



Homes  
England

Date: 2 September 2021

Our Ref: RFI3531

Tel: 0300 1234 500

Email: [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

Making homes happen

██████████  
By Email Only

Information Governance Team  
Homes England  
Windsor House – 6<sup>th</sup> Floor  
50 Victoria Street  
London  
SW1H 0TL

Dear ██████████

**RE: Request for Information – RFI3531**

Thank you for your request for information which was processed in accordance with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR).

You requested the following information:

*Please provide copies of emails between Homes England and Chorley Borough Council regarding the Cowling Farm site. Please restrict this to any emails sent/received between 1<sup>st</sup> January 2021 and 1<sup>st</sup> July 2021.*

*Can you also please provide copies of any Memorandum of Understanding or other agreement between Homes England and Chorley Borough Council regarding the Cowling Farm site.*

**Response**

We can confirm that we do hold the requested information. We will address each point in turn.

**Statutory Regime**

Section 39 FOIA explains that where information is "environmental" in nature, then the request should be handled in accordance with the EIR rather than FOIA. Regulation 2(1) of the EIR sets out the definition of "environmental information" which can be found here: [The Environmental Information Regulations 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk).

Homes England has determined that some information that falls within the scope of your request falls under both regimes and therefore we have advised in our response to each point raised which of the regimes has been applied to that part of your request.

***Please provide copies of emails between Homes England and Chorley Borough Council regarding the Cowling Farm site.***

We can inform you that we do hold the information that you have requested. Please find enclosed Annex A which contains copies of emails between Homes England and Chorley Borough Council. However, we rely on Section 40 (2) of the FOIA to withhold some information from disclosure.

**Section 40 – Personal information**

We have redacted information on the grounds that it constitutes third party personal data and therefore engages section 40(2) of the FOIA.

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To disclose personal data, such as names, contact details, addresses, email addresses and personal opinions could lead to the identification of third parties and would breach one or more of the data protection principles.

Section 40 is an absolute exemption which means that we do not need to consider the public interest in disclosure. Once it is established that the information is personal data of a third party and release would breach one or more of the data protection principles, then the exemption is engaged.

The full text in the legislation can be found on the following link:

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>

#### **Not in Scope**

We have also redacted information contained within Annex A that does not fall within scope of your request.

***Can you also please provide copies of any Memorandum of Understanding or other agreement between Homes England and Chorley Borough Council regarding the Cowling Farm site.***

We can inform you that we do hold the information that you have requested. Please find enclosed Annex B which contains the Memorandum of Understandings. However, we rely on Section 40 (2) and Section 43 (2) of the FOIA to withhold some information from disclosure.

#### **Section 40 – Personal information**

We have redacted information on the grounds that it constitutes third party personal data and therefore engages section 40(2) of the FOIA.

To disclose personal data, such as names, contact details, addresses, email addresses and personal opinions could lead to the identification of third parties and would breach one or more of the data protection principles.

Section 40 is an absolute exemption which means that we do not need to consider the public interest in disclosure. Once it is established that the information is personal data of a third party and release would breach one or more of the data protection principles, then the exemption is engaged.

The full text in the legislation can be found on the following link:

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>

#### **Section 43 - Commercial interests**

Under section 43(2) Homes England is not obliged to disclose information that would, or would be likely to, prejudice the commercial interests of any party.



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The information requested relating to copies of other agreements between Homes England and Chorley Borough Council engages section 43(2) of the FOIA as it is commercial in nature and its release would be likely to prejudice the commercial interests of Homes England and other interested parties to the information.

Homes England has identified that the information requested, if released, would be likely to prejudice the development as proposed in the local plan for the site.

Section 43 is a qualified exemption. This means that once we have decided that the exemption is engaged, Homes England must carry out a public interest test to assess whether or not it is in the wider public interest for the information to be disclosed.

Arguments in favour of disclosure:

- Homes England acknowledges there is a general public interest in promoting accountability, transparency, public understanding and involvement in how Homes England undertakes its work and how it spends public money;
- Homes England acknowledge there is some local public interest in the development at Chorley and the potential plans for the site;
- Homes England acknowledge that information relating to consultants and third parties for this site and how they were procured is of interest to the public.

Arguments in favour of withholding:

- If Homes England were to release the information this would result in local authorities being deterred from discussing commercially sensitive information. This will mean that Homes England would have to evaluate Local Plans that are less comprehensive than would otherwise have been the case, meaning that Homes England's ability to undertake due diligence will be impaired. This will result in decision makers not taking all relevant information into account, meaning the decisions will be less robust and less likely to deliver value for public money;
- The information relates to a site where a third party (the council) is still procuring/undertaking works. If this information were released it would be likely to disadvantage the third party's commercial position and have a negative impact on the third party's ability to procure works for ongoing development at this site. The council would not be able to negotiate effectively as this information could be used by third parties to distort or otherwise prejudice the ability of the council being able to secure works for market value, resulting in damage to the public purse. This would also be likely to have the same negative effect on future commercial activity and other Homes England funding. This would not be in the public interest as it would put development at risk, inflate prices and damage Homes England's reputation as a partner. This would negatively affect public money and nullify work already undertaken;
- Releasing the information would be likely to negatively impact future processes as third parties may feel unable to provide all the information requested for fear of disclosure, which would impact the ability of Government officials to make effective, informed decisions and work effectively with partners. This would be likely to negatively impact allocation of public money;
- Releasing the information would be likely to negatively impact future development processes and proposals as interested parties may feel unable to provide all the relevant information necessary to Homes England for fear of disclosure. This would impact the ability of Government officials to make effective, informed decisions regarding allocation of public funds;
- Releasing information at this stage prior to this information being in the public domain would undermine Homes England's position and ability to deliver against its objectives and targets in our Strategic Plan; and



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- Homes England has been unable to identify a wider public interest in disclosing the information requested.

Having considered the arguments for and against disclosure of the information, we have concluded that at this time, the balance of the public interest favours non-disclosure.

The full text of the legislation can be found on the following link:

<https://www.legislation.gov.uk/ukpga/2000/36/section/43>

### **Other Agreements**

Please also find enclosed Annex C which contains a further agreement in the form of an Arboricultural Assessment between Homes England and Corley Borough Council. However, we rely on Regulation 13 (1) of the EIR to withhold some of the information from disclosure.

### **Regulation 13 – Personal Data**

We have redacted information on the grounds that it constitutes third party personal data and therefore engages Regulation 13 of the EIR.

To disclose personal data, such as names, contact details, addresses, email addresses and personal opinions could lead to the identification of third parties and would breach one or more of the data protection principles.

Regulation 13 is an absolute exception which means that we do not need to consider the public interest in disclosure. Once it is established that the information is personal data of a third party and release would breach one or more of the data protection principles, then the exception is engaged.

The full text in the legislation can be found on the following link;

<http://www.legislation.gov.uk/uksi/2004/3391/regulation/13/made>

### **Right to Appeal**

If you are not happy with the information that has been provided or the way in which your request has been handled you may request an internal review by writing to;

The Information Governance Team  
Homes England – 6<sup>th</sup> Floor  
Windsor House  
50 Victoria Street  
London  
SW1H 0TL

Or by email to [infogov@homesengland.gov.uk](mailto:infogov@homesengland.gov.uk)

You may also complain to the Information Commissioner however, the Information Commissioner does usually expect the internal review procedure to be exhausted in the first instance.

The Information Commissioner's details can be found via the following link:



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<https://ico.org.uk/>

Please note that the contents of your request and this response are also subject to the Freedom of Information Act 2000. Homes England may be required to disclose your request and our response accordingly.

Yours sincerely,

**The Information Governance Team**

For Homes England

OFFICIAL

s. 40(2)

**From:** s. 40(2)  
**Sent:** 15 March 2021 16:27  
**To:** s. 40(2)  
**Cc:** s. 40(2)  
**Subject:** RE: Cowling Farm - Next Steps  
**Attachments:** 20053\_B\_Sketch Layout.pdf; 6458 - Indicative retention.pdf; 6458-01-05-01 Preliminary Road and Drainage Long Sections.pdf; 6458-01-05-02 Preliminary Road and Drainage Long Sections.pdf; 6458-01-05-03 Preliminary Road and Drainage Long Sections.pdf

Hi s. 40(2)

The latest draft layout is still ref 20053\_B, copy attached.

We only have information on levels on the residential parcel. I think s. 40(2) was working on some separate work on the G+T site but we've not been involved with that.

He has been considering the impact of the current layout for the residential development and we have some initial work on retaining wall locations along with long sections of the drainage and roads (attached).

We have a topographical survey that covers the full site which I can forward if that would be useful?

We could look into instructing further work, but it would be good to know what it is exactly you need.

Kind regards,

s. 40(2)

s. 40(2) s. 40(2)  
s. 40(2)  
s. 40(2)

Office: s. 40(2)

Mobile: s. 40(2)

[@HomesEngland](#)



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From: S. 40(2) <S. 40(2)@chorley.gov.uk>  
Sent: 15 March 2021 07:15  
To: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Cc: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Subject: RE: Cowling Farm - Next Steps

Hi S. 40(2)

I need to understand the site layout levels, housing layout etc. do we have an updated masterplan and some cross sections through the site that I can discuss with the G & T family?

Thanks, S. 40(2)

(2)  
S. 40(2)  
Chorley Council

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From: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Sent: 12 March 2021 15:41  
To: S. 40(2) <S. 40(2)@chorley.gov.uk>  
Cc: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Subject: RE: Cowling Farm - Next Steps

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Hi S. 40(2)

No problem, of course we'll keep you updated.  
Hopefully it won't be too long until we have an agreed MoU.

Kind regards,  
S. 40(2)

(2) S. 40(2)

s. 40(2)  
s. 40(2)

Office: s. 40(2)  
Mobile: s. 40(2)

[@HomesEngland](#)



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From: s. 40(2) <s. 40(2)@[chorley.gov.uk](mailto:chorley.gov.uk)>  
Sent: 12 March 2021 15:36  
To: s. 40(2) <s. 40(2)@[homesengland.gov.uk](mailto:homesengland.gov.uk)>  
Cc: s. 40(2) <s. 40(2)@[homesengland.gov.uk](mailto:homesengland.gov.uk)>  
Subject: RE: Cowling Farm - Next Steps

Hi s. 40(2)

Thanks, as a joint application I would like to be kept up to date on progress, if things are progressing irrespective of the MoU being in place we either need to set up regular meetings or you send regular email updates.

CBC cannot commit to any fees until the MoU is agreed.

Kind Regards, s. 40(2)

(2)  
s. 40(2)  
Chorley Council

s. 40(2) | [chorley.gov.uk](http://chorley.gov.uk)

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From: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Sent: 12 March 2021 15:32  
To: S. 40(2) <S. 40(2)@chorley.gov.uk>  
Cc: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Subject: RE: Cowling Farm - Next Steps

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Hi S. 40(2)

We actually spoke to John yesterday as he'd arranged a pre-app meeting with Lancashire County Council to discuss the drainage in more detail.

We're waiting on their formal response, which I'll send over when we get it.

From the discussion it looks like the next step is to understand the information needed for a land drainage consent (LCC to confirm what level of information they need on the existing connection – CCTV or would the dye testing to date be sufficient).

If we do need to do a CCTV survey, who do we need to talk to at Chorley Council for requesting access to the Gillet Playing Fields for the work?

Happy to have a meeting to run through it though.

I'm hopeful to get something over on the MoU next week – I've had some comments back internally on the draft so just need to make some tweaks. Hope that's okay.

Kind regards,

S. 40(2)

S. 40(2) S. 40(2)

S. 40(2)

S. 40(2)

Office: S. 40(2)

Mobile: S. 40(2)

[@HomesEngland](https://twitter.com/HomesEngland)



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From: S. 40(2) <S. 40(2)@chorley.gov.uk>  
Sent: 12 March 2021 15:13  
To: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Cc: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Subject: RE: Cowling Farm - Next Steps

Hi S. 40(2)

Unfortunately I have not been able to obtain any further information on the possible culvert through Gillet playing field.

Is it worth setting up a meeting with Lees Roxburgh to discuss next steps? I am keen to engage with them again to discuss the G & T site and to understand the consideration around the tie in of the levels with the housing and G & T site.

Are you in a position to share the MoU yet?

Kind Regards, S. 40(2)

(2)  
S. 40(2)  
Chorley Council

S. 40(2) | [chorley.gov.uk](http://chorley.gov.uk)

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From: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Sent: 04 March 2021 09:03  
To: S. 40(2) <S. 40(2)@chorley.gov.uk>  
Cc: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Subject: RE: Cowling Farm - Next Steps

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Great, thank you S. 40(2)

I've prepared a first draft which I've just asked **s. 40(2)** and **s. 40(2)** to review. Will send you something over when I hear back from them.

Kind regards,  
**s. 40(2)**

**(2)** **s. 40(2)**  
**s. 40(2)**  
Land & Development

Office: **s. 40(2)**  
Mobile: **s. 40(2)**

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From: **s. 40(2)** <**s. 40(2)** [chorley.gov.uk](mailto:chorley.gov.uk)>  
Sent: 03 March 2021 16:22  
To: **s. 40(2)** <**s. 40(2)** [homesengland.gov.uk](mailto:homesengland.gov.uk)>  
Subject: RE: Cowling Farm - Next Steps

Thanks **s. 40(2)**

Leave it with me and I will see what I can find out.

Has any progress been made with the MoU?

Kind Regards, **s. 40(2)**

**(2)**  
**s. 40(2)**  
Chorley Council

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From: s. 40(2) <s. 40(2)@homesengland.gov.uk>

Sent: 03 March 2021 10:58

To: s. 40(2) <s. 40(2)@chorley.gov.uk>

Subject: RE: Cowling Farm - Next Steps

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Hi s. 40(2)

s. 40(2) has provided the attached indicative off-site drainage plan.

Kind regards,

s. 40(2)

(2) s. 40(2)

s. 40(2)

Land & Development

Office: s. 40(2)

Mobile: s. 40(2)

[@HomesEngland](#)



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From: S. 40(2) <S. 40(2)@chorley.gov.uk>  
Sent: 03 March 2021 10:34  
To: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Subject: RE: Cowling Farm - Next Steps

Hi S. 40(2)

Do you have a sketch showing approx./anticipated location of the culvert?

Thanks, S. 40(2)

(2)  
S. 40(2)

Chorley Council

☎ S. 40(2) | 🌐 [chorley.gov.uk](http://chorley.gov.uk)

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From: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Sent: 03 March 2021 09:13  
To: S. 40(2) <S. 40(2)@chorley.gov.uk>  
Cc: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Subject: RE: Cowling Farm - Next Steps

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Hi S. 40(2)

I hope you're having a good week.

We had a call with S. 40(2) yesterday and he has again emphasised how helpful it would be if there were some further information regarding the existing drain to the south of the site.

It would also be useful to know about the potential to access the recreation ground for further review if needed.

Have you spoken to the property team at the Council yet?

Kind regards,

S. 40(2)

(2) S. 40(2)  
S. 40(2)  
S. 40(2)

Office: S. 40(2)

Mobile: S. 40(2)

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From: S. 40(2)  
Sent: 17 February 2021 15:37  
To: S. 40(2) <S. 40(2)@chorley.gov.uk>  
Cc: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Subject: RE: Cowling Farm - Next Steps

Thanks S. 40(2)  
We will get a draft over to you for review.

Due to file size, please see the attached link from the ecologist to the Phase 1 report, which includes the bat activity report as an appendix.

Kind regards,  
S. 40(2)

(2) S. 40(2)  
S. 40(2)  
S. 40(2)

Office: S. 40(2)  
Mobile: S. 40(2)

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From: S. 40(2) <S. 40(2)@chorley.gov.uk>  
Sent: 16 February 2021 16:18  
To: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Cc: S. 40(2) <S. 40(2)@homesengland.gov.uk>; S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Subject: RE: Cowling Farm - Next Steps

Hi S. 40(2)

I reviewed this with our Legal team yesterday and it would help massively if you could prepare a draft for comment.

I will drop onto your other requests soon.

Thanks, S. 40(2)

(2)  
S. 40(2)

Chorley Council

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---

From: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Sent: 16 February 2021 09:11  
To: S. 40(2) <S. 40(2)@chorley.gov.uk>  
Cc: S. 40(2) <S. 40(2)@homesengland.gov.uk>; S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Subject: Cowling Farm - Next Steps

Hi S. 40(2)

I wanted to follow up with you after our meeting on the 5<sup>th</sup> February.

Can you please update us on whether the Council's Solicitors have capacity to prepare the first draft of the MoU? If not, then Homes England are happy to prepare a first draft for you to review.

As this is the key element needed before we can progress work, we are keen to get started.

Kind regards,

s. 40(2)

(2) s. 40(2)

s. 40(2)

s. 40(2)

Office: s. 40(2)

Mobile: s. 40(2)

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From: s. 40(2)

Sent: 09 February 2021 16:48

To: s. 40(2) <s. 40(2)@[chorley.gov.uk](mailto:chorley.gov.uk)>

Cc: s. 40(2) <s. 40(2)@[homesengland.gov.uk](mailto:homesengland.gov.uk)>

Subject: Cowling Farm - Further Information

Hi s. 40(2)

As discussed on Friday, please find attached the information requested:

- BDP quote
- LLFA & UU correspondence re. Pre-app and s. 40(2) queries



I will send the ecology work under a separate email due to file sizes – an updated Phase 1 survey is due this week so I will forward you a copy along with the bat survey.

Please let me know if you need anything further.

In terms of agreed next steps, I think there are a couple of key topics:

New Memorandum of Understanding

This MoU will cover the planning strategy and clarify the fee apportionment for the joint application. Clarification over whether Chorley Borough Council's internal legal team have the capacity to draft this MoU is needed. If not, then Homes England are happy to prepare a first draft. As this is the key element needed before we can progress work, can you provide us with confirmation on the Council's capacity this week please?

Further Information Requests

The drainage scheme for the proposal requires further investigation. A discussion with Chorley's property team regarding the existing drain and potential access to the recreation ground for further review is needed.

