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**Report of the Chief Planning Officer**

**CITY PLANS PANEL**

**Date:** 26<sup>th</sup> June 2014

**Subject:** **POSITION STATEMENT: 14/02521/FU - Site remediation works (including prior extraction of coal, demolition of existing buildings, removal of hard standing, mine shafts and other below ground structures and reinstatement of ground) at the former Vickers Factory, Manston Lane, Leeds 15.**

**APPLICANT**

Bellway Homes Ltd (Yorkshire Div) and Zurich Assurance

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**Electoral Wards Affected:**

**Crossgates & Whinmoor**

Yes Ward Members consulted

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: For Members to note the contents of the report and to provide feedback on the questions raised in section 10.**

**1.0 INTRODUCTION:**

1.1 This position statement is intended to inform Members of the current position in relation to this remediation proposal, which includes the demolition of buildings, removal of contamination and hard standing, extraction of coal and removal of below ground structures, that supports a separate application concerning housing development (14/02514/OT). The scheme has been previously presented to Members of City Plans Panel of the 13<sup>th</sup> February 2014 at the pre-application stage.

## 2.0 PROPOSAL:

- 2.1 Site investigations have revealed that the Middleton Main coal seam underlies roughly 60% of the site at a shallow depth with an average seam thickness of 1.8m. Previous coal mining of the area has resulted in voids in the seam causing potential land stability issues. Remediation of the site must involve stabilisation works in addition to demolition, breaking up of the concrete and treating areas of contamination. The applicant proposes to stabilise the site by removing the coal, mine shafts and other below ground structures. The cuts would then be backfilled to their original levels with material arising from the site.
- 2.2 The re-development of the site requires demolition of existing buildings and treatment of contaminated areas. Application 14/02514/OT is the current re-development proposal for the site, which would have to deliver a remediation scheme if the coal was not to be extracted. The different remediation options are discussed in the Principle and Highways and Access sections of this report.
- 2.3 The site area measures approximately 20.2ha, which includes an area of trees on the northern boundary and the Barnsbow Sports and Social Club that are not subject of the site remediation works. The remediation operation covers an area of 16.94ha and involves demolishing existing modern single storey industrial buildings; 11.6ha of which would be excavated as part of the prior extraction of coal. The applicant anticipates that the demolition and clearing of the buildings would take approximately 14 weeks.
- 2.4 The Method Statement sets out that the area underlain by the Middleton Main would be remediated in one continuous phase. The extraction and ground stabilisation is proposed to take place in the form of box cuts (measuring approximately 25m) moving from west to east across the site during week 4. Groundwater and surface water has to be settled prior to discharge. To facilitate the development of the water treatment lagoons (located to the east of the site over cuts 30-33) prior extraction of cuts 30-33 would be completed first (in week 2). Once the coal is removed each box would be filled with the extracted overburden material (subsoil and other materials which lies over the coal) with a capping layer. The applicant anticipates that there is sufficient fill material on site to reinstate the site levels without the requirement to import material. The backfill material would be laid in 250mm layers and compacted by a vibratory roller. Once a small number of cuts are filled settlement monitoring would begin immediately, which is expected to be undisturbed by continuing extraction operations.
- 2.5 The coal is expected to be removed at a rate of 3,000 tonnes per week, which equates to 20 loads being removed per day and 40 HGV trips. In other words, rounding this up, three-two way trips per hour is anticipated. The applicant is proposing to limit the delivery of coal from the site to 7.30am-4.00pm Monday to Friday.
- 2.6 Extraction works would be limited by a 5m stand-off from the boundary of the permitted housing development to the west; approximately a 20m stand-off from Network Rail's operations in the south; and, no further north than the existing northern perimeter of the tank factory. The applicant is proposing to create a 3-10m high bund along the northern boundary from the overburden materials to provide a visual and acoustic screen. Close boarded wooden fencing/bund to be erected to a height of 4 metres along the western boundary and to a height of 3 metres along the northwest boundary.

- 2.7 Phase 1 of works incorporates site establishment, demolition of buildings, breaking up of hard standing, establishment of lagoons, treating contaminated areas and prior extraction. This is anticipated to take approximately 46 weeks. Phase 2 accounts for breaking up of the remaining concrete, treating contaminated areas, turning over of made ground, screening where necessary and re-compaction and demobilisation of the site. The applicant estimates this would take approximately 6 weeks. Therefore, in total, the remediation proposal should take approximately 1 year.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The development site is situated on the eastern fringe of Cross Gates, which is to the east of Leeds City Centre. The site is not identified/ allocated for a particular use in the Unitary Development Plan. A large industrial unit and several smaller properties currently occupy the site, which were associated with the Vickers Tank Factory. The majority of the site is currently vacant with the exception of a company using an area of the large industrial building for overflow storage. In 2002, permission was granted for a storage and distribution use. The site includes extensive areas of hard-surfacing, a tank test track and car parks. To the north-east of the site there is a currently a Sports and Social club that is intended to remain.
- 3.2 A tree belt partly demarcates the northern boundary with Manston Lane. The land falls away by approximately 2m from Manston Lane to the factory car park. The western most fifth of the original site was previously portioned off to Bellway Homes. A residential development is currently under construction there, known as The Limes. A non-definitive bridleway is situated along the north-eastern/eastern boundary.
- 3.3 Ben Bailey Homes are currently developing the land to the north of Manston Lane on the former Optare site. The land use immediately to the east of the Optare site (north of Manston Lane) is commercial in character. In addition to the residential properties being constructed adjacent to the western boundary and at the Optare site, there are a small number of established dwellings to the north (of Manston Lane) and east. The Manston Lane Farm complex is located to the north of Manston Lane, which includes a grade II listed Dovecote, with a public right of way located to the eastern boundary running north (Leeds 116). Grade II listed Lazencroft Farmhouse is situated further on to the east.
- 3.4 The Leeds-York railway line runs along the southern boundary of the application site with Thorpe Park and 'Green Park' beyond.

