

SUPPLEMENTAL REPORT:

Proposed development: Full Planning Application (Regulation 4) for Construction of industrial units, use class B2, B8, E(g) iii including trade counter

Site address:

**Land on Corner of Carl Fogarty Way and Thornley Avenue
Blackburn**

Applicant: Inceptum2 Management Limited

**Ward: Little Harwood & Whitebirk Councillors: Mustafa Desai
Sonia Khan
Abdul Patel**



1.0 SUMMARY OF RECOMMENDATION

1.1 **APPROVE** subject to the conditions set out within section 4 of this report

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 This application was originally before the May 25th 2022 Planning and Highways Committee, in accordance with the Scheme of Delegation, as the proposal fell under Regulation 4 of the Town and Country Planning Regulations 1992.

2.2 The May 2022 approval was subject to planning conditions and the completion of a section 111 agreement to secure a contribution towards off-site highway works. The legal agreement has yet to be completed and as a consequence the applicant is now seeking to address drainage issues in order to avoid the application of pre-commencement conditions, as the formal decision notice has not been released. On that basis this report should be considered a supplemental report to that previously considered by Members.

2.3 The proposal remains in accordance with the Council's development plan, which supports new commercial developments and associated works within the defined urban boundary, provided they constitute sustainable development and accord with the development plan when taken as a whole.

2.4 The proposal is also satisfactory from a technical point of view, with all issues relative to the assessment having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.

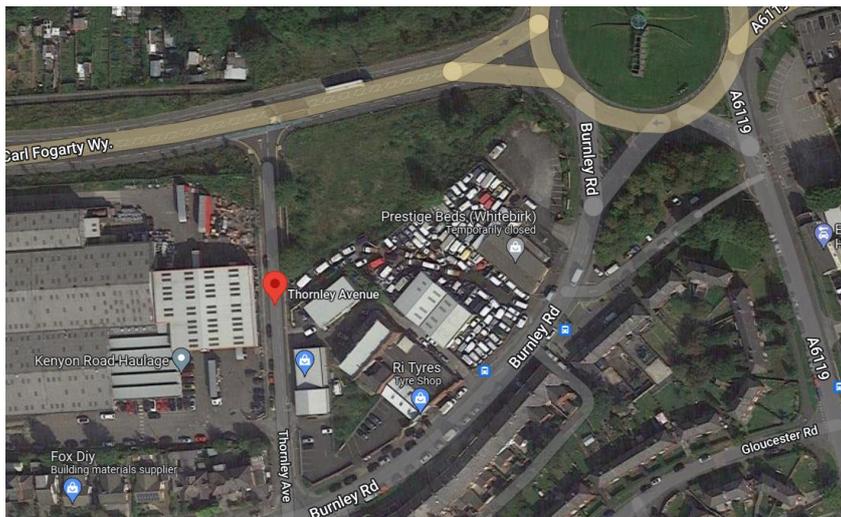
3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is positioned within the urban boundary in a Primary Employment Area, as defined on the adopted policies map. The site is located to the south of Carl Fogarty Way at the junction of Thornley Avenue. Commercial and industrial uses bound the southern and eastern edge of the site and further to the west.

3.1.2 The site is irregular in shape, with a gross area of 0.32 hectares. Currently free from development, the site is predominantly covered with low grade vegetation. An existing gated vehicular access point links the land to Thornley Avenue.