A meeting with the Planning team at Chorley Council is already scheduled to discuss the G+T site, but insight into the approach to addressing S106 obligations from the joint application and the proposed exclusion of employment land in the context of the allocation requirement would be helpful.

Clarity is required over the disposals strategy proposed for the site. This will be subject to a future meeting, but internal discussions regarding the preferred approach are needed.

In order to keep momentum going with this project we were wondering whether we could agree to a regular meeting with you to run through the tasks and check in on progress (say every 3 weeks?)

Kind regards,

s. 40(2)

(2) s. 40(2)

s. 40(2)

Land & Development

Office: s. 40(2)

Mobile: s. 40(2)

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


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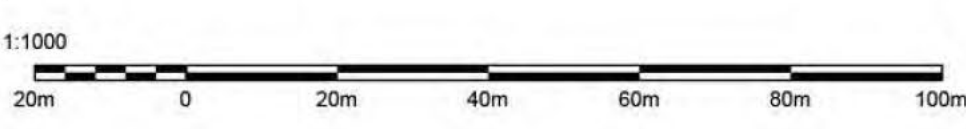
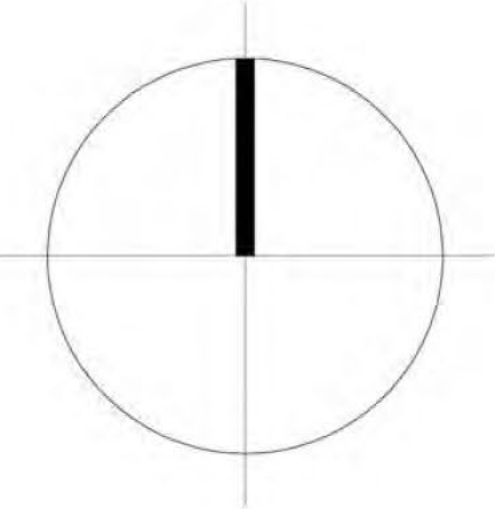


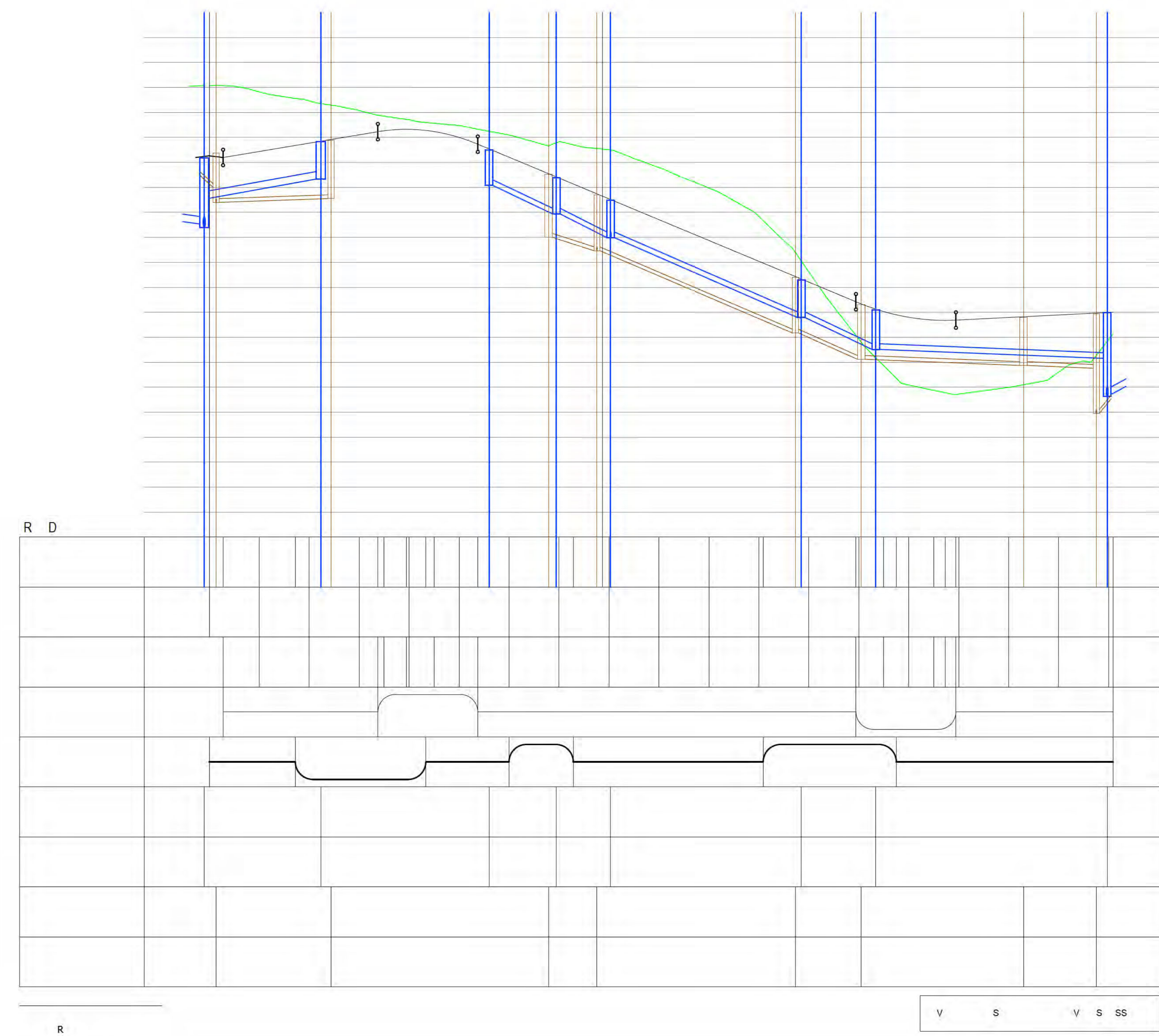
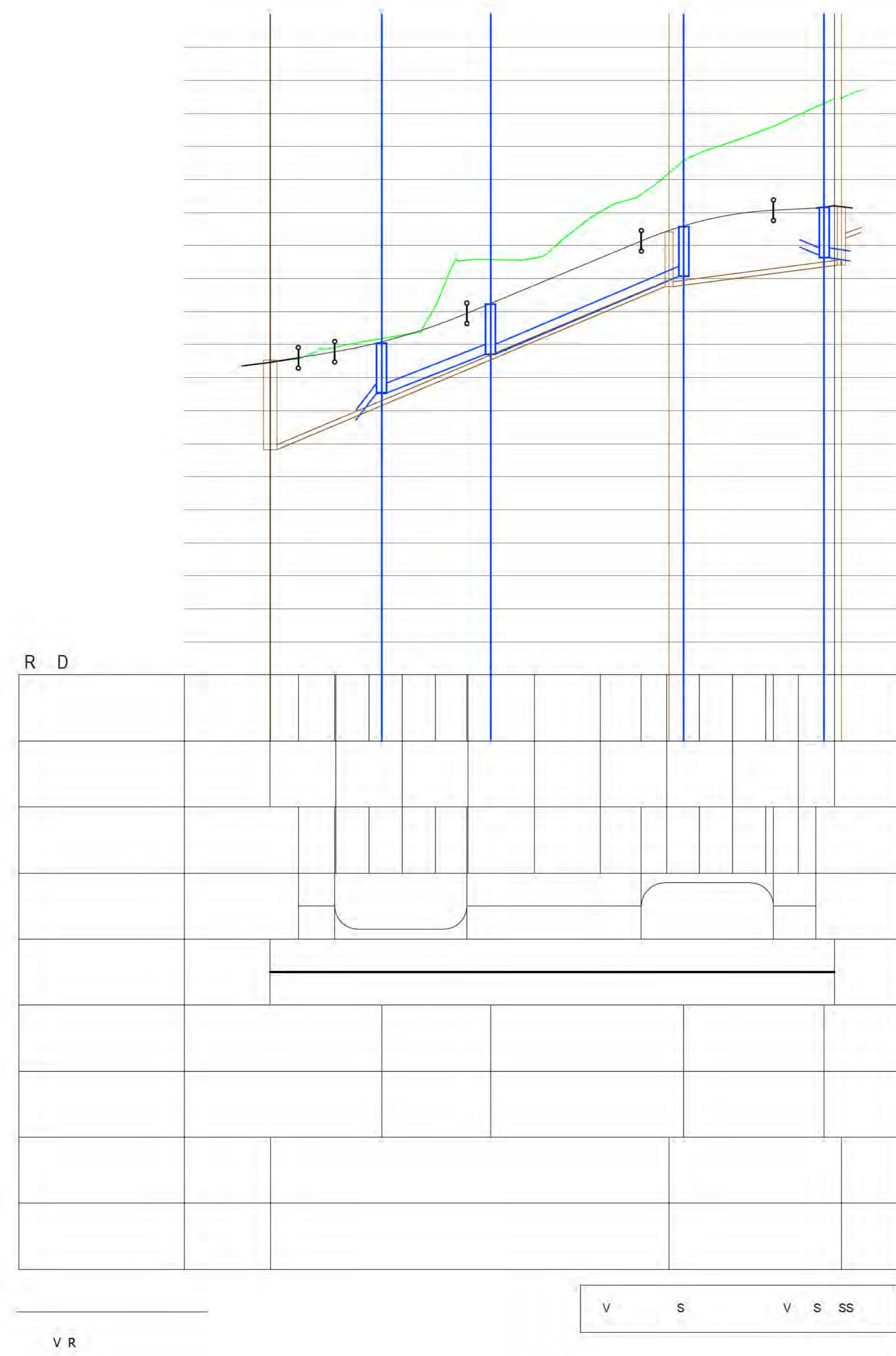
--- RETENTION

**COWLING FARM**  
**VERY INDICATIVE RETENTION**  
CHECK ON ROAD LEVELS BEFORE  
RECEIPT OF LATEST MOULD LAYOUT  
Etc. GET SITE AND JUSTICE TO  
CU/FILL REVIEW  
1:500 @ A0 18.1.21

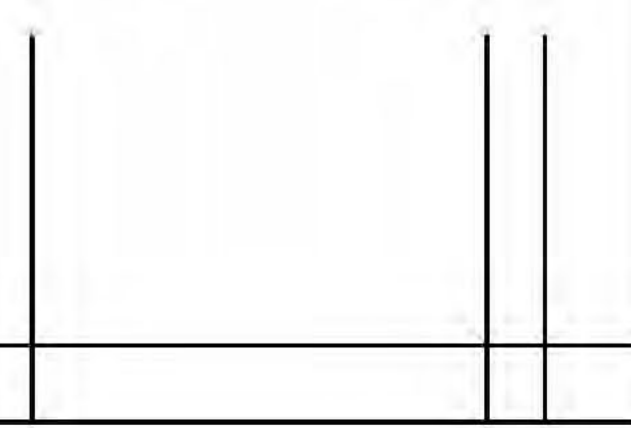
**KEY**

-  Denotes proposed SUDs pond
-  Denotes proposed spine road
-  Denotes proposed shared surface street
-  Denotes proposed private drives
-  Denotes proposed shared driveways
-  Denotes proposed speed tables
-  Denotes ownership line / division
-  Denotes land retained for mixed use
-  Denotes proposed landscaping
-  Denotes proposed landscaping buffer
-  Denotes existing landscaping
-  Denotes proposed open space





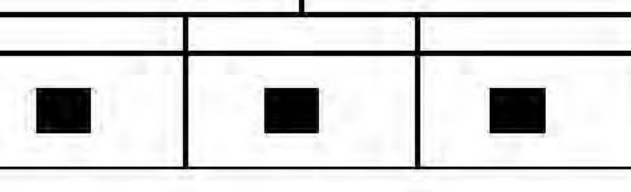
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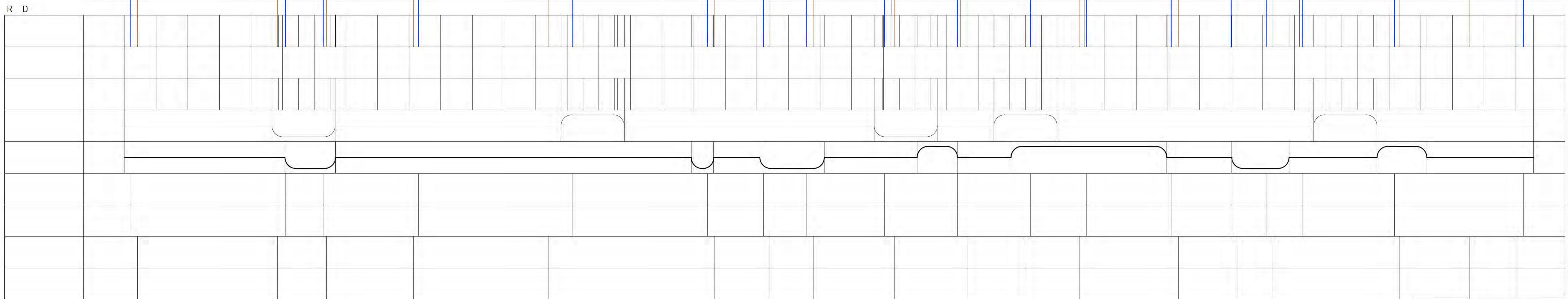
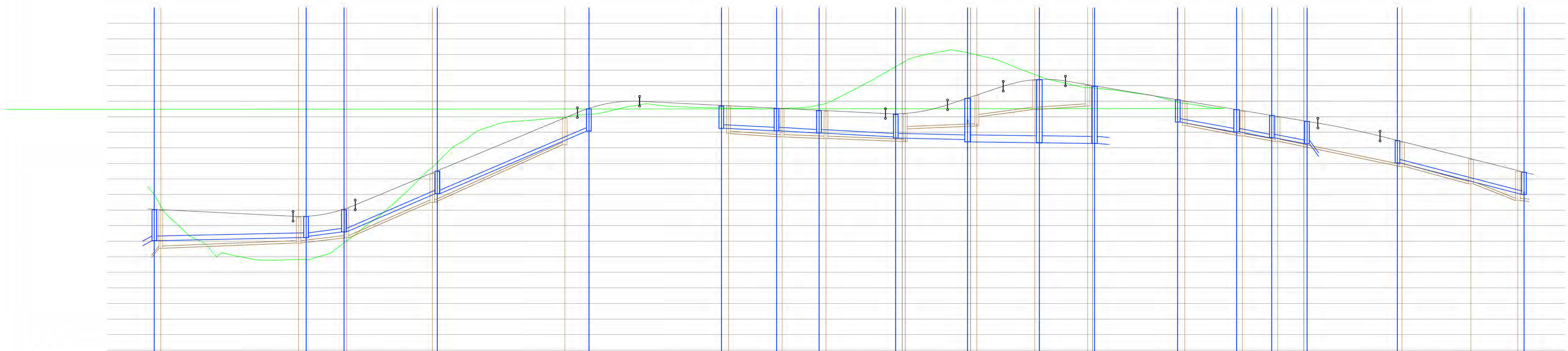


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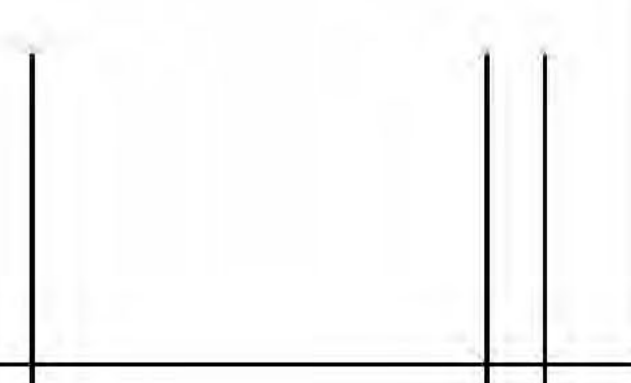


