforementioned, both accesses have been carefully designed to minimise the impact on the trees within the Leamington Spa Conservation Area boundary and their setting. Any proposed works to the trees, including the crown lift of specific G2 trees will be applied for through a separate Section 211 application in conjunction to this planning application.

3.2.8 Additional protection measures to trees outside of the Conservation Area within the school playing field include:

- Crown lift of tertiary branches and tips to provide sufficient clearance.
- Relocation of topsoil storage area so to not compact soil on top of RPA's.

- Area for vehicle hardstanding must utilise a no-dig system, track mats with a base layer of woodchip below would be a suitable option.

3.2.9 In summary, in light of the above, when considering the anticipated arboricultural impact from the construction activities within the proposed development Site, providing the suggested mitigation measures are implemented throughout construction, the proposed development's arboricultural impact is considered negligible.

3.3 Flood Risk and Surface Water Drainage

3.3.1 The Site is located entirely within Flood Zone 1, defined as land having less than 1 in 1000 annual probability of river or sea flooding. Therefore, any development in this location is considered compatible and appropriate in terms of flood risk. Additionally, as the proposed development does not exceed 1ha in size, a Flood Risk Assessment is not deemed necessary to support the planning application in this instance.

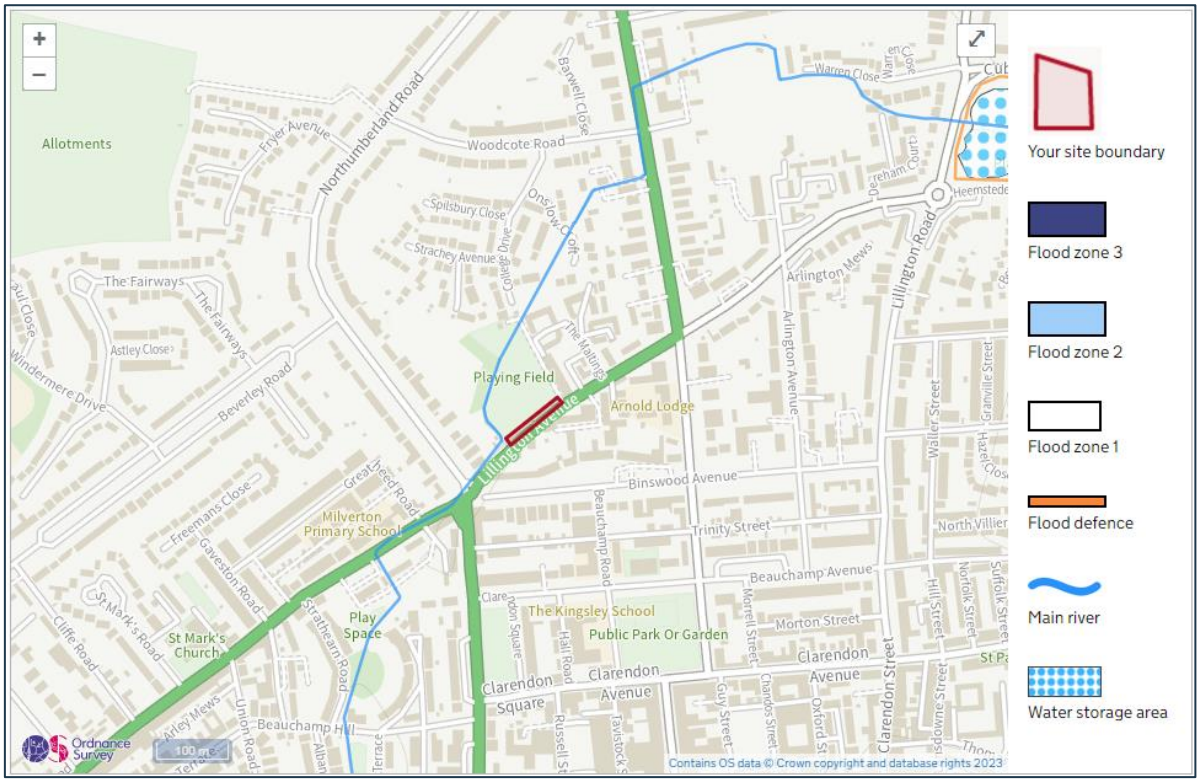

Figure 4: Mapping taken from the Environment Agency depicting the Site in relation to nearby Flood Zones and EA Main Rivers, Environment Agency, 2023.