### **4.0 HISTORY OF NEGOTIATIONS AND RELEVANT PLANNING HISTORY:**

- 4.1 14/02514/OT: Hybrid application for outline application for up to 385 dwellings, retail development, associated site access, landscaping and site works; full application for 100 dwellings including site access, public open space and landscaping. Under consideration.
- 4.2 PREAPP/14/00080: Demolition of existing buildings, extraction of coal and construction of residential development.
- 4.3 12/05382/FU: Detailed Application for the Manston Lane Link Road (East - West Route). Approved on 28.10.2013

- 4.4 11/02315/RM: Reserved Matters Application for 129 houses and 19 flats. Approved on 02.12.2011
- 4.5 09/04999/OT: Outline application for residential (C3), employment (B1c), health centre (D1), foodstore (A1), ancillary uses (A1/A2/A3/A4), community building (A4/D2), associated car parking, landscaping and infrastructure. Pending decision. It is intended that this application would be withdrawn following the submission of the new hybrid residential application.
- 4.6 08/03440/OT: Outline application for partial redevelopment of the former Vickers tank factory for residential development. Approved on 16.03.2009
- 4.7 32/147/05/FU: Residential development involving 110 dwelling houses and 78 flats to former tank factory site. Refused on 02.05.2007.
- 4.8 32/374/01/FU: Change of use of former tank factory to B8 (storage and distribution). Approved on 26.07.2002

## **5.0 PUBLIC/LOCAL RESPONSE**

- 5.1 The application was advertised via site notice on the 16th May 2014 and in the Yorkshire Evening Post on the 29th May 2014. Correspondence from Cross Gates Watch Residents Association, 31 letters/emails of representation and 1 petition with 31 signatures from the Crossgates Art Group have been received. A standardised letter has been produced for members of the community to reproduce and sign; 248 copies of this have been received. The views expressed within the correspondence received can be summarised as the following:
- The applicant has not provided a strong argument for the removal of coal.
  - The extraction of coal would generate an unacceptable increase in traffic through the already congested centre of Crossgates and generating more pollution and hazards for the local community. Austhorpe Road can, at times, be completely gridlocked with a mixture of local residential and business traffic, Long's Haulage lorries, public transport buses and construction traffic from the new housing developments. The congestion appears to be getting worse, as families move into the newly constructed houses from Bellway and Ben Bailey. Furthermore, Austhorpe Road has one of the highest accident rates in West Yorkshire. Therefore, development should not commence until the Manston Lane Link Road (MLLR) is constructed.
  - The Vickers site is next to an operational railway line, from which a feasible direct freight train route from Cross Gates to Drax is available. A connection to the national network existed at this location until the 1980s (to service the former tank factory). If the planning committee are minded to allow removal of the coal by road, then the ONLY route acceptable would be by the MLRR to M1 junction 46, to junction 47, thence to the A1 avoiding the residential areas of Cross Gates, Colton and Garforth.
  - Converting one zebra crossing into a pelican/toucan is not adequate. The provision for cyclists travelling in this area is already inadequate and having extra-large trucks on the road will make it even more dangerous.

- The traffic lights at the intersection of Austhorpe Road and the Ring Road are timed in such a way that when on green only a few cars get through the intersection. Having extra-large vehicles on the road would make this worse and causing delay for those trying to gain access from side streets onto Austhorpe Road.
- Coal should not be extracted from this site as this is unnecessary, and totally unacceptable in the middle of a residential area. This opinion would be further strengthened if the extraction process involved the use of explosives.
- This proposal clearly is not environmentally acceptable (noise, dust and litter), practicable and feasible (in the sense of the economic and social benefits being markedly in excess of the economic and social costs) and we cannot see what the community benefits will be. No argument has been made for any community benefits.
- Demolition and the ground work would introduce further noise nuisance to local residents. The use of acoustic fencing is not effective.
- Remediation Strategy Method Statement sets out the heavy plant which will need to be brought in for the excavation process, including a 50-tonne dump truck and an 86-tonne excavator. It is possible some of the equipment would brought in and out of the site as and when needed. Machinery being brought in via Austhorpe Road, as well as the removal of the coal via Austhorpe Road is strongly objected to.
- Once the MLLR is in place, the remediation scheme should reinstate existing ground levels and be conditioned appropriately to ensure this is the case to avoid problems for new residents.
- Starting work at 0730 within a residential area is early and working till 1800 equates to a long day that residents would have to suffer from dust and so on. Would the developer be seeking to work bank holiday weekends? The predicted duration of the coal extraction is also too long and likely to exceed these optimistic timescales.
- The movement of HGV's is proposed to be between 7:30am and 4pm on work days only. However, what hours would other vehicles associated with the development work to?
- Strict conditions must be in place to control noise and dust pollution for residents in the immediate vicinity.
- Austhorpe Road carries a major gas main and the level of heavy traffic has frequently caused damage to this.
- The consultation leaflet was misleading as it was not clear to the extent of the proposed remediation work. Also, the event was held on a winters evening at a time when people would be picking children up from school, coming home from work and was not held in an accessible venue.