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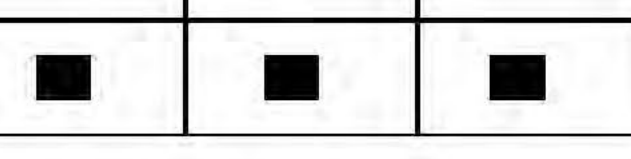
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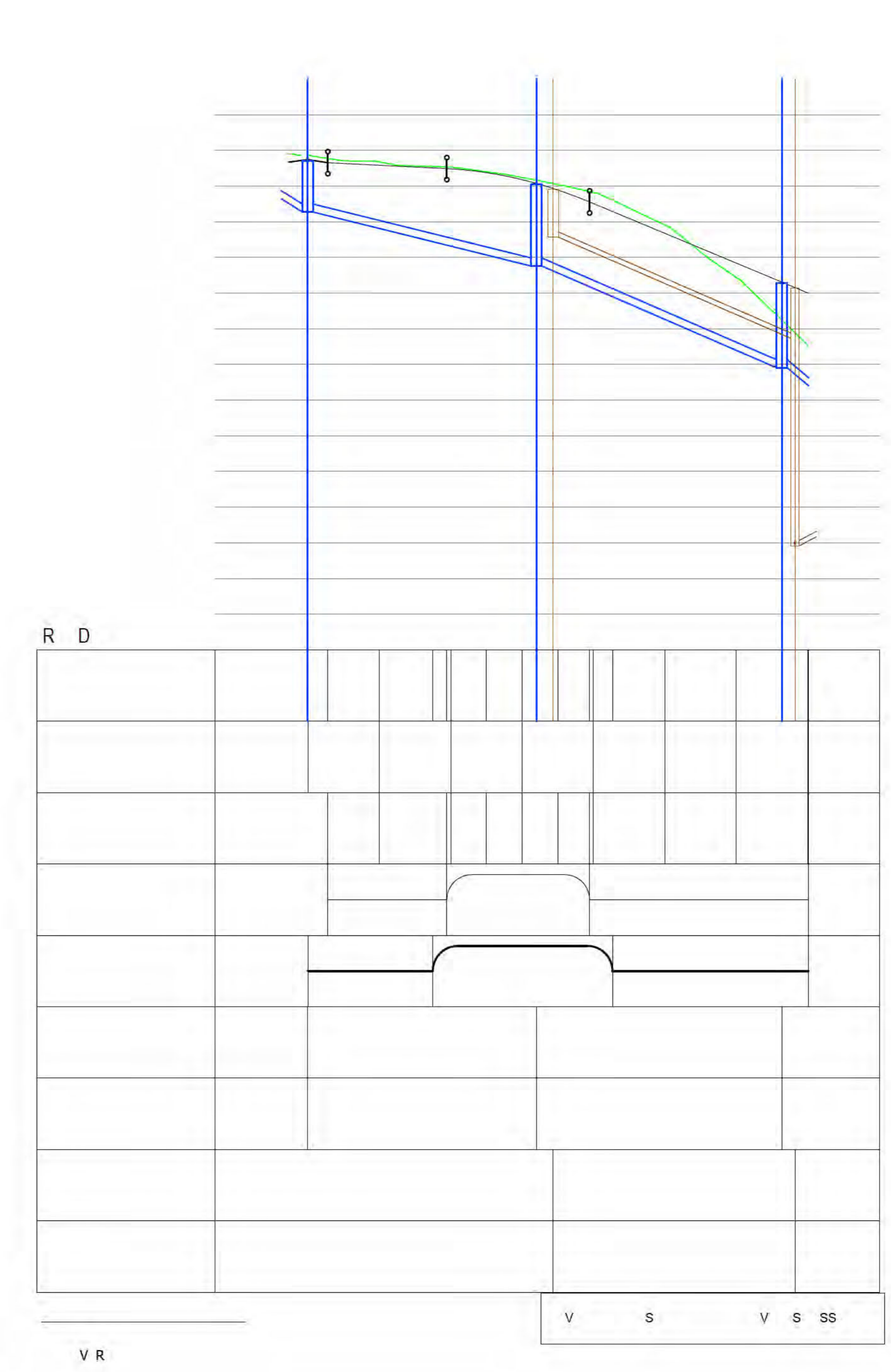
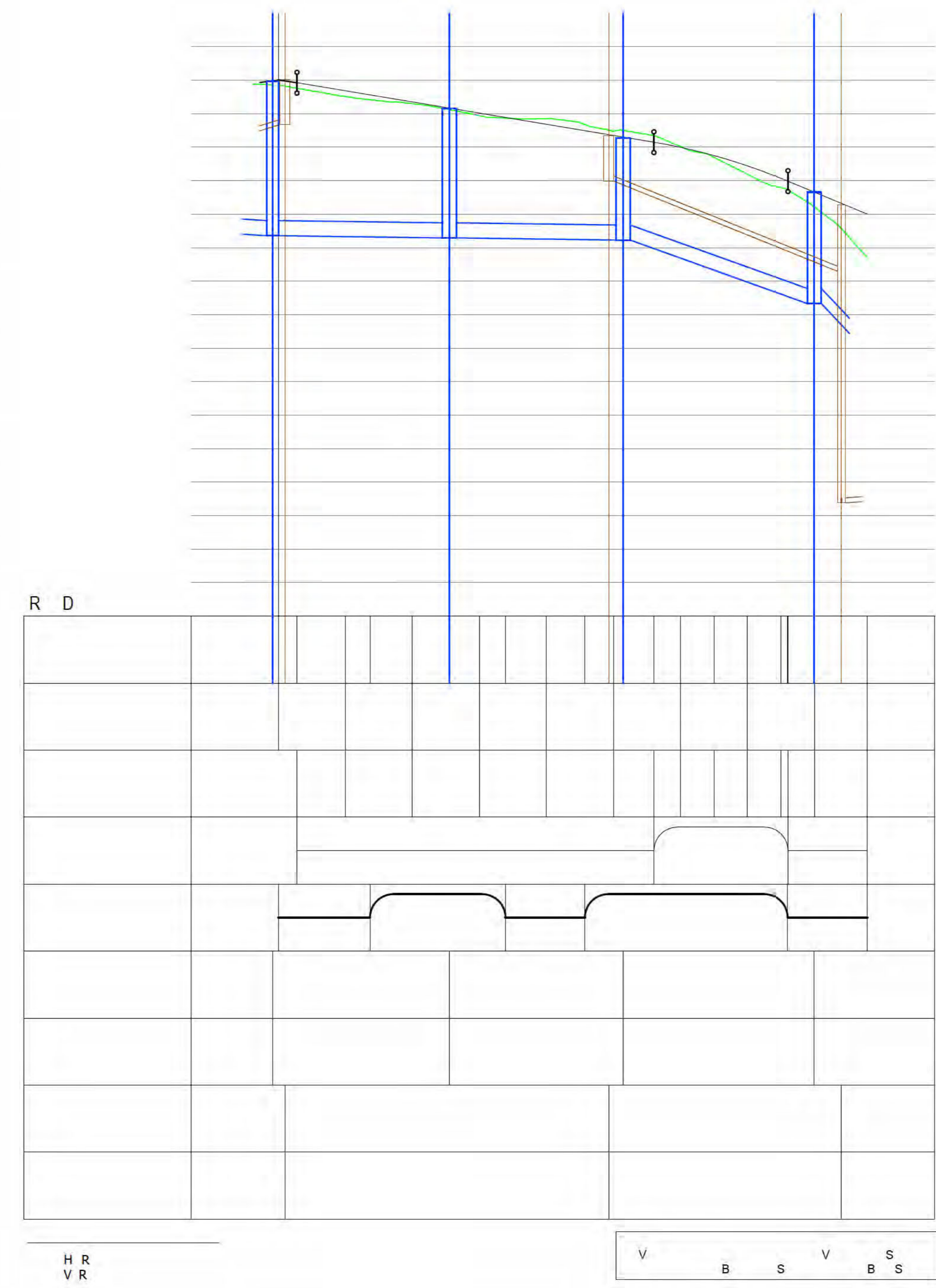
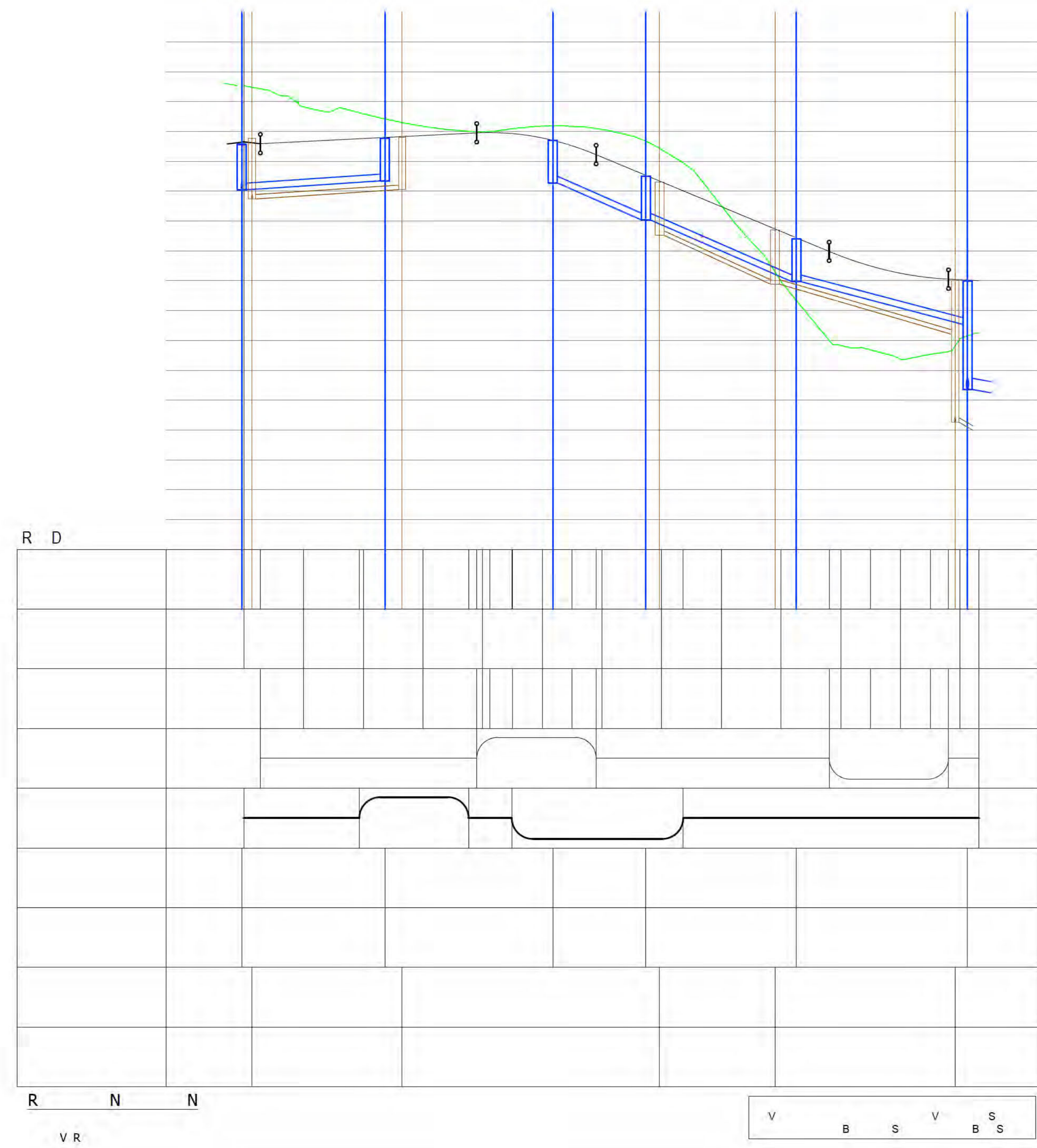


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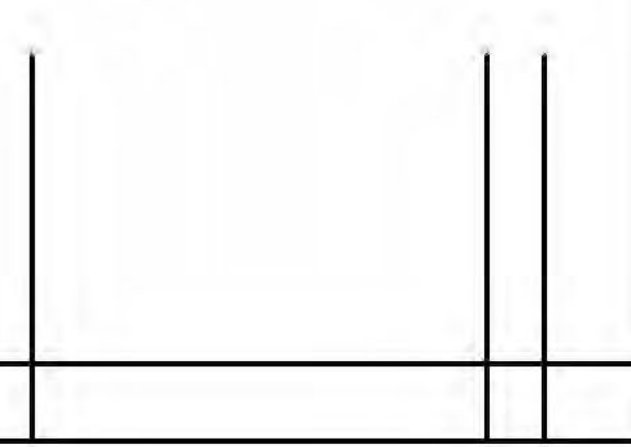
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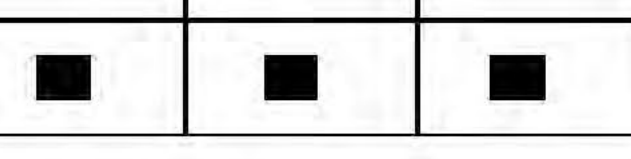
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s. 40(2)

**From:** s. 40(2)  
**Sent:** 19 March 2021 15:19  
**To:** s. 40(2)  
**Cc:** s. 40(2)  
**Subject:** FW: LLFA Pre-Application Advice - Cowling Farm, Chorley  
**Attachments:** Pre-Application Advice - Cowling Farm, Chorley.pdf

Hi s. 40(2)

Please find attached as an update the latest pre-application advice from LLFA.

We have asked s. 40(2) to consider the options for how we can review the condition of the existing culvert and how else we can review its capacity, as per the requirements for land drainage consent and to provide some more certainty that the drainage proposal could be delivered. I'll keep you updated on his response.

I will send the draft memorandum of understanding under a separate email shortly.

Kind regards,  
s. 40(2)

(2) s. 40(2)  
s. 40(2)  
s. 40(2)

Office: s. 40(2)  
Mobile: s. 40(2)

[@HomesEngland](#)



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Island  
Liverpool  
L3 1BP

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From: S. 40(2) <S. 40(2)@lancashire.gov.uk>  
Sent: 18 March 2021 18:17  
To: 'Office@leesroxburgh.co.uk' <Office@leesroxburgh.co.uk>; S. 40(2) <S. 40(2)@homesengland.gov.uk>; S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Subject: LLFA Pre-Application Advice - Cowling Farm, Chorley

Good afternoon all,

Please find attached the LLFA's Pre-Application Advice letter. If you feel I have missed anything from our meeting last week, or if you have any questions regarding our advice, please get in touch on the contact information below.

Kind regards,

S. 40(2)

S. 40(2)  
S. 40(2)  
Highways and Transport  
Lancashire County Council  
Tel: S. 40(2)  
Mob: S. 40(2)  
Web: [www.lancashire.gov.uk](http://www.lancashire.gov.uk)

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s. 40(2)

**From:** s. 40(2)  
**Sent:** 24 March 2021 13:52  
**To:** s. 40(2)  
**Cc:** s. 40(2) s. 40(2)  
**Subject:** RE: Cowling Farm - Draft Memorandum of Understanding  
**Attachments:** Arboricultural Assessment TEP Nov 19.pdf

Hi s. 40(2)

Thanks for the update on the MOU, we will await your comments.

I will have a look at diaries and book a slot on Monday for an update call. For note, we haven't had any discussions with residents about the site or timescales for an application.

There is an arboricultural assessment (attached) by TEP prepared back in 2019, which includes a tree constraints plan but did not cover the full extent of the Chorley land.

This assessment concluded that there are no Category A trees on the area considered.

This report hasn't yet been reviewed and compared to the draft masterplan, but from a quick look there will be the need to remove trees for access.

Kind regards,

s. 40(2)

(2) s. 40(2)  
s. 40(2)  
s. 40(2)

Office: s. 40(2)

Mobile: s. 40(2)

[@HomesEngland](#)



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L3 1BP

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From: S. 40(2) <S. 40(2)@chorley.gov.uk>  
Sent: 24 March 2021 12:48  
To: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Cc: S. 40(2) <S. 40(2)@homesengland.gov.uk>; S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Subject: RE: Cowling Farm - Draft Memorandum of Understanding

Hi S. 40(2)

Thanks, I have passed this onto our legal team for review.

Can we set up a progress meeting. I am mindful that there is progress being made that the Council are not party to. I need to understand the proposed programme for intended submission. I have had residents quoting timescales to me for submission of an application!

I am available Monday between 11 and 2 if that works for you?

I also wanted to make you aware that some of the local residents are attempting to apply for TPO's on the trees on the site. The tree officer will be responding to their application as follows: *"We don't feel it's expedient at this time to protect the trees with TPOs. The site is allocated for development and some changes to ground levels may be required, which could result in the loss of trees. This will be assessed at the planning application stage. Any loss of trees will be mitigated by appropriate replanting and landscaping of the site"*

Has a tree survey been completed across the site? To ascertain which trees will be retained?

I look forward to hearing from you.

Kind Regards, S. 40(2)

(2)

S. 40(2)

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From: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Sent: 19 March 2021 15:34  
To: S. 40(2) <S. 40(2)@chorley.gov.uk>

Cc: s. 40(2) <s. 40(2)@homesengland.gov.uk>; s. 40(2) <s. 40(2)@homesengland.gov.uk>  
Subject: Cowling Farm - Draft Memorandum of Understanding

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Hi s. 40(2)

I hope you've had a good week.  
Please find attached the draft memorandum of understanding for Cowling Farm, along with suggested appendices.

Please update us on any comments or requested amendments/additions.  
Happy to discuss.

Kind regards,  
s. 40(2)

(2) s. 40(2)  
s. 40(2)  
s. 40(2)

Office: s. 40(2)  
Mobile: s. 40(2)

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s. 40(2)

**From:** s. 40(2)  
**Sent:** 23 April 2021 16:20  
**To:** s. 40(2)  
**Cc:** s. 40(2)  
**Subject:** RE: Cowling Farm - Draft Memorandum of Understanding  
**Attachments:** Application Submission Checklist.docx

Hi s. 40(2)

Thank you for the update below.

We had a catch up with BDP yesterday to discuss the drainage work and suggested contractors. We've asked our technical team to just check the scope and advise on contractors so will update you when they've responded.

Whilst on the call with BDP, we also discussed the documents required for the application submission. As you noted, the cost schedule I sent previously had some points missing so we wanted to run through them.

They've now responded with the attached to clarify the reports and who would be responsible. I've added in a few update action comments.

You'll note some reports are outside of BDP's quote so I will contact the relevant consultant to confirm their scope and fees. I will send these over to you when received.

One of the reports is a financial viability assessment. BDP have advised that this would be needed to justify the lack of employment use on site – I think the reports provided to the Council's Committee to discuss this would be helpful. Could these be provided?

Another query raised was in relation to consultation. Have you had any further thought on the Council's view on further consultation requirements?

It would be helpful to know the Council's thoughts on the MoU and appreciate your chasing – are there lots of disagreements or alterations required?

We still agree that an inception meeting would be useful for the whole team so we can run through the project and outputs together and will coordinate that in due course, following the MoU discussions.

As always, please do not hesitate to contact us if you've got any questions.

Kind regards,

s. 40(2)

(2) s. 40(2)  
s. 40(2)  
s. 40(2)

Office: s. 40(2)

Mobile: s. 40(2)

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From: S. 40(2) <S. 40(2)@chorley.gov.uk>  
Sent: 21 April 2021 13:13  
To: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Cc: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Subject: RE: Cowling Farm - Draft Memorandum of Understanding

Hi S. 40(2)

Thanks for the information. I will progress this with our property team. I suspect it will just require a licence.

With respect to the procurement I suspect a local groundworker could expose the culvert and a drain company can undertake the CCTV survey. We can recommend some names if that helps? My only concern is if we break out the culvert how will it be repaired?

I have chased our legal team on the MoU apologies for the delay in responding to this.

For information I have received an FOI request for any correspondence between myself and Homes England between the period of 01 January and 15 April. Once I have collated this information I will send through for your agreement to issue. The FOI deadline is 12 May 2021.

For information I had an inception meeting this morning with Tetra Tech, who will be progressing the G & T planning application, and Lees Roxburgh who are providing the levels and drainage information. I will keep you updated on progress with this to ensure the levels etc align/compliment the housing layout.

Any queries please do not hesitate to contact.

