

Lancashire County Council

Development Control Committee

Wednesday, 7 June, 2023 at 10.30 am in Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Agenda

Part I (Open to Press and Public)

No. Item

- 1. Apologies for absence**
- 2. Appointment of Chair and Deputy Chair**
To note the appointment by the County Council on the 25 May 2023 of County Councillors Maxwell-Scott and Yates as Chair and Deputy Chair of the Committee, respectively, for 2023/24.
- 3. Disclosure of Pecuniary and Non-Pecuniary Interests**
Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.
- 4. Constitution, Membership and Terms of Reference of the Committee** (Pages 1 - 6)
- 5. Minutes of the last meeting held on 26 April 2023** (Pages 7 - 18)
The committee are asked to agree that the Minutes of the last meeting held on 26 April 2023 be confirmed and signed by the Chair.
- 6. Update Sheet**
The Update Sheet will be considered as part of each related agenda report.
- 7. Fylde Borough: application number LCC/2023/0002 Variation of condition 2 of planning permission LCC/2014/0096 to allow the date of final restoration of the site to be postponed until 30 June 2025. Preston New Road Exploration Site, Off Preston New Road, Little Plumpton, Westby with Plumptons** (Pages 19 - 42)



8. **West Lancashire Borough: application number LCC/2022/0066 Construction of four control kiosks and associated landscaping. Mere Brow Wastewater Treatment Works, Mere Brow Lane, Tarleton** (Pages 43 - 56)
9. **Wyre Borough: application number LCC/2023/0005 Variation of condition 8 of planning permission LCC/2016/0084 to allow the permitted number of heavy goods vehicles (HGVs) leaving the site to increase from two per day to six per day. Foggs Farm, Hobbs Lane, Claughton-On-Brock** (Pages 57 - 72)
10. **Chorley Council: application number LCC/2023/0007 Proposed 2.4 metre high mesh fence to front boundary of school to replace existing hoop top fence. Gillibrand Primary School, Grosvenor Road, Chorley** (Pages 73 - 86)
11. **Planning decisions taken by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation** (Pages 87 - 90)
12. **Urgent Business**
An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.
13. **Date of Next Meeting**
The next meeting of the Development Control Committee will be held on Wednesday, 19 July at 10.30 am in Committee Room B - the Diamond Jubilee Room, County Hall, Preston.

H MacAndrew
Director of Law and Governance

County Hall
Preston



Development Control Committee
Meeting to be held on 6 June 2023

Electoral Division affected:
N/A

Constitution, Membership and Terms of Reference of the Committee
(Appendix 'A' refers)

Contact for further information:
Sam Gorton, 01772 532471, Democratic Services Officer
Sam.gorton@lancashire.gov.uk

Brief Summary

The Constitution, Membership and Terms of Reference of the Development Control Committee.

Recommendation

That the Constitution, Membership and Terms of Reference of the Development Control Committee be noted.

Detail

The County Council at its meeting on the 25 May 2022 approved the constitution of the Development Control Committee as being 12 members on the basis of seven from the Conservative Group, five from the Labour Group. The following members were appointed by their respective groups:

County Councillors

J Berry	A Kay
P Britcliffe	M Maxwell-Scott
S Clarke	M Pattison
M Dad	E Pope
A Hindle	P Rigby
S Holgate	B Yates

Appendices

Appendix 'A' is attached to this report. For clarification it is summarised below and referenced at relevant points within this report.

Appendix	Title
Appendix 'A'	Terms of Reference

Consultations

N/A

Implications:

N/A

List of Background papers

None



Appendix A

Development Control Committee

Composition and role

The Committee comprises twelve County Councillors who are not in the Cabinet and deals with applications for planning permission for waste disposal and mineral extraction developments, and for development proposed by the Council.

Meetings are open to the public but they may be excluded where information of an exempt or confidential nature is being discussed – see Access to Information Procedure Rules set out at Appendix ‘H’ to this Constitution.