5.2 One letter of support has been received, which can be summarised as the following:

- The restriction on new houses prior to the Link Road should not restrict preparation works.

The amount of traffic produced by coal extraction would not be significant. At the moment SCD have heavy-lift low-loaders accessing the site, which will cease once the site is closed-down.

- Crossgates congestion is made difficult with the allowance of parking & the installation of the second Zebra crossing.

## 6.0 CONSULTATION RESPONSES

### 6.1 Statutory

- *Coal Authority*: The Coal Authority encourages and supports this planning application, which is seeking to work coal in environmentally and socially acceptable ways to meet the market requirements. The site remediation works will also ensure that the risks of land instability associated with past shallow coal mining activities are removed to enable the site to be safely redeveloped in the future.
- *Environment Agency*: No objection subject to further information concerning water quality and conditions.
- *Highways*: The Highway Authority is still considering the application and the proposed mitigation. Officers in Transport Development Services are liaising with colleagues in the Traffic and Roads Safety sections.
- *Network Rail*: No objection in principle.

### 6.2 Non-Statutory

- *Conservation*: No objection.
- *English Heritage*: No objection. The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- *Environmental Health*: Further information required concerning the noise assessment and the potential from odour from decontamination practices on site. Conditions should cover noise monitoring, lighting, operational hours, odour prevention and a statement of construction practice.
- *Flood Risk Management*: No objection, subject to plan HRM1026/301 confirming the discharge rate off site shall be of 40l/second.
- *Landscape*: Awaiting comments.
- *Land Contamination*: No objection. Further information is sought but this relates to the housing application.
- *Local Plans*: In principle, there are no policy objections to the remediation and prior removal of coal from this site.
- *Nature Team*: No objection, subject to condition.
- *Public Health*: No objection.
- *Public Health England*: No objection.
- *West Yorkshire Archaeology Advisory Service*: The heritage statement details the history of the former tank factory. This establishes that there is little of archaeological significance within the boundary of the application site and, in this instance, the WYAAS feel that no further research or archaeological recording is necessary.
- *Yorkshire Water*: No objection.

## 7.0 PLANNING POLICIES:

7.1 The introduction of the National Planning Policy Framework (NPPF) has not changed the legal requirement that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. All policies outlined below are considered to align fully with the NPPF.

7.2 The proposals will be considered in the context of both national planning policy and the Development Plan. At the time of writing, the development plan currently comprises the adopted Leeds Unitary Development Plan (Review 2006) (UDP), policies as saved by directions of the Secretary of State, dated September 2007 and June 2009, the Natural Resources and Waste Local Plan, along with relevant supplementary planning guidance and documents and any material guidance contained in the emerging Local Development Framework (LDF).

### 7.3 Leeds Unitary Development Plan Review 2006:

- GP5: General planning considerations.
- GP7: Use of planning obligations.
- GP9: Community Involvement
- GP11/GP12: Sustainable development.
- N23/N25/N26: Landscape design and boundary treatment.
- N29: Archaeology.
- N39a: Sustainable drainage.
- N49: Protection of the districts wildlife.
- E7 Loss of employment land.

### 7.4 Natural Resources and Waste Local Plan: Adopted January 2013

- General Policy 1: Presumption in favour of sustainable development.
- Minerals 3: Mineral safeguarding areas – surface coal extraction
- Minerals 9: Detailed considerations concerning the application, highway safety and amenity considerations.
- Minerals 10: Restoration scheme
- Water 6: Flood risk assessments
- Water 7: Surface water run-off
- Land 1: Contaminated land
- Land 2: Development and preservation of trees

### 7.5 Supplementary Planning Guidance / Documents:

- SPD Street Design Guide (adopted).

### National Planning Policy Framework:

7.6 The National Planning Policy Framework (NPPF) includes policy guidance on sustainable development, economic growth, transport, design, enhancing the natural and historic environment, minerals extraction and climate change.

The Framework advocates a presumption in favour of sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places. However, this should be achieved through encouraging effective use of land (including not sterilising mineral resources) with high quality design and a good standard of amenity for all existing and future occupants.