Kind Regards, S. 40(2)

(2)  
S. 40(2)  
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From: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Sent: 13 April 2021 16:20  
To: S. 40(2) <S. 40(2)@chorley.gov.uk>  
Cc: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Subject: Cowling Farm - Draft Memorandum of Understanding

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Hi S. 40(2)

As discussed in our last meeting, I've had an updated quote through from BDP related to the revised application proposal (the previous quote had reference to G+T/commercial uses work which wasn't applicable). Please find a copy attached.

I've also spoken to S. 40(2) about the next step in investigating the culvert and confirming our drainage strategy. He's provided the attached drawings and advised that;

*"We need to prove the location of the culvert within the land to the north (rather than digging up the road) and then gain access to it to enable a camera survey to be undertaken upstream and downstream although how far it goes, particularly to the north remains to be seen (but we do know there is good connectivity from the successful dye testing).*

*You will note I have suggested the location for a slit trench which would need to be carefully excavated at a location to be agreed with Chorley Council assuming they would have no objection to the principle of doing so. Once located (hopefully!) the top of the culvert would need to be broken out to give access for a camera survey. If we were working for a developer, this could be arranged through one of their contractors but we are not so unsure how this might be best procured."*

In our previous meeting you suggested that if we could give further detail on the survey work, then you could coordinate this with the Council's property team.

John has identified the location of where he suggests a slit trench should be excavated for the investigation to support the further survey work. Do you need any further detail for your discussion with the property team?

We can get a meeting booked in with S. 40(2) if needed.

May I also ask for an update on your review of the MoU?

Kind regards,

S. 40(2)

(2) S. 40(2)  
S. 40(2)  
S. 40(2)

Office: S. 40(2)

Mobile: S. 40(2)

[@HomesEngland](#)

Cowling Farm - Application Submission Documentation Checklist

Assessment (lifted from Chorley's Validation Checklist)	Received / Responsibility	Commentary / Actions
4. Energy Efficiency / Resource Conservation Statement	BDP – within the D&A	To be incorporated into the D&A
5. Ecological Assessments & Wildlife Surveys	PEA received from TEP, dated October 2019	<p>Redline in the PEA only appears to cover the HE land – not the Chorley land.</p> <p>TEP will need to confirm whether the PEA requires a review / any updates.</p> <p>The PEA refers to 2 bat surveys having been undertaken and 2 more to occur – we do not appear to have seen sight of these.</p> <p>Draft has been updated to include Chorley land (dated Feb 21). The bat survey work has also been completed.</p>
7. Heritage Statement	BDP	Covered in the PS
11. Section 106 Agreement	BDP	To be incorporated into the PS
12. Community Infrastructure Levy (CIL) Form	BDP	To be completed
13. Financial Viability Assessment	JLL	<p>Departure from the Local Plan (employment land allocation) requires justification.</p> <p>s. 40(2) to advise on existing reports related to the employment provision.</p>

		If the necessary affordable housing provision cannot be achieved, this will need to be justified via the VA. <a href="#">Homes England wish to apply for policy compliant levels of affordable housing.</a>
14. Highways Adoption Statement	BDP / Curtins	To be incorporated into the PS and / or TA
15. Transport Statement, Transport Assessments (TA) and Travel Plan	Draft TA from Curtins, dated 9 January 2020	We only appear to have a TA in draft.  Red line in the TA only appears to cover the HE land – not the Chorley land.  Description of development will need to be updated. Figures throughout the document will need to be reviewed.
16. Affordable Housing Statement	BDP	To be incorporated in the PS.  Chorley's provision is 30%, of which 70% be for Social Rent or Affordable Rent.
17. Coal Mining Risk Assessment (CMRA)	Curtins – covered in the Phase 2 (likely to also be referred to in the Phase 1 – see below)	See commentary under criteria 21 below
19. Statement of Community Involvement (SCI)	BDP	Draft prepared – to be completed. <a href="#">s. 40(2) to advise on any further consultation requirements.</a>
20. Flood Risk Assessment (FRA)	Draft FRA and Drainage Strategy received from Curtins, dated 18 April 2018  Curtins' FRA to be superseded by FRA prepared by Lees Roxburgh	FRA from Lees Roxburgh awaited.  LR have recommended that the culvert to the south of the site be CCTV surveyed. <a href="#">This work is under review and yet to be costed and instructed.</a>



21. Land Contamination Assessment	Phase 2 received from Curtins, dated 13 April 2018	<p>Phase 2 Report refers to a Phase 1 having been undertaken, but BDP to not appear to have a copy of the Phase 1. <a href="#">BDP to contact Curtins to seek Phase 1 report.</a></p> <p>Phase 2 refers to the potential necessity for further gas monitoring. Has this been undertaken? If not, this will likely be a pre-commencement condition. <a href="#">BDP to contact Curtins to seek fee for gas monitoring.</a></p>
22. Noise Impact Assessment	Environmental Noise Assessment Report prepared by BDP Acoustics Team, dated March 2018	<p>Covers the whole site (both HE and Chorley land)</p> <p>Appears to be a high level assessment, which isn't based on a specific masterplan.</p> <p>The Acoustics Team will need to confirm whether their assessment requires a review / any updates.</p>
23. Parking Provision Statement	Curtins	Covered in the TA – will require an update to reflect the revised masterplan / no. of dwellings.
24. Planning Statement	BDP	To be completed
25. Tree Survey	Arboricultural Assessment Prepared By TEP, dated October 2019	<p>Redline in the AA only appears to cover the HE land – not the Chorley land – though it does appear to have surveyed some of the trees within the Chorley land</p> <p>Arboricultural Impact Assessment (AIA) will be required for the application submission.</p>

		Homes England to seek fee quote for AIA and understand whether a tree survey was completed of Chorley land (if not also seek quote for this work)
35. Air Quality Assessment	Draft AQA prepared by Wardell Armstrong, dated May 2018	<p>AQA doesn't contain any masterplan images but does refer to the previous description of development.</p> <p>AQA will require an update to reflect changes to the vehicle movements described in the TA.</p> <p>This wasn't included in BDP's scope of works – have asked BDP to confirm fee quote.</p>

s. 40(2)

**From:** s. 40(2) <s. 40(2)@chorley.gov.uk>  
**Sent:** 26 April 2021 12:11  
**To:** s. 40(2)  
**Cc:** s. 40(2)  
**Subject:** RE: Cowling farm - Tenant Query

Hi s. 40(2)

Thanks. I am more than happy to keep you updated.

We have appointed Tetra Tech to progress planning application. We have a proposed submission date for the planning app of end of May 21.

Kind Regards, s. 40(2)

(2)  
s. 40(2)  
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**From:** s. 40(2) <s. 40(2)@homesengland.gov.uk>  
**Sent:** 23 April 2021 16:19  
**To:** s. 40(2) <s. 40(2)@chorley.gov.uk>  
**Cc:** s. 40(2) <s. 40(2)@homesengland.gov.uk>  
**Subject:** Cowling farm - Tenant Query

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Hi s. 40(2)

For information, we are being questioned by the tenant at Spinners Arms regarding the gypsy and traveller proposals and Homes England's involvement.

We have advised that there has been no formal grant or funding agreed at this time from Homes England. We have also clarified that we have no knowledge of the cost of the scheme and have not been involved in the development of the project.

It would be helpful to continue to be updated on the progress with the G+T proposals, but we will continue to suggest that the Council are better placed to answer any questions on the scheme.

Kind regards,  
s. 40(2)

s. 40(2) s. 40(2)

s. 40(2)

s. 40(2)

Office: s. 40(2)

Mobile: s. 40(2)

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s. 40(2)

**From:** s. 40(2) <s. 40(2)@chorley.gov.uk>  
**Sent:** 28 June 2021 21:57  
**To:** s. 40(2)  
**Cc:** s. 40(2); s. 40(2)  
**Subject:** RE: Cowling Farm

Hi s. 40(2)

My thoughts are that before we make any significant commitment to BDP do we not want to ensure we can create an alternative access into the site for construction traffic. From our discussions, without this we will be unable to progress any development?

Kind Regards, s. 40(2)

(2)  
s. 40(2)  
Chorley Council

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---

**From:** s. 40(2) <s. 40(2)@homesengland.gov.uk>  
**Sent:** 25 June 2021 17:10  
**To:** s. 40(2) <s. 40(2)@chorley.gov.uk>  
**Cc:** s. 40(2) <s. 40(2)@homesengland.gov.uk>; s. 40(2) <s. 40(2)@homesengland.gov.uk>  
**Subject:** RE: Cowling Farm

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Hi s. 40(2)

With the delays on the MoU – one thought is can we not start with the joint planning application work with BDP on the basis that this is approved within CBC and continue to work up the MoU in parallel. It's just that the programme is suffering and we want to make progress. What do you think?

Rgds

s. 40(2)  
Homes England

Office: s. 40(2)  
Mobile: s. 40(2)

E Mail: s. 40(2) [homesengland.gov.uk](mailto:homesengland.gov.uk)



OFFICIAL

From: s. 40(2) <s. 40(2) [chorley.gov.uk](mailto:chorley.gov.uk)>  
Sent: 25 June 2021 11:29  
To: EXTERNALS. 40(2) <s. 40(2) [40seven.com](mailto:40seven.com)>; s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:homesengland.gov.uk)>  
Cc: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:homesengland.gov.uk)>; Graeme Jamieson <[GJamieson@40Seven.com](mailto:GJamieson@40Seven.com)>  
Subject: RE: Drainage Connectivity Survey - Cowling Farm

Hi s. 40(2)

Thanks, if you could also sending the RAM's for the connectivity survey too.

From what I understand our sites are vacant. I have provided my mobile number below. Please call if you do encounter any issues.

Kind Regards, s. 40(2)  
s. 40(2)

s. 40(2)  
s. 40(2)

Chorley Council

s. 40(2) | [chorley.gov.uk](http://chorley.gov.uk)

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From: s. 40(2) s. 40(2) [40Seven.com](mailto:40Seven.com)>  
Sent: 25 June 2021 09:53  
To: s. 40(2) <s. 40(2) [chorley.gov.uk](mailto:chorley.gov.uk)>; s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:homesengland.gov.uk)>  
Cc: s. 40(2) <s. 40(2) [homesengland.gov.uk](mailto:homesengland.gov.uk)>; s. 40(2) [@40Seven.com](mailto:@40Seven.com)>  
Subject: RE: Drainage Connectivity Survey - Cowling Farm

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Hi s. 40(2)

Please find attached a copy of our RAMS for the Topographical Survey commencing on Monday. I hope this meets with your approval and if you have any queries let me know.

Also, as mentioned earlier, if you could provide any contact/land owner details for the site, so that our surveyor can make a courtesy call if required.

Kind Regards,  
s. 40(2)

---

From: s. 40(2) <s. 40(2)@chorley.gov.uk>  
Sent: 24 June 2021 14:23  
To: s. 40(2) <s. 40(2)@40Seven.com>; s. 40(2) <s. 40(2)@homesengland.gov.uk>  
Cc: s. 40(2) <s. 40(2)@homesengland.gov.uk>  
Subject: RE: Drainage Connectivity Survey - Cowling Farm

Hi s. 40(2)

Spoke to soon! See confirmation from our estates team.

I will need a copy of your RAM's prior to your visit Monday please.

Thanks, s. 40(2)

(2)  
s. 40(2)  
Chorley Council

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---

From: s. 40(2)  
Sent: 24 June 2021 14:13  
To: s. 40(2) <s. 40(2)@40Seven.com>; s. 40(2) <s. 40(2)@homesengland.gov.uk>  
Cc: s. 40(2) <s. 40(2)@homesengland.gov.uk>  
Subject: RE: Drainage Connectivity Survey - Cowling Farm

Ok s. 40(2)

I thought you were breaking into the culvert at a point.

I haven't heard anything back from our estates team so I think we will have to postpone the survey.

Kind Regards, s. 40(2)

(2)  
s. 40(2)  
Chorley Council

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---

From: S. 40(2) <s. 40(2)@40Seven.com>  
Sent: 23 June 2021 16:39  
To: S. 40(2) <s. 40(2)@chorley.gov.uk>; S. 40(2) <s. 40(2)@homesengland.gov.uk>  
Cc: S. 40(2) <s. 40(2)@homesengland.gov.uk>  
Subject: RE: Drainage Connectivity Survey - Cowling Farm

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Hi S. 40(2)

We won't be breaking ground. The CCTV survey equipment will enter from the outfall to the North of Cricket pitch and will run within the drainage pipe to the outlet next to the highway. We will need to walk across the area to detect the location and depth of the pipe, but we won't be disturbing the ground in any way. We will therefore need vehicle access to the culvert/outfall to the North.

We then also need access confirming for the area to the North where we will be surveying the boundaries only.

Regards,  
S. 40(2)

---

From: S. 40(2) <s. 40(2)@chorley.gov.uk>  
Sent: 23 June 2021 16:22  
To: S. 40(2) <s. 40(2)@40Seven.com>; S. 40(2) <s. 40(2)@homesengland.gov.uk>  
Cc: S. 40(2) <s. 40(2)@homesengland.gov.uk>  
Subject: RE: Drainage Connectivity Survey - Cowling Farm

Hi S. 40(2)

Apologies for not coming back you sooner. I have been trying to make arrangements with our estates team. We have a tenant who will need to be advised. I have just chased them again. It might be helpful if you could provide a method statement detailing where you propose to break ground?

I'll get back to you tomorrow.

Kind Regards, S. 40(2)

(2)  
S. 40(2)  
Chorley Council

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---

From: S. 40(2) <S. 40(2)@40Seven.com>  
Sent: 23 June 2021 14:37  
To: S. 40(2) <S. 40(2)@chorley.gov.uk>; S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Cc: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Subject: RE: Drainage Connectivity Survey - Cowling Farm  
Importance: High

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Hi S. 40(2)

Just wondering if you have an update regarding the site access? We have both the Topo team and CCTV team pencilled in for next week but we obviously need to confirm if we can asap.

Best Regards,  
S. 40(2)

---

From: S. 40(2)  
Sent: 21 June 2021 14:02  
To: S. 40(2) <S. 40(2)@chorley.gov.uk>; S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Cc: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Subject: RE: Drainage Connectivity Survey - Cowling Farm

Hi S. 40(2)

Just wondering if you have an update regarding the site access? We have both the Topo team and CCTV team pencilled in for next Monday but we obviously need to confirm if we can asap.

Best Regards,  
S. 40(2)

---

From: S. 40(2) <S. 40(2)@chorley.gov.uk>  
Sent: 14 June 2021 08:26  
To: S. 40(2) <S. 40(2)@40Seven.com>; S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Cc: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Subject: RE: Drainage Connectivity Survey - Cowling Farm

Hi S. 40(2)

Thanks for the confirmation of dates. I will let our estates team know of the proposed dates. We have an existing tenant on the land so we will need to ensure its convenient for them.

Kind Regards, S. 40(2)

(2)  
S. 40(2)

Chorley Council

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---

From: S. 40(2) <S. 40(2)@40Seven.com>  
Sent: 09 June 2021 13:28  
To: S. 40(2) <S. 40(2)@chorley.gov.uk>; S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Cc: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Subject: RE: Drainage Connectivity Survey - Cowling Farm

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Hi S. 40(2)

Yes, I've pencilled the Topographical Survey in for 28<sup>th</sup>/29<sup>th</sup> June. The drainage team can be there on Monday 28<sup>th</sup> if access can be arranged for then.

If you can confirm these dates are ok we'll book them in and arrange the RAMS etc for you.

Regards,  
S. 40(2)

---

From: S. 40(2) <S. 40(2)@chorley.gov.uk>  
Sent: 08 June 2021 16:56  
To: S. 40(2) <S. 40(2)@homesengland.gov.uk>; S. 40(2) <S. 40(2)@40Seven.com>  
Cc: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Subject: RE: Drainage Connectivity Survey - Cowling Farm

Hi S. 40(2)

Prior to completing the works I will need to arrange a licence and obtain your RAM's. Do you have a date in mind for commencing the works?

Kind Regards, S. 40(2)

(2)  
S. 40(2)  
Chorley Council

📞 S. 40(2) | 🌐 [chorley.gov.uk](http://chorley.gov.uk)

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---

From: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Sent: 28 May 2021 16:03  
To: EXTERNALS. 40(2) <S. 40(2)@40seven.com>  
Cc: S. 40(2) <S. 40(2)@homesengland.gov.uk>; S. 40(2) <S. 40(2)@chorley.gov.uk>  
Subject: RE: Drainage Connectivity Survey - Cowling Farm

s. 40(2)

**From:** s. 40(2) <s. 40(2)@chorley.gov.uk>  
**Sent:** 13 May 2021 17:13  
**To:** s. 40(2)  
**Cc:** s. 40(2)  
**Subject:** RE: Cowling Farm - Tree Survey

Hi s. 40(2)

You can freely access our site from the Homes England site, can we have the RAM's for the walkover please.

I am available on Friday at 12 next week.

Kind Regards, s. 40(2)

(2)  
s. 40(2)  
Chorley Council

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---

**From:** s. 40(2) <s. 40(2)@homesengland.gov.uk>  
**Sent:** 13 May 2021 15:09  
**To:** s. 40(2) <s. 40(2)@chorley.gov.uk>  
**Cc:** s. 40(2) <s. 40(2)@homesengland.gov.uk>  
**Subject:** RE: Cowling Farm - Tree Survey

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Hi s. 40(2)

Thanks, I'll get in touch with TEP and get the survey organised.  
Would it be best to contact you to coordinate access?

I think it would be good to have a catch up meeting, can you please let me know your availability for a call next week?

We would like to be updated on progress with the G+T site too – documents such as the access drawings and tree survey would be helpful to assist with the joint application.

Kind regards,  
s. 40(2)

(2) s. 40(2)

s. 40(2)  
s. 40(2)

Office: s. 40(2)  
Mobile: s. 40(2)

[@HomesEngland](#)



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No.1 Mann  
Island  
Liverpool  
L3 1BP

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---

From: s. 40(2) <s. 40(2)@[chorley.gov.uk](mailto:chorley.gov.uk)>  
Sent: 11 May 2021 09:45  
To: s. 40(2) <s. 40(2)@[homesengland.gov.uk](mailto:homesengland.gov.uk)>  
Cc: s. 40(2) <s. 40(2)@[homesengland.gov.uk](mailto:homesengland.gov.uk)>  
Subject: RE: Cowling Farm - Tree Survey

Hi s. 40(2)

I'm happy with the quote. We have recently completed a tree survey on the G & T site area only, so this will be required to review the full site.