Terms of Reference

The Committee shall carry out the following functions:

1. To determine applications for planning permission, under Part III Section 62 and Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 where one or more of the following apply:
 - (i) An objection to the application has been received;
 - (ii) The application is supported by an Environmental Statement;
 - (iii) A refusal is recommended by officers;
 - (iv) There is a conflict of interest with the functions of the Head of Service;
 - (v) The application has been submitted by, or benefits, a councillor or officer of the County Council.
2. To exercise the functions in the Town and Country Planning Act 1990 under Sections 70A (to decline to determine planning permission) 73 (to vary conditions of Planning Permissions), 94 (Completion Notices), 97 (Revocation and Modification Orders), 102 (Discontinuance Orders) 106 (Agreements Regulating Development).
3. To exercise the functions relating to the making of determinations of planning applications under Section 92 (outline planning permission) of the Town and Country Planning Act 1990.
4. To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active phase I or II sites, or mineral permissions relating to mining sites, are to be subject, under the Planning and Compensation Act 1991 and the Environment Act 1995.
5. To exercise powers to enter into agreements for the execution of highway works under Section 278 of the Highways Act 1980 in relation to development the subject of an application before the Committee for determination.

6. To exercise the function under Section 34 of the Wildlife and Countryside Act 1981 (Limestone Pavement Orders).
7. To exercise powers under Sections 198 and 199 of the Town and Country Planning Act 1990 (Tree Preservation Orders).
8. To exercise powers in relation to replacement trees under Sections 206 and 207 and 213 of the Town and Country Planning Act 1990, and powers to grant consents under Tree Preservation Orders and to give directions as to the replanting of land under paragraphs 7 and 8 of the Schedule to the Trees Regulations 1999.
9. To exercise powers to determine applications for Hazardous Substances Consent and related powers under Sections 9 and 10 of the Planning (Hazardous Substances) Act 1990.
10. To make any appointments to outside bodies to which the Council is entitled to have representation in connection with the discharge of any of the Committee's functions.
11. To authorise by Order the stopping up or diversion of footpaths or bridleways under section 257 and 261 of the Town and Country Planning Act 1990.
12. To extinguish by Order public rights of way over land held for planning purposes under Section 258 of the Town and Country Planning Act 1990.
13. To establish a Sub-Committee(s) to undertake any part of the Committee's functions.
14. All members of the Committee must:
 - (i) Have undertaken mandatory training on the relevant law and procedures which relate to the committee's work.
 - (ii) Undertake further mandatory training on an ongoing basis whilst they continue to be members of the Committee.

The decision on whether training is mandatory will lie with the Monitoring Officer. All Members will be informed in advance if training is mandatory.

Lancashire County Council

Development Control Committee

**Minutes of the Meeting held on Wednesday, 26th April, 2023 at 10.30 am in
Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

Present:

County Councillor Matthew Maxwell-Scott (Chair)

County Councillors

P Rigby	A Kay
J Berry	M Pattison
S Clarke	E Pope
M Dad BEM JP	S Rigby
A Hindle	B Yates
S Holgate	

1. Apologies for absence

No apologies for absence were received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor Clarke declared a non-pecuniary interest in Item 7 as he was a member of the Lead Local Flood Authority who were objecting to the application.

County Councillor Pattison declared a non-pecuniary interest in Item 9 as she was a Lancaster City Councillor.

3. Minutes of the last meeting held on 1 March 2023

Resolved: That the minutes of the meeting held on 1st March 2023 be confirmed and signed by the Chair.

4. Update Sheet

The Update Sheet was circulated prior to the meeting (copy attached).

5. West Lancashire Borough: application number: LCC/2022/0060 Hydrobrake chamber, return manhole and pressure relief column in association with proposed detention tank at Yew Tree Farm, Higgins Lane, Burscough

A report was presented on an application for a Hydrobrake chamber, return manhole and pressure relief column in association with the proposed detention tank at Yew Tree Farm, Higgins Lane, Burscough.

The proposal was part of a wider scheme of waste water infrastructure improvements much of which was permitted development under Part 13 of the Town and County Planning (General Permitted Development Order) 2015.