### Core Strategy

7.7 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26<sup>th</sup> April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector was appointed. Examination commenced in October 2013 and the Inspector's main modifications were published 13<sup>th</sup> March 2014. Further hearing sessions were held (13<sup>th</sup> and 14<sup>th</sup> May) concerning Policy H5 (Affordable Housing and Policy), Policy H7 (Accommodation for Gypsies, Travellers and Travelling Showpeople), updates in relation to the NNP and the housing step up. A further six weeks public consultation is due to start on 16<sup>th</sup> June to deal with modifications not previously dealt with.

7.8 Significant weight can now be attached to the Draft Core Strategy as amended by the main modifications.

- General Policy: The Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework;
- Spatial Policy 1: Location of development - to deliver the spatial development strategy based on the Leeds settlement hierarchy;
- Spatial Policy 4: Regeneration priority programme areas. Priority will be given to developments that improve ... access to employment and skills development, enhance green infrastructure and greenspace, upgrade the local business environment...;
- Spatial Policy 13: Strategic green infrastructure;
- Policy P10: Design. New development for buildings and spaces, and alterations to existing, should ... provide good design that is appropriate to its location, scale and function; protect amenity including privacy, noise, air quality...;
- Policy P12: The character, quality and biodiversity of Leeds' townscapes and landscapes, including their historical and cultural significance, will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process;
- Policy T2: New development should be located in accessible locations that are adequately served by existing or programmed highways, by public transport and with safe and secure access for pedestrians, cyclists and people with impaired mobility;
- Policy G8: Protection of important species and habitats;
- Policy EN5: Managing flood risk;
- Policy EN7: Proven mineral resources of surface coal will be protected from sterilisation by the designation.



## 8.0 ISSUES TO CONSIDER

### Principle of development

- 8.1 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. The Government outlines 12 core principles, within paragraph 17 of the NPPF, that should underpin planning and decision making. This includes proactively driving and supporting economic development to deliver thriving local places that the country needs and encouraging the effective use of land by reusing land that has been previously developed.
- 8.2 Section 11 of the NPPF sets out ways to conserve and enhance the natural environment. Paragraph 111 strongly encourages Local Planning Authorities to promote the re-use of previously developed land through decision making. Furthermore, the NPPF outlines that Minerals are essential to support sustainable economic growth. Minerals are a finite natural resource that can only be worked where they are found so it is important to make best use of them. For this reason, the NPPF requires the Local Planning Authority (LPA) to encourage prior extraction of minerals if it is necessary for non-mineral development to take place if it can be achieved in an environmentally friendly manner or can be made so by planning conditions or obligations. Recent advice given by the Coal Authority suggests that small scale, short term recovery operations by opencast methods are possible on small sites within heavily developed areas through utilising best practices methods and appropriate planning conditions.
- 8.3 The Core Strategy recognises the importance of coal resources and ensures their protection through Policy EN7. The full extent of the surface coal field in Leeds has been identified as the Coal Mineral Safeguarding Area. These areas have been identified to protect proven deposits of coal from developments that could jeopardise future working.
- 8.4 The Natural Resources and Waste Local Plan (NRWLP) policy Minerals 3 requires that the opportunity to recover any coal present at the site has been considered. There is a presumption in favour of extracting any coal from a site unless the applicant can demonstrate (i) it is not economically viable to do so; (ii) not environmentally sustainable; (iii) the need of the development outweighs the need to extract the coal; or, (iv) the coal would not be sterilised by the proposal.
- 8.5 As outlined above, the previous mining of the site has created land instability issues. The land can be stabilised by either drilling/grouting or recovery of the remaining coal, removal of voids and replacement of excavated materials. This process will also locate and remove buried structures and contamination hotspots. The grouting option has been discounted as it would sterilise the mineral resource, is uneconomic and would require approximately 24 months to complete with approximately 14000 vehicle trips.
- 8.6 **Do members agree that this approach to remediation makes better use of resources?**

## Highway and Access

- 8.7 The re-development of the site requires demolition of existing buildings and treatment of contaminated areas.

Application 14/02514/OT is the current re-development proposal for the site, which would have to include a remediation scheme if the coal was not to be extracted. As previously outlined, there are voids in the coal seam under the site and mineshafts are present resulting in potential land instability, which will require stabilisation. Given these issues, remediation would be required by either grouting or extraction of the Coal Seam. The supporting information outlines that grouting (when compared to removal of the coal seam) would take longer; generate more HGV movements (circa 14,000 trips); result in a greater noise/dust issues as the majority of the activity takes place above ground; require cement and other material to be imported onto the site; and, be in conflict with national and Leeds City Council Planning Policy.

- 8.8 The site would be accessed via Manston Lane as per the existing arrangement. The coal is expected to be removed at a rate of 3,000 tonnes per week and would be taken from the site Monday to Friday between the hours of 0730 and 1600. This equates to 20 loads being removed per day and 40 HGV trips. Similar vehicles will also be utilised during the demolition of the existing buildings on site, although it is envisaged that these will be limited to two trips per day over a twelve week period. The excavation and compaction works would take roughly 52 weeks.

