

Lancashire County Council

Development Control Committee

Wednesday, 20th January, 2021 at 10.30 am - virtual meeting

Supplementary Agenda

We are now able to enclose, for consideration at the next meeting of the Development Control Committee on Wednesday, 20th January, 2021, the following information which was unavailable when the agenda was despatched.

Part I (Open to Press and Public)

No. Item

4. Update Sheet (Pages 1 - 8)

The Update Sheet will be considered as part of each related agenda report.

L Sales
Director of Corporate Services

County Hall
Preston

Development Control Committee – 20 January 2021

Update Sheet

Item 5 – Application LCC/2020/0030 – Whitemoss Landfill Site

Representations

An additional representation has been received from the local resident which is summarised as follows:-

The ash material to be stored in the silos is sourced from waste incinerators and contains high levels of dioxins derived from the burning of plastics. Dioxins are a serious health hazard and any dust escaping from the silos could have serious health impacts on local residents. Local residents are very concerned about these impacts and the public perception of fear is a material planning consideration. Residents are disappointed with Lancashire County Council after it failed to object to the application for the extension of the landfill site and residents feel that these sites with their environmental hazards are pushed towards more deprived areas of the county where residents are less able to oppose such development. The resident requests that permission for the silos be refused.

Recommendation:

Amendment - The addition of the following wording to end of condition 4:

'and for written records of every such inspection, maintenance or replacement action to be maintained and made available for inspection by the County Planning Authority'

Item 6 - Application LCC/2020/0052 – Common Bank Lane

Representations

An additional representation has been received from a local resident that makes reference to the Biological Heritage Site at their property adjacent to the River Yarrow approximately 15 metres from the applicant's site. The applicant states that the site will be enclosed by a 10 metre high bund from the site entrance going anticlockwise terminating on the right hand side of the plan opposite Wallets Wood to reduce noise and visual impact. The resident has noted that there is a large depression in the bund about half the height on the bund situated just after the entrance to the site, facing the river. This bund although not 10 metres high measured from the site floor, ceases at the corner opposite the crossing of the river called Bark House Footbridge and as far as can be seen there is no bund on the full length of southern edge across from the river and Roscoe wood and Yarrow Farm from which the full site can be seen from Yarrow Farm. The resident is also informed that the site is illuminated at dark, and long after the 6pm shutdown lighting up the night sky.

The resident also states 'that it is unfortunately because of a change in designation from green belt 1903? to industrial use by Chorley Borough Council then at a public green belt enquiry which changed its designation to Green belt use. Within months a

call was received from Planning Asst Director stating Chorley Borough Council have overturned the Inspector's decision and changed it back to B2 use when at the same time this company brought this site. This isolated site sits in the middle of a stretch of green belt that is enjoyed by great numbers of walkers, fauna and flora wildlife'.

Advice

The noise assessment first submitted with the planning application made an incorrect assumption that there was a 10m high bund at the perimeter of the wider existing site. This was incorrect and the applicant subsequently submitted a revised noise assessment with noise predictions adjusted to account for a lower bund to reflect what was on site (as referred to in the committee report). The planning application does not include a 10m high permanent perimeter bund. This would be development requiring separate planning permission.

The applicant has been using lighting fitted to the wash plant as part of construction working. However, the report makes it clear that no permanent lighting has been proposed as part of the application and a condition is recommended to ensure that lighting is not permitted on the wash plant.

The planning report already sets out the relevant planning history at the site and refers to the current B2 (General Industrial) use class.

Item 8 Application LCC/2020/0062 - Simonswood Industrial Estate

Consultations

United Utilities – The site immediately overlies sandstone strata that forms an aquifer abstracted at depth for public water supply from a nearby borehole. Geological information shows that there is little impermeable cover across the site to protect the underlying aquifer from contamination and there is likely to be a direct pathway for contaminants to pollute the water supply. The applicant should follow best practice on the use and storage of fuels, oils and chemicals to remove the risk of pollution to the water supply during construction and operation. The Environment Agency's approach to groundwater protection is that all storage facilities such as tanks, lagoons and pipework are designed and maintained such that hazardous substances are prevented from being released into the environment to prevent pollution to groundwater. Any sources of contamination including the washing water should comply with these principles. United Utilities request that information on the location and design of the contaminated wash water storage facilities, measures to prevent leakage to the underlying aquifer to ensure the impermeability of the hardstanding to be maintained throughout the lifetime of the development should be submitted prior to the determination of the application.

If the County Council deem it appropriate to determine the application prior to the submission of the above information, United Utilities request conditions be attached to any permission requiring a construction environmental management plan, a hydrogeological risk assessment and a surface water drainage scheme and to ensure that foul and surface water are drained on separate systems.

West Lancashire Borough Council (Environmental Health Officer) – No objection to the application in principle. It is concluded that the noise from the new facility is sufficiently below the background noise to not noticeably increase the current noise levels. There is no objection on air quality / pollution grounds.

Advice

In relation to the comments from United Utilities, the proposed wash plant would be located on a new concrete hardstanding and would be a sealed system. All water draining off the plant including that captured from stockpiles of washed aggregates would be reclaimed and recirculated in the system. The washing water would be held in sealed steel tanks. The plant is electrically powered so there would be no fuels or oils from the plant itself which could leak into groundwater. It is also important to note the existing situation where crushing and screening takes place in the open without being situated on any form of hardstanding. Any excess water flowing off the site will drain to a surface watercourse in the same way as present.