3.1.3 Satellite image and site photographs:



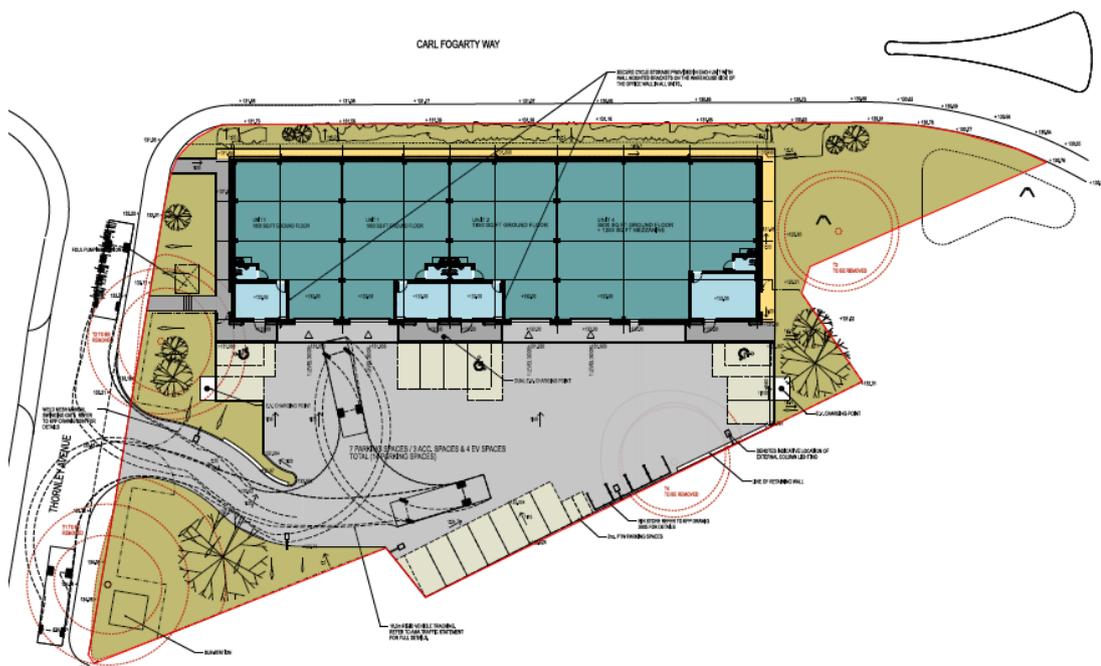
3.2 Proposed Development

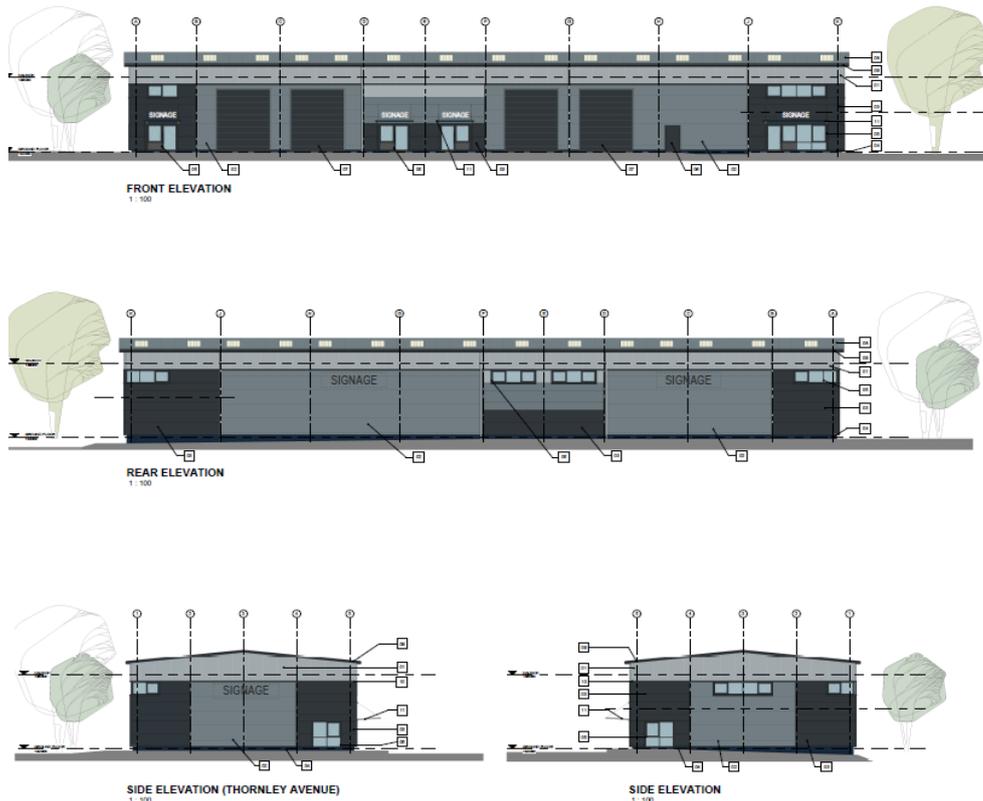
3.2.1 Full planning approval is sought for the redevelopment of the site to provide for a new two storey building with associated parking, servicing yard and new

vehicular access. The new building will accommodate 4no. commercial units with a cumulative floor area of 956m². As a speculative development the proposal seeks a flexible use arrangement supporting use classes B2, B8 and E(g)(iii).