- 8.9 An assessment has been undertaken of the possible routes from the site to the M1 and onwards to the Drax Power Station. Three of the four routes have been discounted due to weight restrictions, traffic calming measures and education facilities being located along the routes. The chosen route consists of Manston Lane, Austhorpe Road and A6120, which is the shortest available and does not contain the aforementioned constraints.

- 8.10 The applicant is proposing to focus upon the potential for conflict with vulnerable road users, considering the route of the HGVs. There are a number of zebra crossings on Austhorpe Road which appear to be regularly used. The busiest one of these is outside Crossgates Shopping Centre, so it is proposed to upgrade this facility to a pelican/toucan crossing to provide a safer environment for pedestrians in this busy shopping area. This mitigation is being considered, and further measures are being explored by officers.

- 8.11 Given the presence of Leeds/Selby rail line to the south of the site, the applicant was asked to consider the possibility of transporting the coal by rail to Drax Power Station. However, using the rail link was discounted as network rail required 500 metres of sidings as the two tracks would be needed to allow the engine to turn around. This area would then need grouting to stabilise it which would result in more HGV movements on the network in connection with the delivery of pfa/cement to site. The construction of the sidings would impact upon the general railway timetable as trains approaching and leaving Crossgates Station past the site would be on "go-slow" for safety reasons. Lastly, the lead-in time would be onerous as it would be necessary to liaise with Network Rail to agree the scope of the works required and then to design and implement them.

- 8.12 The AM peak period has been identified within the transport statement as 07:30 – 08:30. The estimated first departures from the site would be in this peak hour. However, the current B8 use (storage and distribution) could also result in similar HGV movements at this time. The assertion within the transport statement is that four

or five extra HGV vehicle movements at this time when compared against overall background flows are considered to be negligible. The staffing levels at the site will vary between 17 and 25 people at any one time depending upon the nature of the remediation processes underway.

- 8.13 The traffic implications of the proposal, along with those associated with the phased housing development, and the relationship with the delivery of the Manston Lane Link Road (MLLR) are currently being considered by officers. The outcome of this assessment process will be the subject of a supplementary report. Once this information is presented, the full consequences of the proposal on traffic movements will be able to be assessed.
- 8.14 Members may wish to ask the applicant about the practicality of phasing the removal of the entire buildings but limiting the concrete removal, decontamination and coal extraction initial to the much smaller area subject to the full housing application. When the MLLR is built the operation would then extend to the whole site. This would have the benefit of reducing the number of lorry movements and their impact on the amenity of local residents.
- 8.15 **Are Member satisfied that coal extraction is the least intensive way of remediating the site?**
- 8.16 **Would Members consider a phased programme for extracting the coal underneath the proposed 100 houses only, prior to the MLLR being constructed, a suitable alternative?**

#### Environmental Considerations

- 8.17 The demolition works, removal of hard standing and extraction may introduce additional noise and dust. The extraction process may also incur vibrations. Local planning policy Minerals 9 requires that the applicant demonstrates that harm to amenity would not be introduced by the proposed development.

#### *Noise*

- 8.18 The National Planning Practice Guidance (NPPG) advises that LPAs should consider whether or not the noise from a proposal would give rise to significant adverse effects, give rise to an adverse effect or enable a good standard of amenity to be achieved. The NPPG also outlined that the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). A higher daytime noise limit (of up to 70dB(A) LAeq 1h (free field)) is outlined within the same document as being acceptable for temporary operations. Operations are only considered temporary if they do not occur for a greater length of time than eight weeks.
- 8.19 Baseline noise surveys were conducted on the 17<sup>th</sup> December 2013. Monitoring locations were selected to be representative of the closest sensitive receptors surrounding the development. The ambient noise level at the northwestern boundary, which is considered to represent No.10 Ethel Jackson Road, The Cottage and Chrisann, was 59 LAeq,2hr. The eastern boundary has been chosen to represent the noise climate at noise sensitive locations No.1 Manston Cottage and Lazencroft Cottage; the ambient noise level was calculated to be 61 LAeq,2hr. Survey work undertaken at the south-western boundary is considered to represent Phase 1 of the Bellway Homes development and the ambient noise level has been calculated to be 54 LAeq,2hr.

- 8.20 The noise assessment has made predictions based on the plant working at the closest point to the nearest sensitive receptor and with proposed mitigation measures being in place. A maximum predicted noise level is made for each of the sensitive receptors. The predicted worst case noise levels from coal extraction and re-compaction operations exceeds 55 dB LAeq,1h criterion (considered within the NPPG as an upper limit for mineral extraction operations) in two locations by approximately 1 dB(A) and 3 dB(A). However, within 2 weeks the works would have moved sufficiently away from these properties that the noise level would be within the standard limit of 55 dB(A) if not lower. The technical guidance within the NPPF advises that temporary operations amount to activities such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance. Therefore, the majority of the works would fall within the temporary allowance of 70 dB(A).
- 8.21 Large variations in traffic flow numbers are needed before any noticeable change in traffic noise levels occur. The noise assessment considers that a noise level changes of 3 dB(A) would be barely perceptible under normal conditions. Predicted basic noise levels for the surrounding road network indicate that, when comparing the predicted road traffic noise levels in the baseline year (2015) against the proposed number of HGV movements attributable to the development, changes in noise levels would be less than 1 dB(A) for all roads. According to the Design Manual for Roads and Bridges, changes in noise levels of this magnitude would be 'negligible'.