3.3.2 The Site is located in an area identified as being at low risk from surface water flooding. As the proposed accesses will be graded in stone, the size and scale of the proposed development will not significantly increase the impermeable area above the existing and therefore, will not increase surface water runoff from the defined area. There are also no known surface water flooding issues associated with the site area and the Site is bordered by both

amenity permeable grassland and Lillington Road, both of which will direct surplus runoff to soakaway as per the existing natural drainage conditions.

3.3.3 An Environment Agency (EA) statutory main river runs c. 18m to the west of the proposed western access, due to the nature of the proposed development and the sufficient separation, it is not anticipated that the river will be impacted by the proposed development.

3.3.4 The Site is additionally not located within a Groundwater Source Protection Zone.

3.4 Archaeology and Heritage

3.4.1 The Site is not located within a Registered Park and Garden nor are there any Scheduled Monuments or Listed Buildings within close proximity to the Site.

3.4.2 The Site is however bordered by Leamington Spa Conservation Area, due to this sensitivity in regards to the Conservation Area, this planning application is supported by a Design, Access and Heritage Impact Assessment (HIA), undertaken by Dalcour Maclaren, Appendix 3.

3.4.3 The assessment, undertaken following guidance published by Historic England, has assessed the potential impact of the proposed works on Lillington Road and the Leamington Spa Conservation Area.

3.4.4 It has been established that the permanent widening of an existing access point and the creation of a temporary access point (which will be reinstated on a like-for-like basis once construction is complete), will have limited physical and visual impact, and will not detract from the quality of the Conservation Area (CA) as a whole.

3.4.5 In order to further limit the harm on the identified heritage assets as a result of the proposals, the following is recommended:

- Any bricks removed will be reinstated like-for-like and a record of condition will be taken of the wall in advance of the works commencing, therefore resulting in no harm or loss to the CA.
- Undertake sensitive reinstatement of the working area as previous to minimise visual and physical impact to the CA as a whole;
- Produce a photographic record of condition before and after the works to cover liability.

3.5 Public Rights of Way

3.5.1 There are no Public Rights of Way (PRoW) in close proximity to the proposed development and therefore does not pose a constraint to the development. The pavement adjacent to the brick boundary wall will be

temporarily diverted under agreement with Highways to maintain safe access throughout construction.

3.6 Highways and Traffic

3.6.1 As aforementioned, a COTMP has been undertaken by Evoke Transport in September 2023, Appendix 4, to support this planning application.

3.6.2 The supporting statement aims to ensure that construction workers are organised and the proposed works are delivered in a manner that ensures safeguarding the potential highway impact, highway safety and amenity of the Site keeping the best interest of the surrounding area and neighbouring properties, ensuring minimal disturbance and disruption during and post construction.

3.6.3 It has been concluded, due to the nature and scale of the proposed works off Lillington Road and the associated time period for construction, providing the necessary mitigation measures to manage any construction impacts are implemented, it is considered that no severe impacts are anticipated and that there is no reason in regards to transport and highways for refusal of the planning application.

3.7 Noise, Dust and Odour

3.7.1 The proposed development is unlikely to result in any significant permanent adverse impacts on the surrounding environment, including visual, air quality and noise. During construction there may be minimal impacts to noise and traffic, however these will be temporary in nature and compliant with the COTMP during agreed construction operating hours. Upon works completion, the development is not anticipated to cause any significant increase in noise, odour, pollution or traffic and there will be very infrequent future maintenance visits when required. Appropriate agreed mitigation measures and best practice measures will be implemented where appropriate to ensure this.