I am still waiting on Legal to review the MoU which I am chasing. I'll see if I can get somebody else to look at it as the solicitor undertaking the review is involved in a public inquiry this week.

Kind Regards, s. 40(2)

(2)  
s. 40(2)  
Chorley Council

s. 40(2) | [chorley.gov.uk](http://chorley.gov.uk)

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From: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Sent: 05 May 2021 15:51  
To: S. 40(2) <S. 40(2)@chorley.gov.uk>  
Cc: S. 40(2) <S. 40(2)@homesengland.gov.uk>  
Subject: Cowling Farm - Tree Survey

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Hi S. 40(2)

I've now received the quote from TEP to update the tree survey and prepare the relevant documentation for the future application submission.  
Please find a copy attached.

TEP have advised that should we both agree to their appointment, they would be able to undertake the survey as early as next week.

We're happy to instruct the work and cover the fee as we're awaiting the MoU to be signed, could you let me know if there are any issues with access?

If you want to discuss further, please don't hesitate to give me a call.

Kind regards,  
S. 40(2)

(2) S. 40(2)  
S. 40(2)  
S. 40(2)

Office: S. 40(2)  
Mobile: S. 40(2)

[@HomesEngland](https://twitter.com/HomesEngland)



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L3 1BP

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s. 40(2)

**From:** s. 40(2)  
**Sent:** 24 May 2021 16:24  
**To:** s. 40(2)  
**Cc:** s. 40(2)  
**Subject:** Cowling Farm - Soft Market Testing - Questions for Housing Team

Hi s. 40(2)

Some initial questions which it would be helpful to get feedback from the Council's housing team on are:

- What would your preferred unit mix be on this site (e.g. 2, 3, 4 beds)?
- Can you provide details of the house types you would seek to provide on here?
- What density of development would you typically seek? (sq.ft)
- The proposals are seeking policy-complaint levels of affordable housing (30%) - What would your preferred unit and tenure mix be on this site?
- Who are the active RPs in the area?

Kind regards,  
s. 40(2)

(2) s. 40(2)  
s. 40(2)  
s. 40(2)

Office: s. 40(2)  
Mobile: s. 40(2)

[@HomesEngland](#)



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s. 40(2)

**From:** s. 40(2)  
**Sent:** 24 May 2021 16:09  
**To:** s. 40(2)  
**Cc:** s. 40(2)  
**Subject:** Cowling Farm - Work Quotes & Scope  
**Attachments:** Car Park Options - Fee Proposal.pdf; 64566 47 Quotation 2021.pdf; Hive PI Cowling Soft Market Testing.docx

Hi s. 40(2)

Good to speak on Friday and we look forward to comments back on the MoU this week and updates on the G+T application documents in due course (e.g. layout and levels drawings).

As discussed, there are three topics which we've got quotes from consultants on (copies attached for your information):

- Boundary Survey & Drainage Connectivity Survey (4oSeven)
- Soft Market Testing (Hive)
- Replacement car park & construction access review (BDP, Curtins and RLB)

With regard to coordinating access for the drainage connectivity survey, can I suggest that s. 40(2) from 4oSeven gets in touch directly with you and the property team at the Council?

Kind regards,  
s. 40(2)

(2) s. 40(2)  
s. 40(2)  
s. 40(2)

Office: s. 40(2)  
Mobile: s. 40(2)

[@HomesEngland](#)



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L3 1BP

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s. 40(2)

**From:** s. 40(2)  
**Sent:** 08 June 2021 10:49  
**To:** s. 40(2)  
**Cc:** s. 40(2)  
**Subject:** Cowling Farm - MoU

Hi s. 40(2)

I hope you are enjoying the sunshine!  
Can I please ask for an update on the MoU?

Also how is the G+T application going? Has it been submitted yet?

Kind regards,  
s. 40(2)

(2) s. 40(2)  
s. 40(2)  
s. 40(2)

Office: s. 40(2)  
Mobile: s. 40(2)

[@HomesEngland](#)



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s. 40(2)

**From:** s. 40(2)  
**Sent:** 24 June 2021 14:10  
**To:** s. 40(2)  
**Cc:** s. 40(2)  
**Subject:** Cowling Farm - Update

Hi s. 40(2)

I hope you're having a good week.

Our ecologist has got in touch and wants to book in some nocturnal bat surveys on the higher value trees on-site. I'll send you the scope and quote when I get it, but I presume they'll be okay to just go on site as its non-intrusive?

We've got some interviews booked in with housebuilders in a couple of weeks to start the soft market testing so I will give you an update on their feedback afterwards.

Is there any update on when we'll see comments on the MoU?  
Just noting that the Council's housing land supply statement anticipates housing completions by next year so I think we're all keen to get an outline application moving.

Also can I check where you're up to with the gypsy and traveller site? Has the application been submitted yet? It would be useful to see the documents so we can consider and incorporate the different technical aspects (e.g. levels, layout) in this project too.

Happy to have a call to run through any of the above.

Kind regards,  
s. 40(2)

(2) s. 40(2)  
s. 40(2)  
s. 40(2)

Office: s. 40(2)  
Mobile: s. 40(2)

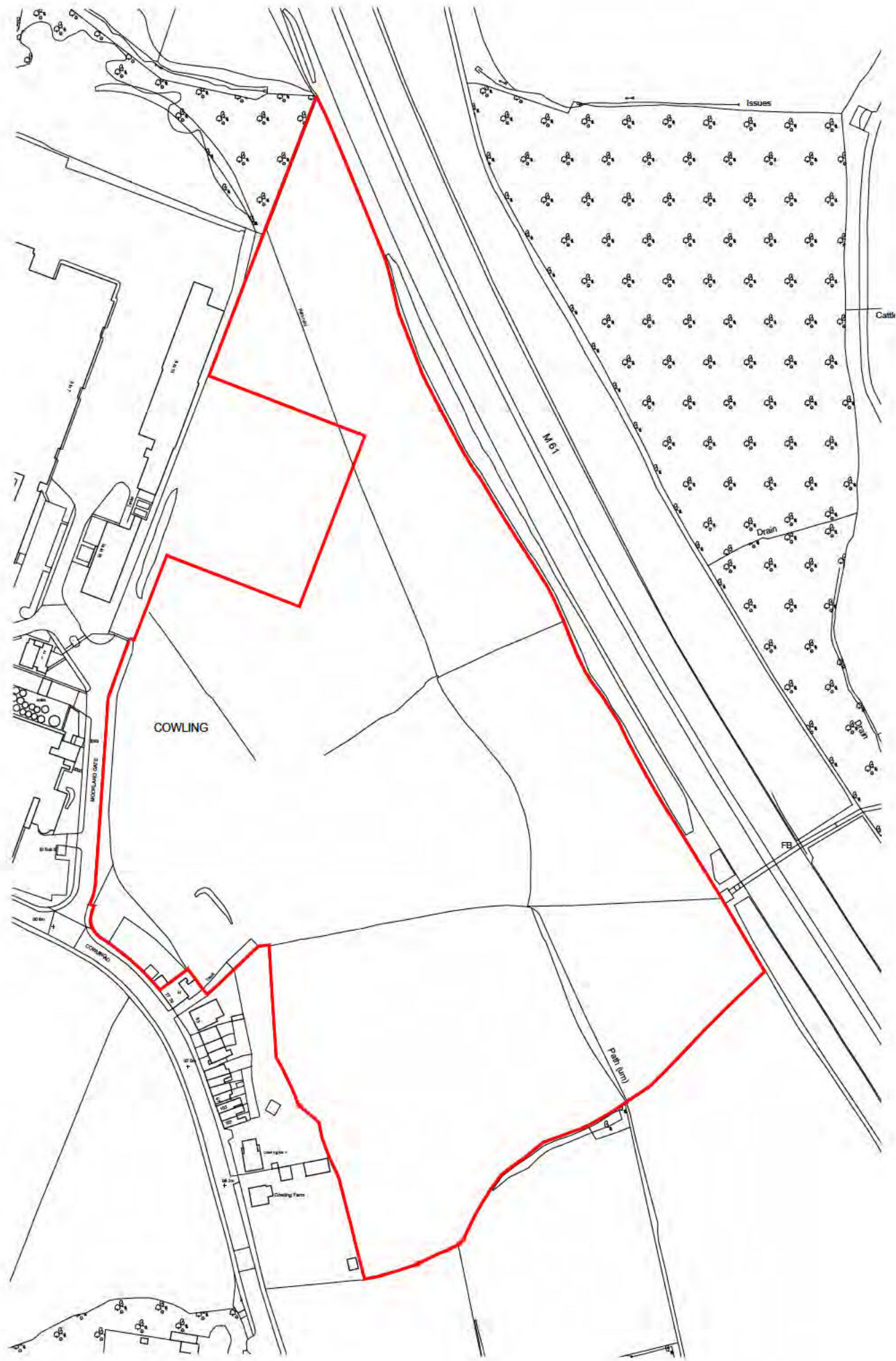
[@HomesEngland](#)



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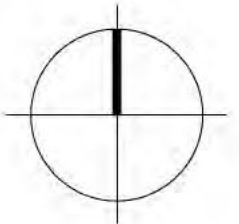
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1:2500



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- For the avoidance of doubt all dimensions are measured to wall structure and not the finishes unless otherwise stated.
- Where any discrepancy is found to exist within or between drawings and/or documents it should be reported to the architect immediately.
- MP&D Planning & Design Ltd. shall not be liable for any use of drawings and documents for any purpose other than for which the same were prepared by or on behalf of MP&D Planning & Design Ltd.



Rev	Date	Revision	Initial

+ Client  
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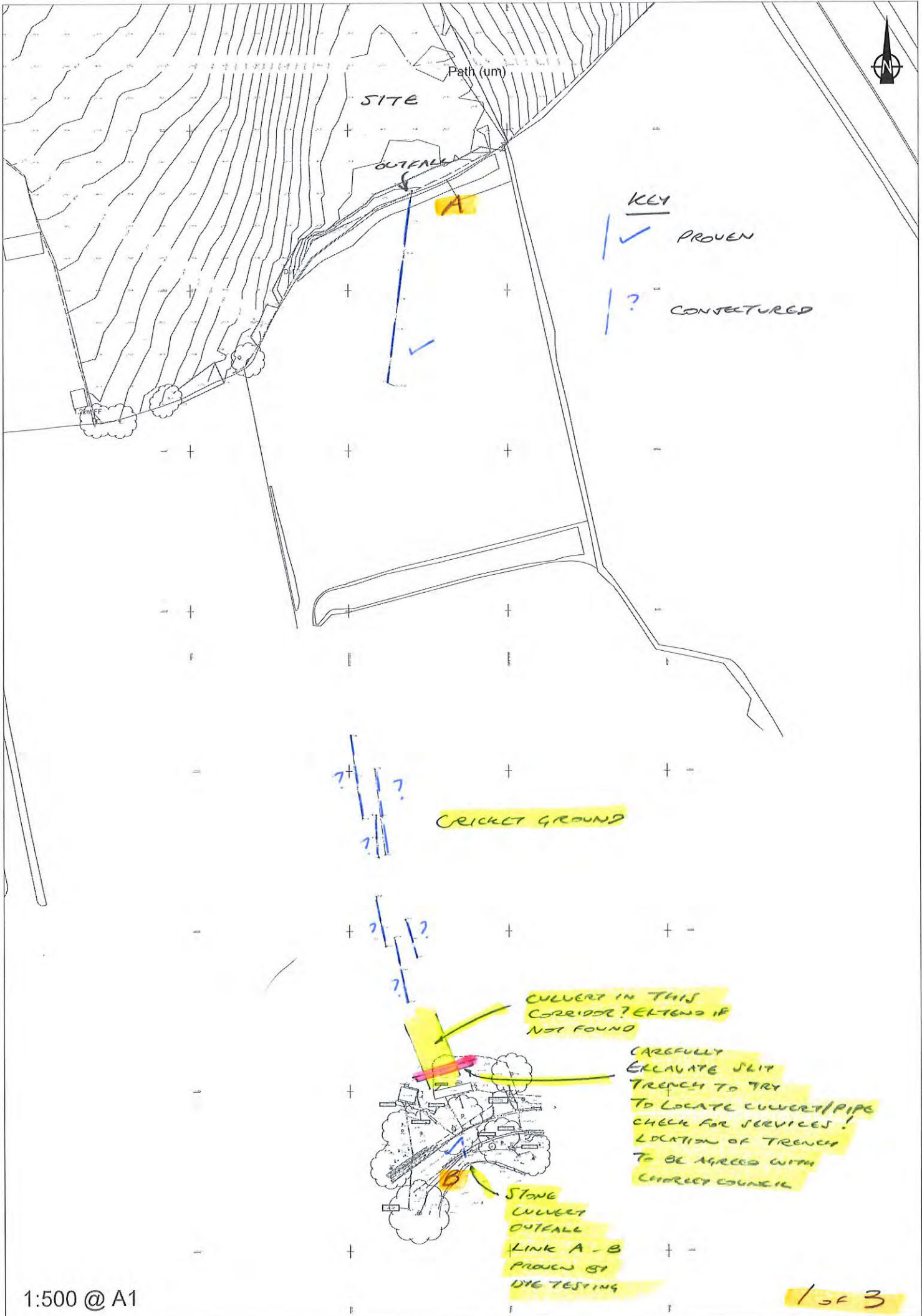
+ Drawing Title  
**SITE LOCATION PLAN**

+ Project  
**Proposed Residential Development  
Cowling Road,  
Chorley.**

Job No 20053	Dwg No 00	Drawn AD	Rev --
Scale 1:2500 @ A3	Date MARCH 2021	Stage FOR PLANNING	

mp&d planning & design ltd  
14 west point enterprise park,  
clarence avenue, trafford park,  
manchester, m17 1qs  
t: 0161 772 1999  
e: info@mp&d.co.uk  
www.mp&d.co.uk





Path (um)

SITE

OUTFALL

A

KEY

✓ PROVEN

? CONJECTURED

CRICKET GROUND

CULVERT IN THIS CORRIDOR? EXTEND IF NOT FOUND

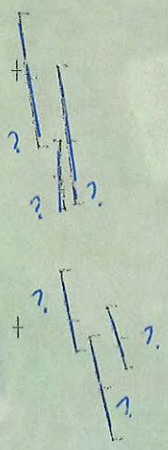
CAREFULLY EXCAVATE SHIT TRENCH TO TRY TO LOCATE CULVERT/PIPE CHECK FOR SERVICES! LOCATION OF TRENCH TO BE AGREED WITH CRICKET COUNCIL

STONE CULVERT OUTFALL LINK A-B PROVEN BY DYE TESTING



Path (um)

Ridges Bed  
Breakfast



1:500 @ A1

Long Ln

The Black Horse  
Inn, Limbrick



S. 40(2)

Chorley Borough Council  
Town Hall  
Chorley  
PR7 1DP

15<sup>th</sup> March 2017

**RE: Cowling Farm – collaborative working proposals**

Dear S. 40(2)

I wanted to take this opportunity to write to you to confirm HCA's proposals to a collaborative approach to bring forward the development of the mixed use allocated site at Cowling Farm, Chorley. This arose from discussions arising from the legal process of the Chorley Land Exchange.

Both parties will work together on a masterplan across the entire allocation up to the point of adoption. Once adopted the parties will be free to dispose of their land independently. As part of this working arrangement we would like to capture the details under a simple Memorandum of Understanding, to be agreed early in the 2017/18 financial year.

I write to confirm HCA's commitment to the following actions:

- HCA to fund the first draft masterplan for the entire allocated site (HS1.5/EP1.6/HS11), and for the avoidance of doubt this is to include all future HCA owned and CBC retained land at Cowling Farm;
- HCA to work with CBC, though the masterplanning and outline/reserved matters planning process, to ensure a suitable highways access is provided from the residential allocated land to the boundary with Chorley's retained land (see attached plan). This highway connection will be at a suitable location, between points A and B on the attached plan, to allow direct connection to any future residential land to be released from CBC's retained land at Cowling Farm. This is on the understanding that only residential uses will be accessed through HCA's residential land, the non-residential uses are accessed separately via Moorland Gate

S. 40(2)

Further to the successful adoption of the masterplan, HCA and Chorley will separately plan applications for their own land, working in accordance with the agreed plan.

above gives you the comfort that HCA are committed to the successful delivery of the allocated site in its entirety.

Sincerely,

S. 40(2)

S. 40(2)

@hca.gsi.gov.uk

November 2017

s. 40(2) |  
Chorley Borough Council  
Town Hall  
Market Street  
Chorley  
PR7 1DP

Dear s. 40(2)

### **LAND AT COWLING FARM, MOORLAND GATE, CHORLEY ("SITE")**

Following our previous successes in working together to bring forward development opportunities in the Borough I wanted to take this opportunity to write to you in relation to our joint landholdings at Cowling Farm, Moorland Gate.

This letter is intended to set out our intention for the Homes and Communities Agency ("HCA") and Chorley Borough Council ("CBC") to continue to work in partnership on this project. It also sets out the basis on which we intend that the site masterplan work will be taken forward and consultants jointly appointed. Should you agree to this proposal, I would be grateful if you could countersign the duplicate copy of this letter and return it to me.

#### **Scope**

The objective of this joint work/project is to prepare a comprehensive masterplan capable of approval by CBC Planning Department for our joint landholdings, as per the Local Plan requirements under the allocated policies HS1.11 and EP1.6. In support of which this project will also produce the associated technical studies required to evidence the deliverability of the masterplan.

Once approved, the masterplan will provide a framework for the determination of our respective future planning applications, with HCA minded to seek an outline application for the land in its ownership for approval by CBC Planning Department.