#### *Dust*

- 8.22 The generation of and dispersal of dust is highly dependent upon the weather conditions prevalent at the time. Dry windy days have the highest potential for dust dispersal and the risk of dust deposition at a particular location is determined by the frequency of these dry winds blowing towards them from a dust generating activity. Dust nuisance in the community is normally perceived as a deposit on surfaces such as washing, window ledges, paintwork and other light coloured horizontal surfaces, e.g. car roofs. Within the area around the site, the existing deposited dust levels are influenced by road traffic, industrial and agricultural activity. In the UK and Europe there are no definitive standards for deposited particulates. However, in the UK, long term dust nuisance criteria have been suggested for urban areas at, typically 200 mg/m<sup>2</sup>/day, averaged over a monthly period.
- 8.23 The closest dust sensitive locations to the site are residential properties to the west, north and east of the site. The dust assessment identifies that these properties will be subject to up to thirty five dry windy working days per annum, when the wind is blowing from the west north west to the west south west at sufficient strength to carry coarse particles. However, when conditions for dry windy working days occur, best practice techniques would be employed to prevent dust leaving the site boundary. In the event of a failure of dust mitigation measures, for example in extreme weather conditions, the dust generating activity shall be temporarily suspended, until appropriate dust mitigation is implemented or until a change in weather condition occurs. These measures would be supported through planning conditions if members were minded to approve the application.

#### *Vibration*

- 8.24 Vibration can be generated within the ground by a dynamic source of sufficient energy. It will be composed of various wave types of differing characteristics and significance collectively known as seismic waves. These seismic waves will spread radially from the vibration source decaying rapidly as distance increases.

The operation of the vibratory compactor will generate localised vibration in close proximity to the operational equipment. Therefore, the levels of vibration have been considered at the closest vibration sensitive receptors.

- 8.25 British Standard 7385 states that there is little possibility of fatigue damage occurring in residential building structures due to vibration. All research and previous work undertaken has indicated that any vibration induced damage will occur immediately if the damage threshold has been exceeded and that there is no evidence of long term effects.
- 8.26 The levels of ground vibration were monitored using instruments which were sited at between 2 and 20 metres from the operational compactor in order to establish the rate of vibration decay from the operation. Analysis of the vibration data allows for the operation of the vibratory compactor up to 12 metres from the façade of residential property in order to comply with the recommended vibration criterion of 7.5 mms-1 for vibration sources of a continuous nature from BS 5228: Part 2 2009 and BS 7385 Part 2:1992. If vibratory compaction activities are required within a 12 metre stand off, the vibration report recommends alternative equipment should be used, and vibration levels monitored, to ensure compliance with the criterion of 7.5 mms-1.
- 8.27 At the closest of residential properties, on the Bellway Homes Development, when working at the closest approach within the cut a most likely vibration level of 3.0 mms-1 and a maximum likely vibration level of 5.6 mms-1 is predicted. The maximum likely vibration at The Cottage, Chrisann, 1 Manston House and Lazencroft Cottage are predicted to be 0.9 mms-1, 0.9 mms-1, 0.7 mms-1 and 0.5 mms-1 respectively. In all instances the predicted vibration levels are below the relevant criteria of BS 5228: Part 2 2009 and BS 7385 Part 2:1992 and hence safe for adjacent property.
- 8.28 **Do Members have any comments on the levels of noise and dust and their potential impact residential amenity?**

#### Visual Amenity

- 8.29 The demolition and extractions works would alter the visual appearance of the area. However, the bund proposed along the northern boundary (approximately 10m high) and the existing trees would help to screen views from Manston Lane into the site. In addition, there is a drop in levels from the highway down to the existing car park and much of the coal extraction works would be below current ground level. A bund and an acoustic fence (measuring 4m in height) are proposed to the western boundary, which is shared with The Limes housing estate, to primarily reduce any noise impacts but would assist with minimising visual impact on the residents of the new estate. A number of boundary trees are currently proposed to be removed from the southern boundary for operational reasons, which would provide more open views into the site. However, in the longer term views into the site would be of a levelled site ready for redevelopment. Furthermore, the existing context is of large scale commercial buildings.
- 8.30 **Do Members have any comments concerning visual amenity?**

#### Drainage

- 8.31 The depth of excavation will vary from 3m to over 25m metres in depth, which would mean that the excavations would be below the anticipated ground water levels that are shown as 3m below ground level in the Lithos Site investigation report. The excavations will therefore require dewatering to enable safe excavations.