4 Planning Policy Review

4.1 Environmental Impact Assessment Review

4.1.1 The proposed development is not considered to be Schedule 1 or 2 development as set out under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (hereafter the 'EIA Regs'). The proposed development does not match any of the descriptions in either Schedule 1 or 2 of the EIA Regs and is also not considered to be located within a 'sensitive area' as defined by these regulations.

4.2 Water Industry Act 1991

4.2.1 The Water Industry Act 1991, which replaced the Water Act 1989, sets out key powers and duties held by a water and sewerage undertaker.

4.2.2 STWL are a regulated sewerage undertaker with statutory responsibilities for providing and maintaining an efficient sewerage system as set out under Section 94(1) of the Water Industry Act 1991 (as amended), STWL must:

"It shall be the duty of every sewerage undertaker—

a) to provide, improve and extend such a system of public sewers (whether inside its area or elsewhere) and so to cleanse and maintain those sewers [and any lateral drains which belong to or vest in the undertaker] as to ensure that that area is and continues to be effectually drained; and

b) to make provision for the emptying of those sewers and such further provision (whether inside its area or elsewhere) as is necessary from time to time for effectually dealing, by means of sewage disposal works or otherwise, with the contents of those sewers."

4.2.3 As a statutory sewerage undertaker, STWL must, under the above act, provide for the disposal of trade effluent and maintain the sewerage system to ensure it continues to meet its statutory responsibilities and its obligations.[1]

4.2.4 As a part of their statutory responsibility as a statutory sewerage undertaker; STWL must ensure that the wider environment is protected by undertaking this activity in a sustainable matter.

4.2.5 The proposed development which provides access for STWL to install upgrades to the existing sewerage system will allow STWL to adhere to their statutory duties as a statutory sewerage undertaker as set out in the WIA.

[1] In accordance with section 2(3) of the Water Industry Act 1991 (as amended) the regulator has a duty to ensure that the activities of utility companies are performed "...in the manner...best calculated to contribute to the achievement of sustainable development".

4.3 National Planning Policy Framework (NPPF) (2023)

4.3.1 The National Planning Policy Framework, which was first published in March 2012 and most recently amended in September 2023, sets out the Government's planning policies for England and how these should be applied in planning decisions. Additionally, it sets out that planning law requires that applications for planning permission be determined in accordance with the local development plan, unless material considerations indicate otherwise. The paragraphs within the NPPF of most relevant to this planning application are given below:

4.3.2 Paragraphs 11 states:

"Plans and decisions should apply a presumption in favour of sustainable development… all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure…"

4.3.3 Within Section 2, 'Achieving Sustainable Development', paragraph 8 highlights the three overarching objectives of the planning system in order to achieve sustainable development, stating that:

"[the overarching objectives] are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gain across each of the different objectives): a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure".

4.3.4 Part C of paragraph 8 refers to 'an environmental objective' and highlights the need for development to make an effective use of land and to minimise waste and pollution.

4.3.5 Paragraph 130 states:

"Planning policies and decisions should ensure that developments:

a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) Are sympathetic to local character and history, including the surrounding built environment and landscape setting;

c) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials…"

4.4 Warwick District Council Local Plan (2011-2029)

4.4.1 Strategic Policy DS3: Supporting Sustainable Communities states:

"The Council will expect development that enables new communities to develop and sustain themselves. As part of this, development will provide for the infrastructure needed to support communities and business including; physical infrastructure (such as transport and utilities)"

4.4.2 The proposed development is required to facilitate the construction and maintenance of an underground storage system located at Milverton School playing fields. The construction will increase the storage capacity on the existing sewage network, therefore allowing STWL to meet future demand as a result of the growing population in the local area.

4.4.3 Policy FW4: Water Supply states:

"In accordance with the Water Framework Directive's objectives, development must not affect the waterbodies' ability to reach good status or potential as set out in the River Severn Basin Management Plan (RBMP)."

"Wastewater problems originate from infrastructure associated with the water industry and private domestic facilities, including poorly maintained septic tanks and package sewage treatment plants. Although sewage treatment within the catchment has improved significantly over recent years, further investment, together with new technologies co-ordinated with action on other phosphate sources, is needed to meet the required river standards."