Unless agreed otherwise each of us will be responsible for any future planning applications on their respective land holdings. At this time there is no intention that we will collaborate in respect of the actual development itself, beyond the interaction required of a landowner and planning authority.

The purpose of the masterplan is to enable each of us to develop our parts of the Site independently, as far as is technically feasible, without reliance on the other for access, service provision or for any other reason. The only exception to this would be any additional contiguous residential land that may be located on CBC's retained land. Additionally, it is to be noted that it is not the intention of to seek to ransom the other in any scenario. This will be made clear by both of us to any appointed consultants.

For the purposes of the masterplan a joint public consultation event will be held prior to submission for CBC approval. The appointed planning advisors will lead the event, with officers from both CBC and HCA

in attendance. Each of us will be solely responsible for addressing any questions in relation to the proposals within our own land areas.

Appendix A, appended to this documents, sets out an indicative set of key milestones for us to work towards.

In the event that a dispute occurs then to resolve matters a meeting will be convened and chaired jointly by CBC's Chief Executive Officer and the HCA's NW Head of Public Sector Land. Both parties will abide by the agreed outcome of this meeting.

In the event that the masterplan is either delayed or cabinet approval is not secured within 3 months of a preferred option being established, HCA reserves the right to submit its outline application in advance of any final approval.

Issues of intellectual property will be dealt with and reflect the terms of the HCA's framework agreement and made explicit in the relevant tender documents issued as part of the procurement exercise.

I also attach a Cost Schedule (Appendix B) which itemises the various pieces of work likely to be required to support the masterplan. It is intended that the Cost Schedule is a living document and will be updated and amended as necessary. Any consultants to be appointed and costs added to the Schedule must first be agreed in writing by us (such agreement not to be unreasonably withheld or delayed).







THE  
ENVIRONMENT  
PARTNERSHIP



**COWLING FARM  
CHORLEY  
ARBORICULTURAL ASSESSMENT  
OCTOBER 2019**

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<b>CONTENTS</b>	<b>PAGE</b>
1.0 Instruction and scope .....	1
2.0 Site description.....	2
3.0 Statutory protection, designations and guidance .....	3
4.0 Planning Policy.....	6
5.0 Tree Population .....	9
6.0 Development Constraints and Opportunities .....	13
7.0 Recommendations .....	16

<b>TABLES</b>	<b>PAGE</b>
Table 1 Existing canopy coverage.....	9
Table 2 Summary of BS 5837 quality categorisation .....	12

## **APPENDICES**

APPENDIX A: Tree Survey Data

APPENDIX B: Survey Method

## **DRAWINGS**

Drawing 1 - Tree Constraints Plan

## 1.0 Instruction and scope

- 1.1 TEP has been commissioned by Homes England to conduct a survey of land at Cowling Farm and a review of designations, policies and other instruments of relevance to arboriculture. This report presents the results of a site walkover, desktop exercise and an assessment of trees in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations to identify potential constraints to future development.
- 1.2 The survey was undertaken on 23rd October 2019 by reg. 13(1)  
[REDACTED].  
The survey method is included at Appendix B.
- 1.3 A topographical survey was used to record the position of trees and vegetation (drawing reference: P2008353). Where trees were not shown on the topographical survey, their locations were estimated<sup>1</sup>.
- 1.4 Trees on private land outside the application boundary, and at inaccessible locations<sup>2</sup> were surveyed insofar as was practicable. Whilst reasonable effort has been made to ensure the accuracy and comprehensiveness of such records, it cannot be guaranteed.
- 1.5 This report constitutes a valid basis for the evaluation of constraints posed by trees for a period not exceeding 2 years. After this, it would be necessary to review baseline data and conclusions to ensure reliability.

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<sup>1</sup> Estimated feature locations are marked on Drawing 1

<sup>2</sup> Limitations to the survey are described at Appendix A

## 2.0 Site description

### Address/location

- 2.1 The site is located on the eastern edge of Chorley in Lancashire immediately adjacent to the M61 motorway. Access is currently from the west off Cowling Road. It is centred approximately on OS Grid Reference SD 5996 1677.

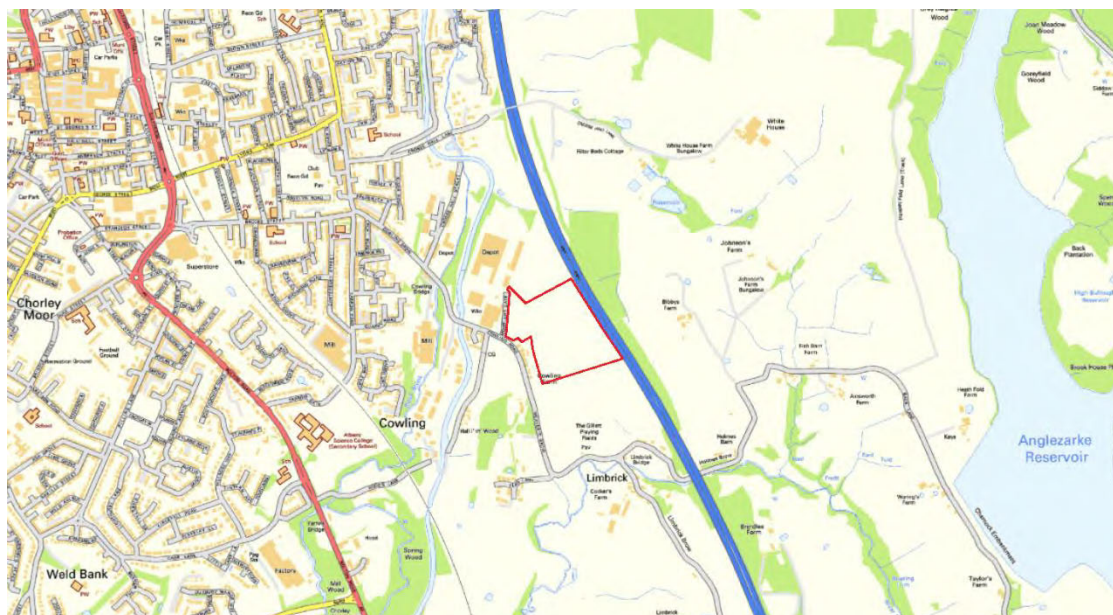


Figure 1: Site location and approximate boundary (OS Street View © 1:10 000 dataset)

Contains OS data © Crown copyright and database right 2019

### Approximate area

- 2.2 The site is approximately 6ha.

### Current use

- 2.3 The site is currently in agricultural use and divided into field parcels. It is undulating throughout with significant differences in topography across its area. Further agricultural fields adjoin to the north and south, and the M61 borders to the east; there are private properties and gardens and industrial units to the west along Cowling Road and Moorland Gate.
- 2.4 At the time of the survey the site was being used to graze cattle. A number of public footpaths were noted across the southern extent of the survey area.

### Local authority

- 2.5 The local authority is Chorley Council.
- 2.6 The local authority's tree department can be contacted by using the online contact form <https://chorley.gov.uk/Pages/Contact-Us.aspx> or by telephone on 01257 515142.

## 3.0 Statutory protection, designations and guidance

### Tree Preservation Orders

- 3.1 Local authorities can create Tree Preservation Orders (TPO) to protect the amenity of trees, groups of trees, woodland or all the trees within a defined area<sup>3</sup>. Cutting down, lopping (including roots), topping, uprooting, and wilful damage or destruction are prohibited by TPO unless done with the Local Authority's written consent.
- 3.2 The council's online mapping facility confirmed that there are no TPOs on or adjacent to the site.

### Conservation Area

- 3.3 Trees within Conservation Areas are protected by Section 211 of The Town and Country Planning Act 1990. The local authority must be notified 6 weeks before the any tree<sup>4</sup> in a Conservation Area is removed, uprooted, lopped, topped, wilfully destroyed, or wilfully damaged. During this period the Council may consider serving a Tree Preservation Order to prevent the proposed work from being undertaken.
- 3.4 The council's online mapping facility confirmed that no part of the site is within a Conservation Area.

### Ancient Woodland and Veteran Trees

- 3.5 Ancient woodland and ancient or veteran trees are irreplaceable and amongst the most valuable and sensitive habitats. Ancient woodland is any area that has been wooded since at least 1600. Individual trees of exceptional age, size, biodiversity or cultural significance are regarded as 'veterans'. Neither category has legal protection but they have strong protection in planning policy. Any works to veteran or ancient trees and woodland should be undertaken with the utmost sensitivity and under specialist advice.<sup>5</sup>
- 3.6 Natural England's ancient woodland inventory<sup>6</sup> shows no ancient woodland within or adjacent to the site.
- 3.7 Veteran trees are also regarded as an irreplaceable habitat with similar provisions to ancient woodland. There is a presumption in NPPF against development that would result in loss or deterioration of a veteran tree. It is not possible to replace veteran trees and any such effects must be weighed in the planning balance against need and benefits.
- 3.8 There is no comprehensive register of veteran trees. The Woodland Trust maintains a verified register of ancient, veteran and notable trees on behalf of the Ancient Tree Forum, which contains no records for the site.
- 3.9 The walkover survey recorded no veteran trees within or adjacent to the site.

<sup>3</sup> Exemptions apply, see <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

<sup>4</sup> Exemptions apply, see <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

<sup>5</sup> See <https://www.forestry.gov.uk/anwpracticeguide> for further information

<sup>6</sup> <http://www.natureonthemap.naturalengland.org.uk/magicmap.aspx>

## Community Forests

- 3.10 Online mapping<sup>7</sup> confirmed that the site is not within a Community Forest.

## Habitats of Principal Importance

- 3.11 A list<sup>8</sup> of habitats which are of principal importance for the purpose of conserving biodiversity is maintained by the Secretary of State<sup>9</sup>. The list includes habitat types that are defined by woody vegetation, which are listed below. The geographical extent and location of these habitats (excluding hedgerow) is mapped by Natural England on the Priority Habitat Inventory<sup>10</sup>. Observations were also made to corroborate the mapping during the site survey.
- 3.12 All public authorities, including local planning authorities and statutory undertakers have a duty to have regard to the purpose of conserving biodiversity<sup>11</sup>. Habitats of Principal Importance provide a means of evaluating effects on biodiversity, and thereby a metric to demonstrate the discharge of this duty. In the context of planning, adverse effects on Habitats of Principal Importance that cannot be mitigated are material to decision making.

### *Deciduous Woodland*

- 3.13 Six distinct types of woodland<sup>12</sup> are amalgamated in the Inventory under the habitat type 'Deciduous Woodland'.
- 3.14 The Inventory has no records of Deciduous Woodland at the site. The closest is directly adjacent to the north east corner of the site at Grove Lane Plantation and woodland south of the River Calder at Bankcrofts Plantation.

### *Wood Pasture and Parkland*<sup>13</sup>

- 3.15 Wood-pasture and parkland are mosaic habitats valued for their trees, especially veteran and ancient trees, and the plants and animals that they support. They are exclusively associated with some species of insects, lichens and fungi which depend on dead and decaying wood. Grazing animals and continuity of management are fundamental to the existence of the habitat and it can be a type of ancient woodland.
- 3.16 The Inventory has no records of Wood Pasture and Parkland at the site.

### *Traditional Orchards*<sup>14</sup>

- 3.17 Traditional orchards are defined, for priority habitat purposes, as groups of fruit and nut trees planted on vigorous rootstocks at low densities in permanent grassland; and managed in a low intensity way. Habitat structure rather than vegetation type, topography or soils, is the defining feature of the habitat.

<sup>7</sup> <https://magic.defra.gov.uk/>

<sup>8</sup> <http://jncc.defra.gov.uk/page-5706>

<sup>9</sup> Natural Environment and Rural Communities Act 2006, 41 (1)

<sup>10</sup> <https://magic.defra.gov.uk/MagicMap.aspx>

<sup>11</sup> Natural Environment and Rural Communities Act 2006, 40 (1)

<sup>12</sup> Upland Oakwood; Lowland Beech and Yew Woodland; Upland Mixed Ashwoods; Wet Woodland; Lowland Mixed Deciduous Woodland; Upland Birchwoods

<sup>13</sup> [http://jncc.defra.gov.uk/docs/UKBAP\\_BAPHabitats-65-WoodPastureParkland2011.doc](http://jncc.defra.gov.uk/docs/UKBAP_BAPHabitats-65-WoodPastureParkland2011.doc)

<sup>14</sup> [http://jncc.defra.gov.uk/Docs/UKBAP\\_BAPHabitats-56-TraditionalOrchards.doc](http://jncc.defra.gov.uk/Docs/UKBAP_BAPHabitats-56-TraditionalOrchards.doc)



- 3.18 The Inventory has no records of Traditional Orchards at the site.

*Hedgerow*<sup>15</sup>

- 3.19 Hedgerow is any boundary line of trees or shrubs over 20m long and less than 5m wide, and where any gaps are less than 20m wide. It may include banks, walls, ditches, herbaceous vegetation, climbing plants or trees within 2m of the centre line. All hedgerows which comprises at least 80% woody native species are included.
- 3.20 The survey identified 4 hedgerows<sup>16</sup>. Of these, all except H1 and H3 meet the description of the Habitat of Principal Importance.

**Protected Species – Bats**

- 3.21 Mature trees often contain cavities, crevices and hollows, which are a potential habitat for roosting bats. Bats are afforded protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), as well as under Schedule 2 of the Conservation of Species and Habitats Regulations 2010, and as such causing damage to a bat roost constitutes an offence.
- 3.22 No assessment of the presence of protected species has been made during the production of this report. Features of possible interest that were observed incidentally during the tree survey are recorded in Appendix A.
- 3.23 If the presence of a bat roost is suspected whilst undertaking works on any trees on site, operations must be halted until a licensed bat handler or ecologist can provide advice.

**Protected Species - Birds**

- 3.24 Trees are a potential habitat for nesting birds, which (as well as their nests and eggs) are protected under the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to intentionally or recklessly, damage or destroy an active nest or any part thereof.
- 3.25 Due to the suitability of the trees within the survey boundary for nesting birds, all tree work should ideally be undertaken outside the bird nesting season (March to August, inclusive).
- 3.26 If this is not possible then a detailed inspection of each tree should be undertaken by a qualified ecologist immediately prior to the arboricultural works. Should an active nest be found (being built, containing eggs or chicks), any work likely to affect the nest must be halted until the nest becomes inactive.

<sup>15</sup> [http://jncc.defra.gov.uk/Docs/UKBAP\\_BAPHabitats-17-Hedgerows.doc](http://jncc.defra.gov.uk/Docs/UKBAP_BAPHabitats-17-Hedgerows.doc)

<sup>16</sup> See Appendix A

## 4.0 Planning Policy

- 4.1 All trees are a material consideration in the planning process. Effects on trees will therefore be considered by the consenting authority. Adverse effects that cannot be mitigated and which are not acceptable on balance against other benefits may weigh against the granting of planning permission.
- 4.2 There should be a common sense ambition to limit tree loss to that which is strictly required to facilitate the proposal, and to achieve a good design. Trees which are retained should not be harmed and the proposal should present a reasonable account of the prospects for tree retention in accordance with BS 5837.

### National Planning Policy Framework (NPPF)

- 4.3 The National Planning Policy Framework (NPPF) has an overarching environmental objective. This embeds protection and enhancement of the natural environment and biodiversity in decision making<sup>17</sup>.
- 4.4 Planning policies and decision making should recognise the wider benefits from natural capital and ecosystem services, including those provided by trees and woodland, and minimise impacts on and provide net gains for biodiversity<sup>18</sup>.
- 4.5 Where significant harm to biodiversity cannot be avoided, mitigated, or compensation provided, planning permission should be refused<sup>19</sup>. Loss or fragmentation of trees and woodland may constitute or give rise to significant harm to biodiversity.
- 4.6 There is a strong policy presumption against loss or deterioration of irreplaceable habitats such as ancient woodland and ancient or veteran trees. Development resulting in the loss of either should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists<sup>20</sup>.

### Local Planning Policy

- 4.7 Chorley Council has a number of adopted policies pertaining to trees and nature conservation in the Chorley Local Plan 2012-2026. They are reproduced hereafter.

#### Policy BNE9: Biodiversity and Nature Conservation

In Chorley, Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced:

Priority will be given to:

- i. Protecting and safeguarding all designated sites of international, national, regional, county and local level importance including all Ramsar sites, Special Protection Areas, Special Areas of Conservation, national nature reserves, sites of special scientific interest and biological heritage sites, geological heritage sites, local nature reserves and wildlife corridors together with any ecological network approved by the Council;

<sup>17</sup> NPPF paragraph 8 (c)

<sup>18</sup> NPPF paragraph 170 (b) (d)

<sup>19</sup> NPPF paragraph 175 (a)

<sup>20</sup> NPPF paragraph 175 (c)

- ii. Protecting, safeguarding and enhancing habitats for European, nationally and locally important species;
- iii. The ecology of the site and the surrounding area (safeguarding existing habitats / features such as but not exclusive to trees, hedgerows, ponds and streams), unless justified otherwise;
- iv. When considering applications for planning permission, protecting, conserving, restoring and enhancing Chorley's ecological network and providing links to the network from and/or through the proposed development site.

In addition development must adhere to the provisions set out below:

- a) The production of a net gain in biodiversity where possible by designing in wildlife and by ensuring that any adverse impacts are avoided or if unavoidable are reduced or appropriately mitigated and/or compensated;
- b) The provision of opportunities for habitats and species to adapt to climate change;
- c) The support and encouragement of enhancements which contribute to habitat restoration;
- d) Where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs;
- e) In exceptional cases where the need for development in that location is considered to significantly outweigh the impact on the natural environment, appropriate and proportionate mitigation measures or as a last resort compensatory habitat creation and/or restoration will be required through planning conditions and/or planning obligations.

The following definition of what constitutes damage to natural environmental assets will be used in assessing applications potentially impacting upon assets:

1. Loss of the undeveloped open character of a part, parts or all of the ecological network;
2. Reducing the width or causing direct or indirect severance of the ecological network or any part of it;
3. Restricting the potential for lateral movement of wildlife;
4. Causing the degradation of the ecological functions of the ecological network or any part of it;
5. Directly or indirectly damaging or severing links between green spaces, wildlife corridors and the open countryside; and
6. Impeding links to ecological networks recognised by neighbouring planning authorities.