The method of dealing with this essentially amounts to pumping the water from the lower excavation levels to ground level where it would pass through a series of surface lagoons. This would allow any sediment to settle or treatment of the water to take place prior to discharge into the existing surface water systems. The outflow from the lagoon will be limited to the agreed discharge.

8.32 Extreme rainfall events that may occur during these works will be managed using an intercepting bund will be formed along the southern boundary of the site. This will catch run-off from the site and direct it into the main excavation and water treatment area. The water treatment areas would also be bunded with a sufficient freeboard to accept additional waters during extreme rainfall periods. In addition, the main excavation area could also act as principal storage during extreme rainfall events. During extreme rainfall events, pumping from the excavation areas will be suspended until conditions stabilise.

8.33 **Do Members have any comments concerning drainage?**

#### Ecology and Landscape

##### *Ecology*

8.34 There are no national or international statutory designated sites within 2km of the site boundary. However, there are a number of Leeds Natural Areas, and a single Site of Ecological or Geological Importance (SEGI), located within the 2km search area. The SEGI is known as Barnbow Common and located 500m to the north-east of the site. This large site comprises an extensive area of grassland and is considered to be of high ornithological value supporting many regularly breeding species including grasshopper warbler, whitethroat, turtle dove, hawfinch and skylark. Cock Beck flows across the site supporting some of the species.

8.35 The phased coal extraction and construction phases would, without mitigation, have the potential to result in the pollution or siltation of the watercourse, which currently runs under the site. Pollution/siltation may, if unchecked, result in impacts upon the aquatic and emergent vegetation of the watercourse and the adjoining Cock Beck, which flows through Barnbow Common SEGI. However, measures would be put in place during the development of the site to ensure that no pollution or silt is allowed to discharge into the watercourse.

8.36 The submitted Phase 1 Habitat, Bat and Bird Survey Results and Mitigation Strategy identified that Great Crested Newts (GCNs) were found within a waterbody (waterbody 10) to the south-east of the site (just beyond the railway line) during the 2013 surveys. A population assessment revealed a total of two adult GCNs over the six survey visits. Prior to works beginning on site, further survey work would be undertaken (in 2014) and the necessary license applied for from Natural England. If Members are minded to approve the application, the LPA could request a copy of this license to be provided.

8.37 No evidence of badger activity was found within the site boundary during the 2009, 2013 or 2014 surveys. However, outside the site boundary and adjacent to Waterbody 10, badger footprints were recorded in the soft mud in 2013. It is likely that badgers may use this area for foraging although no snuffle holes were found.

8.38 The majority of the buildings on site have negligible bat roost potential and their loss will have no significant impact on the small local bat population, which uses the site. The outbuilding to the south of the site has a low bat roost potential and single Common Pipistrelle bat was seen to enter the building for approximately 20 seconds

during the dusk survey. Owing to the single sighting of a bat using the building, the distribution of bat droppings and low level of bat activity recorded across the site in general it is considered highly unlikely that this, or any other building on the site, supports a roost. Immediately prior to the demolition commencing the building will be thoroughly inspected by a suitably licensed ecologist.

- 8.39 Despite the lack of roosting opportunities within the trees on site, the linear features present (eg tree lines) provide valuable linkages between potential roost sites within the off-site residential properties and the surrounding farmland. Only a very low number of Common Pipistrelle bats were observed, all commuting along the railway line. On two separate occasions up to two Common Pipistrelles were observed feeding off-site over Waterbody 10. Prior to the site clearance a total of nine bat boxes will be erected on trees that are to be retained along the southern boundary of the site. The bat boxes would be erected in groups of three to provide a variety of habitats. Lighting during the coal extraction and development work on the site will be kept to a minimum with all lighting being directional down lighting and no lights being directed towards the railway corridor or tree lines along the southern boundary of the site.
- 8.40 There are a number of measures proposed in the report that are long-term and so would be delivered as part of the residential use of the site i.e. plans for a number of ponds and other landscaping at the eastern end of the site.

#### *Landscaping*

- 8.41 As previously outlined, the northern boundary is demarcated by a significant tree line that offers a high level of visual amenity value. This is also the case for the trees positioned along the southern boundary. The remediation proposal currently incorporates the removal of two trees from the Manston Lane frontage and a group of trees to the south-west. The trees to the south-west are considered to be important in providing a strong buffer to the railway line and to the proposed public park (Green Park) to the south providing an important green boundary to the future park. The belt has high amenity value and has been given high Category B status in the submitted tree report. Therefore, it is considered that these trees should be retained and enhanced.