To address the comments on United Utilities, it is recommended that condition 8 be modified as follows:

8. The processing and wash plant including all stockpiles of processed materials shall be sited on an impermeable concrete base. The surface of the concrete base shall be graded in such a way that all water draining off the plant and stockpile areas is collected and recycled in the washing plant. Any collected surface water exceeding the requirements of the wash plant shall be discharged into the existing drainage system shown on drawing P270.3-205A. No surface water shall be allowed to discharge either directly or indirectly into the public sewer.

Representations

Items 5 and 6 – Applications LCC/2020/0030 and LCC/2020/0052

Written Statements

As a result of the Covid-19 outbreak, members of the public who have formally requested to speak at the committee meeting and who meet the criteria, have been invited to give their views in the form of a written statement to be read out in full by officers at the meeting.

There are a total of 3 written statements, these are set out at Annex A.

1. Item 5. Application No. LCC.202/0030 - Whitemoss Landfill Site

Statement from County Cllr Julie Gibson

Request

I would like to ask that the Committee defer the application and conduct a site visit.

Background

The application is for retrospective planning permission for three hazardous waste silos that have been operating for just over two years without planning permission or any licence to operate them. These silos were not granted permission under the Development Consent Order (DCO) that currently regulates activities at Whitemoss Landfill site. They were installed without permission or engagement with any of the statutory agencies.

They are used for reception, storage, handling and bagging of Fly Ash before eventual disposal on the site. Fly ash is a dangerous material, and the silos in which it is to be stored are sited near a public highway, walkway and a nearby residential area and I am concerned that storage of such materials in the current site location is dangerous to local residents.

As recently as December, one of the silos that has been operating has been found to be faulty resulting in the loss of hazardous powder, and I am informed by one of the local Borough Councillors that this has been happening for 9 months, a fact which the company later acknowledged at the annual liaison committee meeting.

I would draw the Committee Members' attention to the submission from the Local Ward Councillors, Cllrs Pryce-Roberts, Cllr West and Cllr Cummins which is in your paperwork, which outlines further peer-reviewed articles highlighting the dangers of fly ash.

My own objection is based clearly on the grounds that the company failed to comply with the provisions in the DCO granted in 2015 and which covers the operations of the site. There has also been a reduction in the number of site visits by the County Council which has allowed the company to develop the site without the necessary consents. The relationship between the company and the local community is a fragile one and operating outside of the DCO does not build trust, the company should be mindful of their responsibility to the local community.

Conclusion

I would therefore ask that the meeting defer the application in order to undertake a site visit of the area to see for themselves the issues outlined with the silos. The presence of members from the Committee visiting the site would also give reassurance to the local community that their concerns are being listened to and put down a marker to the company not to operate outside of the DCO in the future.

County Cllr Julie Gibson - Skelmersdale West Division

2. Item 6 - Application LCC/2020/0052 - Common Bank Lane, Chorley

Statement from local resident - MW

Having read the Principle Planning Officer's report we have no strong objection to the proposed development at Common Banks Works. However as we live immediately opposite this site on the south side of the River Yarrow, we remain extremely concerned about any potentially excessive noise from the development as a result of its new operation and any crushing plant.

We request that, as laid out in the retrospective planning application by Ruttles Plant Holdings, the entire site is surrounded by a 10 metre bund and that any mobile crushing plant is also bunded in order to help suppress noise. This is currently not the case, especially to the south of the development and along the river frontage adjacent to our property.

In addition, to help the new development blend in with the local, mostly woodland and rural surroundings that are well used by Chorley residents, we request that both the perimeter of the site and the bund itself is landscaped with trees and shrubs.

Thank you

MW

3. Item 6 - Application LCC/2020/0052 - Common Bank Lane, Chorley

Statement from Chorley Borough Councillor Aaron Beaver

As a councillor for Chorley North West Ward, I object to the above planning application.

Common Bank Lane is little more than a dirt track and is totally unsuitable to HGV movement, and Class 1 articulated plant transporter vehicles weighing over 80 tonnes.

My objections are based on the following points that the applicant states in his application:

- “The proposed use will not be particularly vulnerable to the presence of contamination”. *The site sits less than 20m of the River Yarrow and is surrounded by Yarrow Valley Country Park.*
- “Trees or hedges are not important as part of the local landscape character”. This is not the case. *The lane has been eroded by HGVs exposing the roots of tree and hedgerows.*
- “The site is not in an area of flooding”. *The website for Flood Assist Insurance state that Yarrow Valley is a flood risk. This was evidenced when I visited the site yesterday, Tuesday 13 October, with one of the residents of the lane, when we witnessed two work men pumping out flood water which had flooded a public right of way.*
- “The site is not within 20m of a watercourse”. *It clearly is and the plans show the applicant intends to disperse overflow into it.*
- “There will be no effect on protected or priority species and no effect on biodiversity features”. *It is intended to release contaminated water into the river.*
- “There is no intention to incorporate areas to store or aid the collection of waste” *There is no explanation what will happen to waste.*
- “There is no proposal to carry out industrial or commercial activities and processes”. *The application is to build a recycling wash plant to process selected waste on an industrial scale.*
- “The site cannot be seen from a public footpath, bridle way or public land”. *The site is clearly visible to the public as it is situated within Yarrow Valley Country Park and surrounded by public rights of way and a bridle path.*

I therefore request the planning committee refuse the application on the grounds that the site:

- will contaminate the surrounding area and pollute the water course
- damages Common Bank Lane, the trees, and hedges

- floods public rights of way and bridlepaths
- is within 20m of the River Yarrow
- is detrimental to priority species and biodiversity features
- does not propose to store or collect recyclable waste

Should members consider passing the proposal, may I suggest they attend a site visit to see at first hand the negative impact this proposal has on the surrounding Country Park, for which, sturdy footwear is required.

Cllr. Aaron Beaver