4.4.4 The development is required in association with the wider 'Green Recovery Bathing Rivers' programme which aims to improve water quality within watercourses throughout Warwickshire. This proposal specifically focusses on the River Leam. Allowing access to the proposed sewage storage system will contribute towards the improvement of water quality in the River Leam by reducing the number of spills during storm events. Additionally, introducing a new wastewater storage utility and a new access in this location will accord with Policy FW4: as it will reduce the need for poorly maintained wastewater infrastructure by keeping up with modern and innovative design and will assist with meeting the required river standards.

4.4.5 Policy HE1: Designated Heritage Assets and their setting states:

"Development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

In considering applications relating to … conservation areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of … the conservation area."

4.4.6 The proposed development is bordered by Leamington Spa Conservation Area, with the boundary wall to which this planning application relates forming the Conservation Area boundary. In order to construct the temporary access off Lillington Road, temporary and permanent (approx. 1m) removal of the boundary wall will be necessary. Any bricks removed, for the exception of approx. 1m to the east, will be reinstated on a like-for-like basis following the completion of the works. Therefore, as the proposed development will only have a minimal impact on the designated asset and the public benefits from the permitted development element of the proposals clearly outweigh the temporary harm, it is proposed that the works will accord with Policy HE1.

4.4.7 Policy BE1: Layout and Design states:

"New development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals will be expected to demonstrate that they:

l) incorporate necessary services and drainage infrastructure without causing unacceptable harm to retained features including incorporating sustainable water management features;

n) make sufficient provision for sustainable waste management … without adverse impact on the street scene, the local landscape or the amenities of neighbours

The Council is keen to encourage development solutions that will embrace sustainable planning objectives in order to bring forward positive impacts on the environment."

4.5 Warwickshire Waste Core Strategy – Adopted Local Plan (2013-2028)

4.5.1 Policy DM6: Flood Risk and Water Quality states:

"Planning permission will not be granted where waste management proposals would be at risk of flooding or would be likely to increase the risk of flooding elsewhere

Planning permission will not be granted where waste management proposals would have a detrimental effect on water quality or achieving the targets of the Water Framework Directive"

4.5.2 Policy DM8: Reinstatement, restoration and aftercare:

"Planning permission for waste management uses in the open, and development associated with such uses, will not be granted unless satisfactory provision has been made for high quality reinstatement or restoration of the site and the long-term management of its after use.

4.6 Planning Policy Appraisal

4.6.1 The proposals outlined within this planning statement include for the temporary construction of an access to Milverton School playing field and the permanent enlargement of the existing vehicular access off Lillington Road, Leamington Spa. The works are required to facilitate access to a proposed underground sewerage storage system. The storage system will separate surface water flows that currently discharge into the existing combined sewer system, and thus contribute towards significantly reducing the number of sewage spills into the River Leam from several CSO's in Leamington. Increasing storage capacity on the network and reducing the number of spills into the River Leam therefore accords with Policy DM8 of the Warwickshire Waste Core Strategy.

4.6.2 The Site is not located within an environmentally sensitive location. Additionally, a Preliminary Ecological Appraisal and an Arboricultural Survey have been undertaken at the Site prior to works commencing, both of which are submitted to support the planning application.

4.6.3 As the Site borders Leamington Spa Conservation Area, a Heritage Impact Assessment has been written in support of this planning application. As aforementioned, it has been established that the permanent widening of an existing access point and the creation of a temporary access point (which will be reinstated on a like-for-like basis once construction is complete), will have limited physical and visual impact, and will not detract from the quality of the Conservation Area (CA) as a whole.

4.6.4 Any bricks removed to facilitate the proposals will be reinstated like-for-like following the works, with the exception of approx. 1m to the east, and therefore will be in setting with the surrounding area, therefore, resulting in negligible harm or loss to the designated heritage asset thus according with Policy HE1 of Warwick District Council Local Plan.