7. Significant adverse effect on the interest features of a designated nature conservation site.

Policy BNE10: Trees

Development proposals which would result in the loss of trees and/or involve inappropriate works to trees which contribute positively to the character and appearance of a Conservation Area will not be permitted. The removal of such trees will only be permitted in exceptional circumstances and where consent is granted, replacement trees will be required to be planted.

Proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted.

Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows. Tree planting will be required as part of new development proposals and an associated maintenance scheme. Tree Preservation Orders will be used to protect trees of landscape or townscape significance.

**Relevance to this site**

- 4.8 The application and relevance of the above policies to any development on this site should be explored within an Arboricultural Impact Assessment. The site does contain trees of value that should be conserved, notably along and adjacent to the southern and western boundaries.

## 5.0 Tree Population

- 5.1 17 individual trees (T1-T17); 23 groups of trees (G1-G23); and 4 hedges (H1-H4) were recorded within influencing distance of the application site.
- 5.2 Feature locations, their quality categories, canopy spreads and root protection areas are shown on Drawing 1. The following table provides the total canopy area for mapped trees and the total length of mapped hedgerow on Drawing 1. In some cases this may be more than the absolute area of cover due to canopy overlap between adjacent features.

*Table 1 Existing canopy coverage*

Trees	Groups	Woodland	Hedgerow
0.1137ha	0.5498ha	0.000ha	278m

- 5.3 The majority of tree cover is located around the boundaries of the site. This is mostly derived from large linear groups which extend along their respective boundaries, and smaller groups comprising a mixture of size and species.
- 5.4 Groups G1 and G12 are the two most prominent groups located at the boundary to the north-west and at the southern boundary respectively where they provide screening to the site; H2 is located within G1 and contributes to the screening functionality of the group. Both groups are linear shelter belts derived from third party trees. Their constituent canopies overhang the application site, particularly G12 which contains numerous broken and hanging branches. As established arboricultural features they provide amenity value to the area. G12 is also visibly prominent from surrounding fields and the M61 motorway to the east.



*Figure 2: View to west showing trees within G1*

- 5.5 Canopy cover within the site is limited and confined to a linear stretch of trees located at the foot of a steep embankment towards the eastern extent of the survey area. Some of most notable open grown trees within the site and wider landscape are located here (T13-T16 and trees within G10) which are typical of the rural setting. Numerous mature hawthorns (G20) make up the rest of this area of canopy cover; these are likely outgrown field boundary hedgerow trees.



*Figure 3: View to south-east showing T15 and the wider site to the east*

- 5.6 Similarly, G21 and G22 are linear groups of predominantly hawthorn. These again appear to be outgrown hedgerows which previously demarcated field boundaries between the northern site boundary and adjoining fields to the north. Trees within G22 are located sporadically with many large gaps between the constituent features. T17 is another notable open grown tree located in this area.



*Figure 4: View to south-west showing T17 and trees within G23*

- 5.7 The remainder of canopy cover is derived from smaller groups to the eastern (T4, T5, G6 and G7) and western (trees located between T12 and G14) boundaries. These are predominantly younger trees of small to medium size which offer limited value and function within the locality. Advanced ash dieback symptoms were noted in some trees at the western boundary, particularly younger individuals within G15)



*Figure 5: View of eastern boundary showing T12 and G15*

- 5.8 Overall, the tree population provides amenity value to the area (particularly to private properties and businesses to the west), and as part of the broader treescape, provides landscape value within the wider rural setting and along the M61 motorway corridor. A degree of wildlife value and habitat connectivity is also delivered inherent to the nature of the tree population and its setting.

### **Tree Quality Categorisation**

- 5.9 Under BS 5837 trees are objectively assigned one of four categories to describe their quality. The table overleaf includes a description of each category and the amount of trees within it. This information is presented by canopy area to allow comparison between features of varying size and maturity. Hedgerows have not be categorised.

Table 2 Summary of BS 5837 quality categorisation<sup>21</sup>

Category	Description	Total existing
A	Trees of high quality, typically with a long remaining life expectancy; and with clear and identified merit as specimens, visually, culturally or for conservation.	0.000ha
B	Trees of moderate quality, typically with at least a medium remaining life expectancy; with remediable defects only; or low quality but with collective merit.	0.4205ha
C	Trees of low quality, typically with at least a short remaining life expectancy; unremarkable trees; young or small trees that could be replaced.	0.2337ha
U	Trees that cannot realistically be retained in the current land use for 10 years; with serious and irreparable defects, pathogens or decline.	0.0093ha

- 5.10 60% of recorded features by area are Category B. This is largely a reflection of the landscape value afforded by trees collectively opposed to individual contribution. Those attaining Category C generally do so based on either young age or low landscape benefits. There are no Category A trees on the site but some of the middle-aged oak trees are currently on course the potential to develop into high value features.

<sup>21</sup> Refer to Appendix B for the full table



## 6.0 Development Constraints and Opportunities

### General Considerations

- 6.1 Trees form a material consideration in the planning process and all trees have some inherent value. There should be a common sense ambition to limit tree loss to that which is strictly necessary to facilitate the proposal, and to ensure that the condition and safety of all remaining trees would not be compromised by the development. The quality and distribution of trees should also be considered amongst other constraints in the development of the detailed design phases.
- 6.2 The tree categorisation method identifies the quality and value of the existing tree stock but is not meant to be interpreted rigidly and is presented in order to allow an informed judgement on tree retention and removal. In some instances, the removal of high or moderate value trees can be justified based on other development priorities and their weighting in the planning balance.
- 6.3 High (Category A) and Moderate value trees (Category B) should be retained wherever possible within future development plans due to their aesthetic, amenity and screening value that would be more difficult and expensive to immediately replace. In some cases they are the next generation of high value trees or provide functions that cannot be readily recreated via new tree planting within a short to medium time frame. The requirement to remove these trees must be justified by sound design rationale and may result in the requirement for an increased level of mitigation compared to the removal of lower value trees.
- 6.4 Category C trees and groups are considered to be of low value by virtue of either their young age, limited visual prominence or compromised condition. Their presence should not unduly constrain development design, but where possible they should be incorporated. Young, low value trees have the potential to develop into higher value trees as they mature and may represent the next generation of mature trees. Their wholesale or ill-considered removal could result in a significant set-back in generational succession.
- 6.5 A rise or reduction in soil level can have major implications on the longevity and health of the trees. Minor changes (up to 100mm) can be tolerated in some cases but is heavily dependent on tree species, condition and growing environment. Existing ground levels within the rooting area of retained trees should be respected as far as is reasonably practicable. The advice of a qualified Arboricultural Consultant should be sought if level changes are required.
- 6.6 Drainage and storm water run-off requires due consideration and construction requirements (e.g. permeable surfacing) to prevent excessive and/or polluted run-off into the rooting area of trees to be retained.

- 6.7 Due to their linear nature, underground utilities and service runs can be particularly damaging to trees and their roots. The alignment of new services is influenced by the buildings they serve and therefore it is the duty of the architect to consider how they are likely to interact with existing trees. Although full utility plans are not usually available until later in the design process, common sense assumptions must be made early to avoid the likelihood of future conflicts between trees and service installation and maintenance.
- 6.8 Where the installation of services within the rooting area of retained trees is unavoidable, appropriate work methods will be required to ensure the safe long-term survival of those trees. This process will require additional consultation with a qualified Arboricultural Consultant and is likely to be more expensive than conventional trench installation.

### **Root Protection Areas**

- 6.9 As per BS 5837:2012, the Root Protection Area (RPA) is calculated using each tree's diameter at 1.5 metres<sup>22</sup> and represents the minimum area around each tree that must be left undisturbed to ensure its survival. This is a design tool, whereby construction within the RPA should ideally be avoided but may be acceptable based on individual circumstances (e.g. the proposed activity, tree species condition etc.) or by the application of special mitigation construction that minimises impacts. In general terms, the greater the infringement into the RPA the less certainty can be given over the long-term health or survival of a tree. Where construction is proposed across a large area of the RPA, a decision has been made on the ability and cost of mitigating effects or to remove the tree.
- 6.10 Tree roots typically spread two times the width of the crown, although this figure may be significantly increased for certain species and where specific ground conditions are present. The majority of tree roots are found in the top 600mm of soil and most of the fine roots that absorb water and nutrients are found close to the surface.
- 6.11 The morphology of roots is influenced by past and present site conditions (including roads, buried structures and underground services), soil type, topography and drainage. This means that a tree's roots may not be uniform in extent and the RPA may not be a circular area centred on the tree stem.
- 6.12 It was noted during the survey that ground conditions in many areas of the site and within the RPA of many trees was waterlogged with signs of soil disturbance from grazing cattle.
- 6.13 The RPA's shown on Drawing 1 represent the most likely spread of tree roots that should be prioritised for protection during development.

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<sup>22</sup> Refer to Appendix A for RPA area calculations

### Site-specific Considerations

- 6.14 On this site topography is likely to influence the ability to retain certain trees or the design of the landscape around them. Oak trees T13, T14 and T15 will add value and an element of maturity to the development where they can be retained; these trees are estimated to be in excess of 50 years of age and as such could not be instantly replicated by new tree planting. Development would ideally place these trees outside of private ownership and in a context that will allow them to double in size over the course of the next century.
- 6.15 Trees around the site boundaries should not present a major obstacle to development and should ideally be retained and strengthened via new planting to preserve screening function and ecological links. The eastern and southern boundaries in particular lend themselves to new buffer creation to separate new buildings from the wider landscape and the M61 motorway.
- 6.16 A minimum structural standoff will need to be considered for retained trees. The function of such a development standoff is to ensure adequate space is afforded for future growth, ultimate height and crown spread, and to minimise interference with future land use.
- 6.17 Consideration should also be given to shadows cast by trees. It is important that development design anticipates and prevents pruning pressure that may be placed on retained trees by future site users.
- 6.18 Human perception of large trees should also be a consideration when determining the level of structural stand-off. It is important to anticipate and prevent any residual pressure that may be placed on retained trees by future users. The issue of light attenuation and unfounded fears of tree or branch failure can lead to the removal of trees that were subject to strict protection measures during development.
- 6.19 Inherent in the natural aging process of trees is an increased risk of failure, especially branch shedding. Adequate stand-off should be afforded which would allow for small branch failures and dead wood without impacting any future building or similarly frequently occupancy targets.

## 7.0 Recommendations

### **Tree Works**

- 7.1 Broken and hanging branches within G12 which overhang the boundary should be removed or made safe.
- 7.2 Any tree surgery work should be carried out by a qualified contractor in accordance with British Standard 3998:2010 Tree work – Recommendations.

### **Arboricultural Impact Assessment**

- 7.3 An Arboricultural Impact Assessment (AIA) will be required in support of a reserved matter/detailed application. This will identify, evaluate and possibly mitigate the impacts of developing land on the existing tree resource.
- 7.4 One function of the AIA process will be the consideration of trees alongside other project disciplines (layout, drainage, utilities etc.) in order to minimise future conflict and avoid uncalculated expense or undesirable tree loss.
- 7.5 The AIA should include a detailed Tree Removal Plan outlining the proposed schedule of tree works. It may also include details of any tree protection measures that would be required during the construction phase. In certain circumstances it may be appropriate to set out a heads of terms for tree protection and defer the detail to a Condition of planning consent.

### **Mitigation Planting & Landscaping**

- 7.6 Replacement tree planting is likely to be required in the event that trees are lost as a result of development. This is most commonly secured by the provision of a planting scheme submitted in support of a planning or reserved matters application. The requirement for replacement planting and its extent should be assessed as part of the AIA process.
- 7.7 The advice of a qualified Arboricultural Consultant should be sought during planting plan preparation to ensure species and placement suitability. Any new planting should not be viewed principally as an exercise in landscape architecture and aesthetic design but should be strongly informed by conservation and habitat objectives.

### **Post Development Management**

- 7.8 Trees within areas of the site that will be open to public access should be surveyed regularly for developing hazards. Trees are dynamic living organisms whose structure is constantly changing; even those in good condition can suffer from damage or stress. There is no set approach or period for tree inspection and the best approach should be determined when the future usage, management and ownership of the site has been determined.

## **APPENDIX A: Tree Survey Data**

## APPENDIX A: Arboricultural Survey Data Sheets



Surveyor reg. 13(1) [redacted]  
 Date 23/10/2019  
 Town Chorley  
 Site Cowling Farm  
 Dwg Ref D7507.16 001

Ref	Species	Height	Stem Dia.	No. of stems/ individuals	Crown Spread North	Crown Spread South	Crown Spread East	Crown Spread West	Height of Lowest Branch	Direction of Lowest Branch	Maturity	Condition	Comments on form, condition, health and significant defects	BS5837 Tree Quality Assess.	Radius of RPA guide circle	BS5837 RPA Area	Management Recommendations	Estimated Remaining Contribution	TPO
		(m)	(mm)	arising below 1.5m	(m)	(m)	(m)	(m)	(m)		Young, Middle Age, Mature	Good, Fair, Poor, Veteran		A,B,C,U (1,2,3)	(m)	(m2)		Long, Medium, Short	Y/N
<b>Trees</b>																			
T1	Hawthorn	5.5	339	7.0	2.5	2.0	2.0	1.5	0.0	N	Mature	Poor	Multi stemmed form with many dead stems and limbs. Occasional live functional units. Bark damage, decaying branches, congested crown with entwined branches. Waterlogged ground conditions and soil disturbance from cattle.	U	0.0	0.0		Short	N
T2	Hawthorn	4.0	190	1.0	2.0	2.0	2.0	2.0	0.5	E	Middle Age	Fair	Small third party tree at corner fenceline. No significant defects observed. Waterlogged ground conditions - limited access.	C,1	2.3	16.3		Long	N
T3	Hawthorn	4.5	260	1.0	2.0	2.5	3.0	2.0	2.0	S	Middle Age	Poor	Small tree at field boundary fenceline. Mostly dead with occasional functional units. Wire occluded in trunk. Deadwood, max. 150mm diameter. Many dead branches / limbs.	U	0.0	0.0		Short	N
T4	Wild cherry	6.0	216	2.0	2.0	1.0	2.5	2.5	0.5	N	Middle Age	Fair	Small third party garden tree. Bifurcate at ground level with acute union and included bark. Reduced vitality. Crown weight biased north, suppressed south. No significant defects.	C,1	2.6	21.2		Long	N
T5	Unknown dead	6.5	650	4.0	4.0	3.0	4.0	3.0	1.5	N	Mature	Dead	Third party tree. Dead, overhanging site boundary. Ivy may be obscuring defects. Multi stemmed at ground level. Crown weight biased north. Many dead branches. Bark loss.	U	0.0	0.0		Short	N
T6	Lawson cypress	3.5	190	1.0	1.0	1.0	1.0	1.0	0.0	N	Middle Age	Poor	Small third party garden tree. Severe dieback in crown.	C,1	2.3	16.3		Long	N
T7	Hawthorn	5.0	226	2.0	2.0	1.5	3.0	1.0	0.5	E	Middle Age	Poor	Small scrubby tree located beneath oaks (G11). Sparse crown, deadwood to c. 120 mm diameter, minor branch failures, minor branch cavities with decay. Very wet ground conditions.	C,1	2.7	23.1		Medium	N
T8	Hawthorn	7.0	358	3.0	3.0	4.0	4.0	4.0	2.0	SW	Mature	Fair	Multi stemmed form with acute unions. Very wet ground conditions - limited access and inspection. Good crown spread, moderate vitality. Minor branch failures. Possibly outgrown hedgerow tree. No significant defects observed.	C,1	4.3	58.1		Long	N

## APPENDIX A: Arboricultural Survey Data Sheets

Ref	Species	Height	Stem Dia.	No. of stems/ individuals	Crown Spread North	Crown Spread South	Crown Spread East	Crown Spread West	Height of Lowest Branch	Direction of Lowest Branch	Maturity	Condition	Comments on form, condition, health and significant defects	BS5837 Tree Quality Assess.	Radius of RPA guide circle	BS5837 RPA Area	Management Recommendations	Estimated Remaining Contribution	TPO
		(m)	(mm)	arising below 1.5m	(m)	(m)	(m)	(m)	(m)		Young, Middle Age, Mature	Good, Fair, Poor, Veteran		A,B,C,U (1,2,3)	(m)	(m2)		Long, Medium, Short	Y/N
T9	English oak	9.0	565	1.0	5.0	6.0	6.0	3.5	2.5	NW	Middle Age	Good	Located within ground hollow at southern field boundary. Good crown spread, slightly suppressed to north west. Occasional bare twigs and shoots. Minor burring on lower trunk to east. Upper stem appears to have failed previously, limited visibility from ground level. Minor deadwood, max. 150mm diameter. No significant defects. Soil disturbance across root plate from cattle.	B,1,2	6.8	144.4		Long	N
T10	Hawthorn	6.0	322	2.0	3.0	3.0	1.5	3.0	1.0	N	Mature	Fair	Small tree with scrubby, multi stemmed form. Likely part of outgrown hedgerow (H1). Minor branch failures. No significant defects.	C,1	3.9	46.9		Long	N
T11	Common ash	11.0	612	3.0	5.0	4.0	4.5	4.5	0.5	NW	Middle Age	Good	Multi stemmed at c. 1.5 m with acute unions and included bark. Full crown in good health but with some ash dieback symptoms. No significant defects. Third party, limited access and inspection.	B,1,2	7.3	169.6		Long	N
T12	Common ash	11.0	400	1.0	6.0	6.0	5.0	5.0	0.5	SW	Middle Age	Fair	Good crown spread. Some ash dieback symptoms. No significant defects observed. Third party, limited access and inspection.	B,1,2	4.8	72.4		Medium	N
T13	English oak	8.5	690	1.0	6.0	6.0	6.0	6.0	2.5	SE	Mature	Good	Good crown spread and health. Minor branch failures. No significant defects. Growing from bund at field boundary, very wet ground to north, some soil erosion may have occurred - roots have 'propped' into north side of bund with visible gaps between buttresses.	B,1,2	8.3	215.4		Long	N
T14	English oak	11.0	655	1.0	6.0	5.0	6.0	6.0	2.5	SE	Mature	Good	Good crown spread and health. Long wound from 0-2.5m high located on south side of trunk, occluded with ribs of wound wood to sides. Minor branch failures, small diameter deadwood to c. 75mm diameter. Crossing, fused limbs. No significant defects observed. Wet ground conditions and soil disturbance from cattle.	B,1,2	7.9	194.1		Long	N