- 8.42 **Do Members have any comments concerning ecology and landscape?**

#### Planning obligations

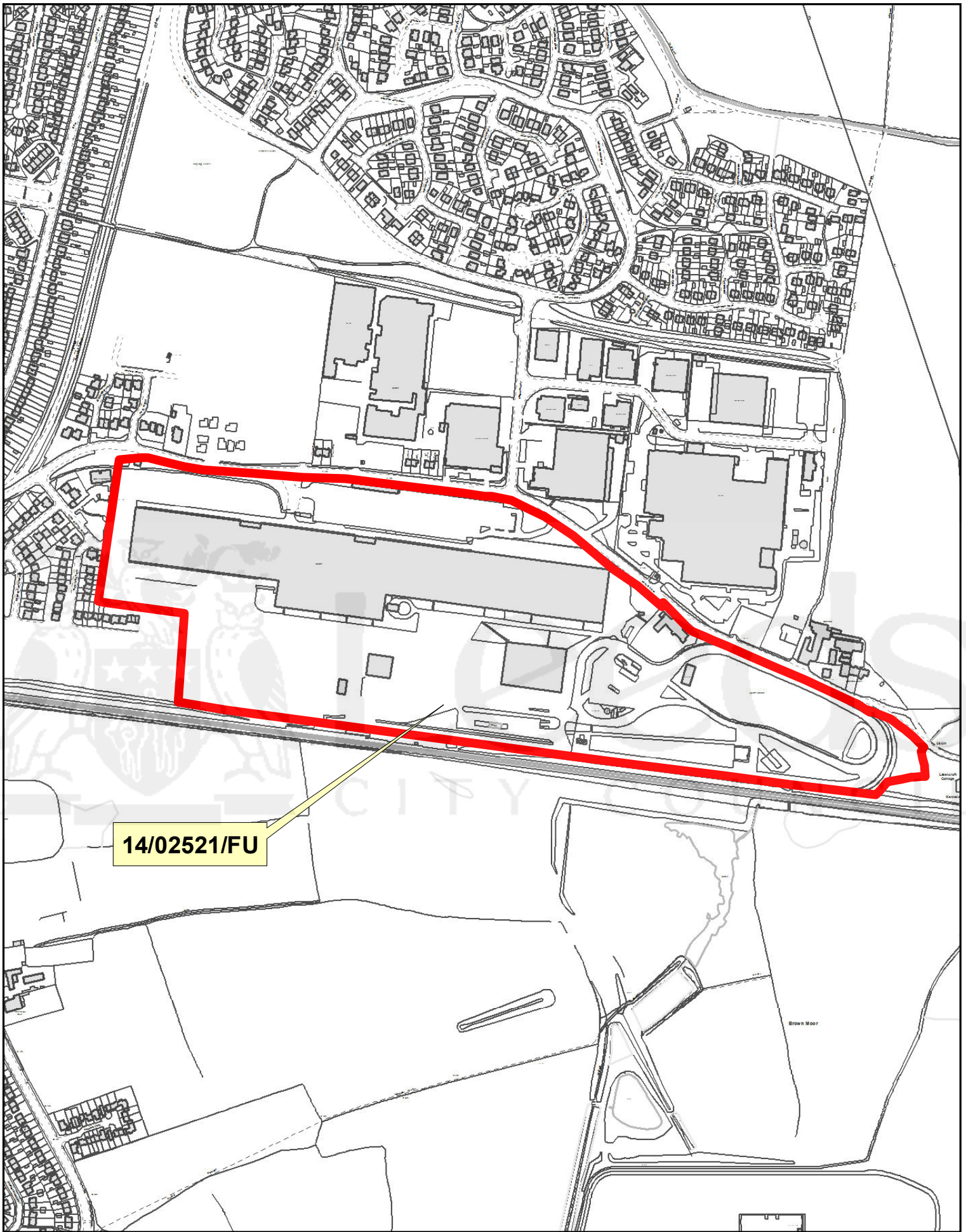
- 8.43 A community benefit fund – 25 pence per ton of coal extracted is currently being offered to fund local community projects. In the past other coal extraction projects have attracted larger sums, such as 45 pence per ton. However, the value of coal on the open market has dropped in this time.
- 8.44 In the past, community benefits funds have been arranged in a manner that allows local community groups to apply to the LPA for money to support a particular local project. However, these funds have been associated with a larger overall pot of money due to the amount of coal being extracted. In relative terms, 140,000 tons of coal being extracted is a small project. Members may wish to consider if it would be appropriate to fund or contribute to a small number of community based projects in their Ward?
- 8.45 **Do Members consider the amount being offered per ton suitable?**
- 8.46 **Would it be appropriate to use the monies for community based projects?**

## **9.0 CONCLUSION**

9.1 Members are asked to note the contents of the report and the presentation and are invited to provide feedback on the questions and issues outlined above, summarised below:

- 1. Do members agree that this approach to remediation makes better use of resources?**
- 2. Are Member satisfied that coal extraction is the least intensive way of remediating the site?**
- 3. Would Members consider a phased programme for extracting the coal underneath the proposed 100 houses only, prior to the MLLR being constructed, a suitable alternative?**
- 4. Do Members have any comments concerning residential amenity?**
- 5. Do Members have any comments concerning visual amenity?**
- 6. Do Members have any comments concerning drainage?**
- 7. Do Members have any comments concerning ecology and landscape?**
- 8. Do Members consider the amount being offered per ton suitable?**
- 9. Would it be appropriate to use the monies for community based projects?**
- 10. Are there any other comments that Members wish to make?**





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# CITY PLANS PANEL

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