4.6.5 The proposed access at the Site is key to allow for the construction and maintenance of the essential underground storage system, which in itself is permitted development under Part 13 B(a) of the GPDO. The construction of the underground storage system will increase the storage capacity on the network to therefore meet the high demands of future populations within

the local community, therefore, according with Policy DS3 of Warwick District Council Local Plan.

4.6.6 The NPPF states that there are three objectives of sustainable development: economic, social and environmental. The proposal fulfils each objective in the following ways:

Economic: The proposal will provide access to an underground storage system which will reduce the sewage discharge into the watercourse, thus improving it. It will also encourage the public to support local businesses such as fishing spots and water sport facilities. Additionally, by improving the local sewer network and making it fit for purpose and increasing efficiency, this will reduce the need for STWL to increase costs to customers.

Social: The proposal, facilitating access to the underground infrastructure, will allow for the reduction in the level of spill pollution into the River Leam. This in turn will allow the public to make use of the watercourse for recreational activities without the health risks currently associated, benefitting both visitors and local residents.

Environmental: The proposal will allow access to underground utility infrastructure, therefore beneficial to the local environment by reducing the pollution within the River Leam and reducing potential flood risk from the sewer network as a result of exceeding storage capacity.

4.6.7 In view of this, it is considered that the proposals can fulfil the sustainable development principles outlined with the NPPF.

5 Conclusion

5.1.1 This planning application covers the construction of a new temporary access (western) and the permanent widening of an existing vehicular access (eastern) off Lillington Avenue, required in connection with the proposed underground sewerage storage system, which is essential to reduce the number of sewage discharge events into the River Leam.

5.1.2 This statement and technical assessments provided alongside the application, demonstrate that the proposed development accords with both national and local planning policy and guidance.

5.1.3 The proposal takes into account the impact to Lillington Avenue and the local highway network and given the location and temporary nature of the proposals required during construction, can be demonstrated that there will be no significant impact to the highways network and the works will be completed in line with consultation with Warwickshire Highways Authority.

5.1.4 Additionally, the proposal takes into account the negligible impact towards Leamington Spa Conservation Area and is supported by a Heritage Impact Assessment with an appropriate methodology to ensure minimal impact upon the designation. It has been established that the permanent widening of an existing access point and the creation of a temporary access point (which will be reinstated on a like-for-like basis once construction is complete), will have limited physical and visual impact, and will not detract from the quality of the CA as a whole.

5.1.5 Due to the nature and the scale of the proposed development, it is anticipated that there will be minimal environmental and amenity impact and conforms to local policy for set design criteria. The planning application is also supported by a Preliminary Ecological Appraisal (PEA) and Arboricultural Impact Assessment/Protection Scheme.

5.1.6 A COTMP has also been undertaken to support this planning application. Given the limited scale of and time period for construction; that appropriate access can be delivered to and from the site; and, that a series of measures will be put in place to manage any construction impacts, it is considered that no severe impacts will arise from the proposed development and that there is no reason on transport and highways grounds for refusal.

5.1.7 The impact of the proposed development is not predicted to result in any increase in flood risk to third-parties.

5.1.8 The proposals do not result in an adverse impact upon any environmental designations or have any significant environmental impacts during construction, operation and during future maintenance.

5.1.9 Additionally, continuous consultations with the school have taken place throughout optioneering to ensure that that a sufficient alternative playing field for recreational activities has been agreed to ensure minimal disruption and reduce any potential temporary loss of recreational land for school children as a result of the construction.

5.1.10 As such, in light of providing access to an underground sewerage storage system that is designed to reduce the number of sewerage discharge events into the River Leam, the proposed development can be considered a sustainable development. As such, it is afforded material planning weight under the presumption in favour of sustainable development under Paragraph 11 of the NPPF.

5.1.11 In view of the information provided within this statement, there are no material reasons why planning permission should not be granted.

DALCOUR MACLAREN

Midlands
4 Bredon Court
Brockeridge Park
Twyning
Gloucestershire GL20 6FF

T: 01684 217 703
E: info@dalcourmaclaren.com
E: EPTeam@dalcourmaclaren.com

dalcourmaclaren.com