3.2.2 The new building measures approximately 55m x 17.5m and is to be constructed with a pitched roof with a maximum ridge height of approximately 8m. The main walling will be a mix of grey coloured composite metal cladding, whilst the roof will be profiled metal roofing sheets. Detailing is to match. The new building will be massed towards the northern edge of the site, effectively shielding the new service yard and parking area from open views from Carl Fogarty Way. The development will be serviced by a replacement vehicular access/egress on to Thornley Avenue, with additional pedestrian links to Carl Fogarty Way. The scheme is complimented by areas of landscaping to the north, west and eastern periphery.

Extract from submitted amended site plan received 23rd August 2022:





Extract from submitted proposed elevations drawing received 19th January 2022:

3.3 Development Plan

3.3.1 Section 38 (6) of the Planning and Compulsory Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3.2 The 'Development Plan' comprises the adopted Core Strategy DPD (2011) and adopted Local Plan Part 2 – Site Allocations and the Development Management Policies (2015). The following policies are considered relevant in assessment of the proposed development;

3.3.3 Core Strategy

- Policy CS1 – A Targeted Growth Strategy
- Policy CS11 – Facilities and Services
- Policy CS16 – Form and Design of New Development
- Policy CS22 – Accessibility Strategy

3.3.4 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (NPPF) (July 2021)

The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. The following sections of the Framework are considered to be of particular relevance to the assessment of the proposal:

- Section 2: Achieving Sustainable Development
- Section 6: Building a Strong, Competitive Economy
- Section 9: Promoting Sustainable Transport
- Section 12: Achieving Well-Designed Places

3.5 Assessment

3.5.1 Principle of Development

Policy 1 of the Local Plan and CS1 of the Core Strategy identifies the preferred location for all new development to be within the defined Urban Boundary, which the site is situated within.

3.5.2 The site is within a 'Primary Employment Area' as defined on the adopted policies map. Policy 4 indicates in such locations that planning permission will be granted for development falling within use classes B1, B2 and B8, providing there is no conflict with the overall function and developability of the area. Members should note that when allowing for the 2020 amendments to the Use Classes Order, which replaced use class B1 with sections of the newly formed class E(g), the current proposal remains consistent with Policy 4

3.5.3 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

3.5.4 Flood Risk / Drainage:

The initial approval by Members at the May 2022 Planning and Highways Committee, was subject to two planning conditions relating to drainage. They were;

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This

investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water discharging to the public surface water sewer, the rate of discharge shall be restricted to 5 l/s;*
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;*
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and*
- (v) Foul and surface water shall drain on separate systems.*

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and*
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.*

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

REASON: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

3.5.5 The applicant has since made progress on drainage design and is therefore seeking to avoid the above conditions. The applicant's drainage consultant has summarised the current proposals as follows;

- Previously the scheme went to planning on the basis of drawing reference '20327-100 (T1) Drainage Strategy' – This drawing proposed

3.5.6 The Lead Local Flood Authority have offered no objection to the revised details, advising;

“The revised drainage proposals are acceptable, but it is recommended that the surface water crossing Council land to the canal should be conveyed in an underground pipe rather than flowing over surface. This would be subject to approval from the Canal and River Trust”.

3.5.7 The Canal and River Trust have offered no initial objection to the intention to discharge surface water in to the canal, advising;

“The Trust have been in discussion with the applicant in relation to accepting surface water drainage from the site to the canal, this is currently being reviewed under our mandatory process, but in principle these arrangements would be acceptable. This is subject to an agreement being reached with the applicant on accepting discharge to the canal and all related works being carried out in accordance with the Trust’s Third Party Works Code of Practice. This process would not prohibit planning permission from being granted, however if for any reason an agreement cannot be reached then alternative drainage arrangements would be required. We welcome that foul waste would be drained separately to the main sewer, we would not accept any new foul waste connections (treated or otherwise) into the canal”.