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Ref	Species	Height	Stem Dia.	No. of stems/ individuals	Crown Spread North	Crown Spread South	Crown Spread East	Crown Spread West	Height of Lowest Branch	Direction of Lowest Branch	Maturity	Condition	Comments on form, condition, health and significant defects	BS5837 Tree Quality Assess.	Radius of RPA guide circle	BS5837 RPA Area	Management Recommendations	Estimated Remaining Contribution	TPO
		(m)	(mm)	arising below 1.5m	(m)	(m)	(m)	(m)	(m)		Young, Middle Age, Mature	Good, Fair, Poor, Veteran		A,B,C,U (1,2,3)	(m)	(m <sup>2</sup> )		Long, Medium, Short	Y/N
T15	English oak	8.0	640	1.0	6.0	6.0	6.0	6.0	3.0	W	Mature	Good	Good crown spread and health. Stem leans to east. Low, squat crown form. Crossing branches. Minor deadwood, max. 120mm diameter. No significant defects. Very wet ground conditions and soil disturbance from cattle.	B,1,2	7.7	185.3		Long	N
T16	Common ash	16.0	890	1.0	10.0	9.0	9.0	9.5	4.0	N	Mature	Good	Good crown spread and health. Gap in canopy to north east from failed limb. Minor branch failures. Broken, hanging branches, low risk. Drooping, end weighted lower branches, typical. No significant defects.	B,1,2	10.7	358.3		Long	N
T17	English oak	10.0	785	1.0	6.0	7.0	7.0	6.0	2.5	NW	Mature	Good	Good crown spread and health. Very wet ground conditions and soil disturbance from cattle, exposed roots with minor damage. Acute branch unions, included bark. No significant defects.	B,1,2	9.4	278.8		Long	N
<b>Groups</b>																			
G1	Hawthorn, common ash, English oak, Norway maple, goat willow, elder, wild cherry, grey alder	6.5	<50-175	n/a							Young to Middle Age	Good	Linear boundary group adjacent to road side. Ash dieback symptoms. Alder leaf beetle. Minor branch failures. Moderate to good health, mostly good, no significant defects. Screening.	B,1,2	Refer to Drawing	n/a		Long	N
G2	Hawthorn, common ash	7.0	100-180	3.0							Young to Middle Age	Good	1 hawthorn and 1 ash within hedgerow H1. Some dead ash leaflets - ash dieback. No significant defects.	C,1	Refer to Drawing	n/a		Long	N
G3	Silver birch	10.0	240-310	3.0							Middle Age	Fair	3 x third party trees located in car park verge. Moderate health. Crown raised, pruning wounds to c. 200mm diameter, occluding. Acute unions. No significant defects.	B,1,2	Refer to Drawing	n/a		Medium	N
G4	Hawthorn, elder, apple	6.0	75-340	9.0							Middle Age to Mature	Fair	5 hawthorn, 1 apple, 1 elder at field boundary adjacent third party car park. Multi stemmed forms. Hawthorns and elder - moderate health; apple good health. Stem wounds with decay. No significant defects.	C,1,2	Refer to Drawing	n/a		Medium	N
G5	Hawthorn, elder	5.0	275, 315	3.0							Middle Age	Poor	1 elder and 2 hawthorns. Hawthorns largely dead, stem wounds with decay, minor branch failures. Stem failed in elder with vigorous regen from stem bole; jelly ear fungus (Auricularia auricula-judae) on elder bole.	U	Refer to Drawing	n/a		Short	N



## APPENDIX A: Arboricultural Survey Data Sheets

Ref	Species	Height	Stem Dia.	No. of stems/ individuals	Crown Spread North	Crown Spread South	Crown Spread East	Crown Spread West	Height of Lowest Branch	Direction of Lowest Branch	Maturity	Condition	Comments on form, condition, health and significant defects	BS5837 Tree Quality Assess.	Radius of RPA guide circle	BS5837 RPA Area	Management Recommendations	Estimated Remaining Contribution	TPO
		(m)	(mm)	arising below 1.5m	(m)	(m)	(m)	(m)	(m)		Young, Middle Age, Mature	Good, Fair, Poor, Veteran		A,B,C,U (1,2,3)	(m)	(m2)		Long, Medium, Short	Y/N
G6	Apple	4.0	<50-110	5.0							Middle Age	Fair	Third party group in garden to west boundary. Multi stemmed forms. Sparse crowns, congested with many branches. Partial screening.	C,1	Refer to Drawing	n/a		Long	N
G7	Goat willow, wild cherry, variegated holly	8.0	100-200	n/a							Middle Age	Fair	Third party group. Predominantly willow in moderate health. Multi stemmed forms. Dense group forming thick screen to adjacent garden to west. Acute unions at ground level. Limited access and inspection. No significant defects observed. Very wet ground conditions in field.	C,1,2	Refer to Drawing	n/a		Long	N
G8	Hazel	4.0	50-100	2.0							Middle Age	Fair	Third party group. Multi stemmed forms. Acute unions. No significant defects observed. Partial screening.	C,1	Refer to Drawing	n/a		Long	N
G9	Horse chestnut, sycamore, lawson cypress	8.0	100-205	5.0							Middle Age	Fair	Third party group at west boundary fenceline. Understorey trees to group G10. Sycamores in poor health with sparse crowns. Horse chestnut leaf miner. Dieback in cypress trees where shaded out.	C,1	Refer to Drawing	n/a		Medium	N
G10	Cider gum, Leyland cypress	17.0	190-700	4.0							Middle Age to Mature	Good	2 x eucalyptus and 2 x cypress. Third party ownership located at west boundary fenceline. Cohesive crowns. Cypress trees suppressed to north east by G9. Good health throughout with no significant defects observed. End weighted branches in Eucalyptus'. Bird box noted.	B,1,2	Refer to Drawing	n/a		Long	N
G11	English oak, sycamore	10.5	450-550	3.0							Middle Age	Good	2 oaks and 1 third party sycamore located at south west boundary corner. Oaks in good health, slightly cohesive crowns. Sycamore moderate health, crown weight biased north west / suppressed south east by oaks. No significant defects observed. Very wet ground conditions in field.	B,1,2	Refer to Drawing	n/a		Long	N

## APPENDIX A: Arboricultural Survey Data Sheets

Ref	Species	Height	Stem Dia.	No. of stems/ individuals	Crown Spread North	Crown Spread South	Crown Spread East	Crown Spread West	Height of Lowest Branch	Direction of Lowest Branch	Maturity	Condition	Comments on form, condition, health and significant defects	BS5837 Tree Quality Assess.	Radius of RPA guide circle	BS5837 RPA Area	Management Recommendations	Estimated Remaining Contribution	TPO
		(m)	(mm)	arising below 1.5m	(m)	(m)	(m)	(m)	(m)		Young, Middle Age, Mature	Good, Fair, Poor, Veteran		A,B,C,U (1,2,3)	(m)	(m2)		Long, Medium, Short	Y/N
G12	White willow, common alder, hawthorn, sycamore, European larch	17.0	100-600	n/a							Middle Age to Mature	Good	Linear group to south boundary, predominantly willow with hawthorn, alder and sycamore understorey. Broken, hanging branches over site, standing deadwood and hung up trees, trees leaning over boundary to north, end weighted willow branches. Dense group providing screening. Overall good health and condition. Some features with habitat potential. Waterlogged ground conditions to north.	B,1,2	Refer to Drawing	n/a	Remove / make safe dead / broken / hanging branches	Long	N
G13	Common alder	8.0	75-200	5.0							Young to Middle Age	Good	Small, self seeded trees in waterlogged area of site. Moderate vitality. No significant defects observed.	C,1	Refer to Drawing	n/a		Long	N
G14	Hawthorn	6.0	75-200	8.0							Middle Age	Good	Sporadic hawthorns at motorway verge boundary fenceline. Multi stemmed forms. No significant defects observed. Third party ownership, limited inspection from fenceline.	C,1,2	Refer to Drawing	n/a		Long	N
G15	Common ash, English oak, Hawthorn	10.0	80-150	n/a							Middle Age to Mature	Fair	Predominantly ash. Multi stemmed forms, good to poor health - some trees with advanced ash dieback symptoms. Acute unions. Third party within motorway verge, limited access and inspection.	C,1,2	Refer to Drawing	n/a		Medium	N
G16	Holly, hawthorn	6.0	200, 180	2.0							Middle Age	Good	2 small trees. No significant defects observed.	C,1	Refer to Drawing	n/a		Long	N
G17	Elder, holly, goat willow	6.0	<50-150	n/a							Middle Age	Fair	Sporadic holly and elder growing within patch of dense bramble. Generally good health, small, scrubby, multi stemmed form.	C,1	Refer to Drawing	n/a		Long	N
G18	Hawthorn	8.0	120-320	6.0							Mature	Fair	Scrubby form, twisted stems. Stem failures, minor branch failures, stem wounds with decay. Possible outgrown field boundary hedgerow.	C,1	Refer to Drawing	n/a		Medium	N
G19	English oak	11.5	655, 585	2.0							Mature	Good	Good crown spread and health. Base of trunk swollen in tree to north. Minor branch failures, small diameter deadwood to c.100mm. Tree to south leans to east. No significant defects observed. Soil disturbance around root plate from cattle.	B,1,2	Refer to Drawing	n/a		Long	N
G20	Hawthorn, holly, elder	7.0	100-300	n/a							Mature	Fair	Curved linear group along foot of embankment. Possibly outgrown field boundary hedgerow. Multi stemmed with twisted trunks, typical form. Stem wounds with decay. No significant defects.	C,1,2	Refer to Drawing	n/a		Long	N

## APPENDIX A: Arboricultural Survey Data Sheets

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		(m)	(mm)	arising below 1.5m	(m)	(m)	(m)	(m)	(m)		Young, Middle Age, Mature	Good, Fair, Poor, Veteran		A,B,C,U (1,2,3)	(m)	(m2)		Long, Medium, Short	Y/N
G21	Hawthorn, elder, holly. Common ash	7.0	100-400	n/a							Middle Age to Mature	Fair	Linear group, possibly outgrown field boundary hedgerow. Scrubby, multi stemmed forms. Occasional dead elder. No significant defects.	C,1,2	Refer to Drawing	n/a		Long	N
G22	Hawthorn, holly, elder	7.0	100-300	n/a							Middle Age to Mature	Fair	Linear group of sporadic hawthorns with occasional elder and holly. Some standing deadwood. Bark damage and decay to stems.	C,1	Refer to Drawing	n/a		Long	N
G23	Hawthorn	6.5	100-200	5.0							Mature	Fair	Sporadic hawthorns at southern field boundary. Appear to be outgrown hedgerow trees. Waterlogged ground conditions - limited access and inspection.	C,1	Refer to Drawing	n/a		Long	N
<b>Hedges</b>																			
H1	Blackthorn, sycamore	3.5	<50-75	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Middle Age	Good	Short section of hedgerow at northern end of road, predominantly blackthorn. Good health, scrubby form. Some signs of management. Screening.	n/a	n/a	n/a		Long	N
H2	Blackthorn, hawthorn	4.0	<50-100	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Middle Age	Good	Field boundary hedge forming understorey vegetation to group G1. Predominantly blackthorn. Good health. No signs of management. Screening.	n/a	n/a	n/a		Long	N
H3	Hawthorn, holly, elder	5.0	50-200	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Mature	Fair	Predominantly hawthorn, outgrown field boundary hedge to c. 5m wide. Evidence of historical layering, no signs of recent management. Occasional dead elder. Small diameter deadwood, low risk. Dense, scrubby group, partial screening to boundary.	n/a	n/a	n/a		Long	N
H4	Hawthorn, elder	6.0	<50-200	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Middle Age	Good	Boundary hedge along motorway verge to east. Possible third party ownership. Predominantly hawthorn, occasional elder. Multi stemmed forms. Good health, Dense screen to boundary.	n/a	n/a	n/a		Long	N

## **APPENDIX B: Survey Method**

## APPENDIX B: Survey Method

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The survey of trees is conducted from ground level only. The nature of the soils on site is not assessed.

Trees are dynamic living organisms with a constantly changing structure; even trees in good condition can suffer from damage or stress. The information recorded is presented as being correct at the time of survey.

The following features of each tree, group of trees or wood may have been recorded in the Arboricultural Survey Data Sheets at Appendix 1.

<b>Species</b>	The common name is given. The Latin name may also be given if further clarification is required.	
<b>Height</b>	Top height of tree recorded in metres.	
<b>Stem Diameter</b>	For single-stemmed trees the measurement is taken at 1.5 metres above ground level and recorded in millimetres. For multi-stemmed trees an average all stems measured at 1.5m above ground level is used. For tree groups a range from minimum to maximum diameters is provided based on measurements taken using one of the aforementioned methods.	
<b>No. of Stems</b>	A count of stems arising below a height of 1.5 metres.	
<b>Crown Spread</b>	The N, S, E and W branch spreads are recorded in metres to provide a representative crown shape.	
<b>Height of Lowest Branch</b>	Crown clearance above ground level recorded in metres.	
<b>Direction of Lowest Branch</b>	The direction of growth of the first significant branch from the point of attachment.	
<b>Maturity</b>	<b>Young</b>	Trees that can reasonably be relocated or replaced like for like, without undue cost;
	<b>Middle Age</b>	Trees in the established growth stage of their life with the potential to continue increasing in size;
	<b>Mature</b>	Trees that have reached their ultimate size, given their location and surroundings;
<b>Condition</b>	<b>Good, Fair, Poor.</b> An overall assessment of a tree's physiological and structural state in which factors that may increase its susceptibility to the effects of development are taken into account.  <b>Veteran.</b> Trees that are in such a condition as to significantly increase their biological, cultural or aesthetic value. This is characteristic of, but not exclusive to, individuals surviving beyond the typical age range for the species concerned.	
<b>Comments</b>	A brief evaluation and description of the tree with comments on form, vitality, health and any significant defects or symptoms of ill-health.	

### BS 5837 Tree Quality Assessment

The tree quality assessment is based on Table 1 of BS 5837:2012 (See below). Four categories (A, B, C and U) are used to denote tree quality (A= High, B = Moderate, C = Low, U= Unsuitable for retention). Subcategories (1-3) denote the specific function value of the trees and the reasoning behind the allocation of a specific category (the subcategories may be used in combination but do not accumulate collective weight).

### Root Protection Area (RPA)

The RPA is allocated to ensure that a sufficient area is left undisturbed during development. It is provided as an area (m<sup>2</sup>) and as the radius of a circle (m) typically plotted from the centre of the stem.

The RPA is calculated using a mathematical equation included in BS 5837:2012 (Section 4.6 and Table D.1) and is based on a tree's stem diameter. In some cases the RPA may need to be adapted to best reflect the likely area and position of roots required to ensure survival; this may be based on criteria such as the tree's condition, species, crown spread and any barriers to growth. Any alteration must be justifiable but is made at the Arboricultural Consultants discretion.

### Recommendations

Recommendations for arboricultural works, etc. are based on the **current** land use, and take into account the tree or group attributes without bias to the proposed development.

### Estimated Remaining Contribution

An estimation of the life expectancy as healthy functioning tree. This will be influenced by species and the condition of the tree at the time of survey.

<b>Long</b>	> 40 years
<b>Medium</b>	20 – 40 years
<b>Short</b>	less than 20 years

## APPENDIX B: Survey Method

Table 1 Cascade chart for tree quality assessment

Category and definition	Criteria (including subcategories where appropriate)	Identification on plan
<b>Trees unsuitable for retention (see Note)</b>		
<b>Category U</b> Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	<ul style="list-style-type: none"> <li>Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)</li> <li>Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline</li> <li>Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality</li> </ul> <p><i>NOTE</i> Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.</p>	See Table 2
	1 Mainly arboricultural qualities	2 Mainly landscape qualities
		3 Mainly cultural values, including conservation
<b>Trees to be considered for retention</b>		
<b>Category A</b> Trees of high quality with an estimated remaining life expectancy of at least 40 years	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features
<b>Category B</b> Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality
<b>Category C</b> Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits
		Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture)
		Trees with material conservation or other cultural value
		Trees with no material conservation or other cultural value
		See Table 2
		See Table 2
		See Table 2

**British Standards Institute (2012) BS5837:2012 Trees in relation to design, demolition and construction – Recommendations.**  
p.9

### NOTES:

All young trees are assessed as quality category 'C' but this does not preclude their retention within a development.

For hedges the height, canopy spread and number of stems is recorded but they are not assigned a quality category.



## **DRAWINGS**

### **Drawing 1 - Tree Constraints Plan**



**KEY**  
 [This drawing must be reproduced in colour]

- T1/G1 Trees / Tree Groups
- H1 Hedgerow
- Root Protection Area (RPA)
- Ownership Boundary
- Approximate location (Feature not shown on supplied topographical survey)

**Tree Quality Categorisation**  
 (Based on BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations)

- Category A (High quality)
- Category B (Moderate quality)
- Category C (Low quality)
- Category U (Unsuitable for retention)
- Hedgerow (Not categorised)

NOTE: This drawing should be read in conjunction with the respective Arboricultural Survey Data (Appendix A).

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Rev	Description	SDR	Drawn	Approved	Date
A	Update to site boundary	SDR	gs	gs	13/11/19

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Project  
**Cowling Farm, Chorley**  
 Arboricultural Assessmnt

Title  
**Drawing 1: Tree Constraints Plan [BASELINE]**

Drawing Number  
**D7507.16.001A**

Drawn reg 13/1	Checked	Approved reg 13/1	Scale 1:1,500 @ A3	Date 24/10/2019
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