3.5.8 Consequently, the proposed surface water drainage proposals are considered to be satisfactory, subject to the third party agreements being obtained from the Canal and River Trust. That process is separate to the planning process and need not delay the planning decision making process.

3.5.9 United Utilities have reviewed the submitted revised drainage strategy and confirm the details are acceptable, and recommend the following conditions to be imposed:

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 20327, Rev T3, dated 8th August 2022. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policy 9 of the adopted Blackburn With Darwen Borough Local Plan Part 2.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a) *Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and*
- b) *Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.*

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

REASON: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with Policy 9 of the adopted Blackburn With Darwen Borough Local Plan Part 2.

3.5.10 Other Matters: The revised drainage solution has a knock-on effect to the foundation and retaining structure design. The impact of this is that the category C tree that previously abutted the eastern gable of the new building will be lost. Members are advised that the tree is self-seeded and its loss is adequately compensated by the submitted landscape proposals, which are controlled via condition 4 (as set out in section 4.1). On that basis the proposal remains consistent with the requirements of Policy 9.

4.0 RECOMMENDATION

4.1 Approve subject to;

(i) **Delegated authority is given to the Strategic Director of Growth and Development to approve planning permission, subject to an agreement under Section 111 of the Local Government Act 1972, relating to the payment of £12,000 towards off-site highway improvements; Payments are to be made prior to commencement of development, and**

(ii) **The following conditions;**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.
REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004
2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Amended Site Plan, 2297_2001 revision C, received 23rd August 2022
Proposed Elevations, 2297_2003, received 19th January 2022
Landscape Plan, PWP.579.001 revision 02, received 19th January 2022
Fencing and Gates, 2297_2004, received 19th January 2022
Bin Store, 2297_2005, received 19th January 2022.

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The exterior of the dwellings hereby approved shall be constructed in accordance with the material schedule detailed on drawing no. 2297_2003, received 19th January 2022.

REASON: To ensure that the external appearance of the development is satisfactory; in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

4. The development hereby approved shall be implemented in strict accordance with the landscaping scheme detailed on drawing PWP.579.001 revision 02, received 19th January 2022.

Trees and shrubs shall be planted on the site in accordance with the approved details during the first available planting season following completion of the works, and thereafter retained. Trees and shrubs dying or becoming diseased, removed, or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and / or shrubs.

REASON: To ensure that there is a well laid scheme of healthy trees and shrubs in the interests of amenity in accordance with Policies 9, 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

5. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 20327, Rev T3, dated 8th August 2022. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policy 9 of the adopted Blackburn With Darwen Borough Local Plan Part 2.

6. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and

- b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

REASON: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development in accordance with Policy 9 of the adopted Blackburn With Darwen Borough Local Plan Part 2.

7. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site; in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

8. Prior to commencement of the development hereby approved, a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - I) the parking of vehicles of site operatives and visitors
 - II) loading and unloading of plant and materials
 - III) storage of plant and materials used in constructing the development
 - IV) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - V) wheel washing facilities
 - VI) measures to control the emission of dust and dirt during construction
 - VII) a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties, in order to protect the visual amenities of the locality and to comply with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

- 9 The removal of vegetation from the site shall be conducted outside the bird nesting season (March to August) or within 48 hours of a suitably qualified ecologist having confirmed the absence of any nests. If present, any nests must be protected from works until they are no longer in use.

REASON: To safeguard biodiversity interests, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

10 The use of the premises hereby approved shall be limited to between the hours 07:00 to 21:00, daily.

REASON: To ensure that noise from the development does not give rise to a loss of residential amenity to neighbouring residents, in accordance with Policy 8 of the Blackburn with Darwen Local Plan Part 2.

11. Notwithstanding the submitted details, no development shall occur until a revised site layout drawing has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the following;

- Provision of PTW parking
- Relocation of pedestrian access route within the north west corner of the site
- Relocation of vehicular access gate a minimum of one car length in to the site.

The development shall be in accordance with the agreed details and thereafter retained.

REASON: In the interests of the safe, convenient and efficient movement of all highway users, in accordance with the requirements of Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

12 The construction of the development hereby permitted shall only take place between the hours of 07:30 and 18:00 Monday to Friday, 07:30 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.

REASON: To protect the amenity of residents, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Prior to the commencement of development hereby approved, the developer must:

- a. submit proposals for additional gas monitoring, according with the gas generational potential of the site and end use, to the Local Planning Authority for written approval;
- b. once the proposals described at (a) have been approved by the Local Planning Authority, the additional gas monitoring shall be implemented and the findings submitted to the Local Planning Authority for approval, including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas); and
- c. if unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the Local Planning Authority.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

14 Prior to the occupation of the development hereby approved, two copies of a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

10/88/2077 – Erection of showroom and new perimeter fence.

6.0 CONSULTATIONS

Public Consultation: A site notice has been displayed. No representations have been received.

Lead Local Flood Authority: The revised drainage proposals are acceptable, but it is recommended that the surface water crossing Council land to the canal should be conveyed in an underground pipe rather than flowing over surface. This would be subject to approval from the Canal and River Trust.

Canal and River Trust: We can advise that the Trust have been in discussion with the applicant in relation to accepting surface water drainage from the site to the canal, this is currently being reviewed under our mandatory process, but in principle these arrangements would be acceptable. This is subject to an agreement being reached with the applicant on accepting discharge to the canal and all related works being carried out in accordance with the Trust's Third Party Works Code of Practice. This process would not prohibit planning permission from being granted, however if for any reason an agreement cannot be reached then alternative drainage arrangements would be required. We welcome that foul waste would be drained separately to the main sewer, we would not accept any new foul waste connections (treated or otherwise) into the canal.

United Utilities:

United Utilities wish to make the following comments regarding the proposal detailed above.

DRAINAGE

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

CONDITION:

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 20327, Rev T3 -Dated 08/08/2022 which was prepared by Dudleys. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

The applicant can discuss any of the above with Developer Engineer, Ashleigh Bellerby, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewers for Adoption and United Utilities' Asset Standards'. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. You may find the condition below a useful example.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. *Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and*
- b. *Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.*

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

WATER AND WASTEWATER SERVICES

If the applicant intends to receive water and/or wastewater services from United Utilities, they should visit our website or contact the Developer Services team for advice. This includes seeking confirmation of the required metering arrangements for the proposed development.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.

If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.

To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' section below.

UNITED UTILITIES PROPERTY, ASSETS AND INFRASTRUCTURE

Water pipelines

United Utilities will not allow building over or in close proximity to a water main.

Wastewater pipelines

United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances. *Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities (see our website for further details).*

Advice relating to both water and wastewater infrastructure

It is the applicant's responsibility to demonstrate the exact relationship between United Utilities' assets and the proposed development. Developer's should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.

Any agreement to divert our underground assets will be subject to a diversion application, made directly to United Utilities. This is a separate matter to the determination of a planning application. We will not guarantee, or infer acceptance of a proposed diversion through the planning process (where diversion is indicated on submitted plans). In the event that a diversion application is submitted to United Utilities and subsequently rejected (either before or after the determination of a planning application), applicants should be aware that they may need to amend their proposed layout to accommodate United Utilities' assets.

Where United Utilities' assets exist, the level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

Any construction activities in the vicinity of United Utilities' assets must comply with national building and construction standards and where applicable, our 'Standard Conditions for Works Adjacent to Pipelines'. This includes United Utilities' assets which may be located outside the applicant's red line boundary.

The applicant or developer should contact our Developer Services team for advice if their proposal is in the vicinity of water or wastewater pipelines and apparatus. It is their responsibility to ensure that United Utilities' required access is provided within their layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity. Please see 'Contacts' section below.

Property Searches (for asset maps):

A number of providers offer a paid for mapping service including United Utilities. For more information, or to purchase a sewer and water plan from United Utilities, please visit <https://www.unitedutilities.com/property-searches/>

Water and sewer records can be viewed for free at our Warrington Head Office by calling 0370 751 0101. Appointments must be made in advance. Public sewer records can be viewed at local authority offices. Arrangements should be made directly with the local authority.

The position of the underground apparatus shown on asset maps is approximate only and is given in accordance with the best information currently available. United Utilities Water will not accept liability for any loss or damage caused by the actual position being different from those shown on the map.

We request that a copy of this letter is made available to the applicant.

Yours faithfully

The Planning, Landscape and Ecology Team

7.0 CONTACT OFFICER: Martin Kenny, Principal Planner

8.0 DATE PREPARED: 2nd September 2022.