The report included the views of Burscough Town Council, LCC Highways, Natural England and Atkins (Ecology and Arboriculture comments). No comments had been received from West Lancashire Borough Council and LCC Landscape Service. Three representations objecting to the proposal had been received and an objection on behalf of Burscough Flood Group.

Committee's attention was drawn to the Update Sheet which included further information provided by the applicant to clarify the need for the proposed development, and a number of proposed changes to the conditions.

The Development Management Officer presented a Powerpoint presentation showing a site location plan and aerial view of the application site and the Yew Tree Farm Development, a site layout plan, elevations, photographs of the view from Higgins Lane towards the west boundary of the site and a panorama of the site from Higgins Lane looking northwards.

Councillor Brian Bailey, Burscough Town Council, addressed the Committee and referred to the concerns raised by the Town Council which had been detailed in the Committee report. These included, in particular, the chosen location within the Green Belt, the fact that the development had not been accommodated within the Yew Tree Farm site itself and concerns around ongoing surface water drainage problems in Burscough.

Committee were informed that United Utilities were consulted on all planning applications and that they had been involved in the Yew Tree Farm development which had been dealt with by West Lancashire Borough Council. The additional foul flow created by the mixed-use development at Yew Tree Farm could not be accommodated within the existing sewer network and a new detention tank to retain flows and then return them to the sewer network was required. There was not sufficient land available within the Yew Tree Farm development to accommodate this and the application site had been chosen as it was the nearest connection point.

The Development Management Officer answered questions from Committee.

As requested, a copy of the minutes of this meeting would be sent to Burscough Town Council.



Resolved: That planning permission be **granted** subject to conditions controlling approved plans, ecological mitigation and highway safety, as set out in the Committee report and the Update Sheet.

6. Preston City and Fylde Boroughs: application number LCC/2022/0041 Amendment to approved plans listed in Condition 2 of Planning Permission ref LCC/2016/0046 to permit a revision of the screen mounding and landscaping alongside the Preston Western Distributor Road - Land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston

A report was presented on an application for an amendment to approved plans listed in Condition 2 of Planning Permission ref LCC/2016/0046, to permit a revision of the screen mounding and landscaping alongside the Preston Western Distributor Road.

The current application sought approval for areas of more extensive mounding compared to the approved layout, in order to accommodate excess spoil materials generated during road construction operations. The areas of additional mounding did not require the removal of any additional trees or lengths of hedgerow, beyond those that were required to implement the original planning decision.

The report included the views of Preston City Council, Fylde Borough Council, Newton-with-Clifton Parish Council, the Canal and River Trust, the County Landscape Service, LCC Ecology Service, Network Rail and the Lead Local Flood Authority. No comments had been received from Woodplumpton Parish Council, Lea Parish Council or the Environment Agency. One representation had been received on behalf of a number of residents of Darkinson Lane.

The Development Management Officer presented a Powerpoint presentation showing a site location plan, aerial views of the northern part of the route showing the view during construction, the Preston Western Distributor Central section during construction and the Preston Western Distributor Southern section. Also shown were diagrams of the northern section at Preston Western Distributor/M55 junction, the central section/Lea Lane, the central section near the railway crossing, section near Lea Village and the southern end at the A583 roundabout.

The Development Management Officer answered questions from Committee.

Committee noted that most of the mounding had been completed so retrospective approval was required for these, but that there were some small sections that had not yet been put in place.

Resolved: That subject first to the signing of a Section 106 agreement relating to the retention of bat mitigation measures, planning permission be **granted** subject to conditions controlling approved documents, landscaping and ecology, construction controls, traffic management and monitoring and surface water controls, as set out in the Committee report.



7. Wyre Borough: application number LCC/2022/0043 The infilling of a lake and change of use of land to allow the siting of an additional 28 static holiday caravan pitches and associated infrastructure at Highfield Fishery, Highfield Farm Fisheries, Ghants Lane, Hambleton

A report was presented on an application for the infilling of a lake and change of use of land to allow the siting of an additional 28 static holiday caravan pitches and associated infrastructure at Highfield Fishery, Highfield Farm Fisheries, Ghants Lane, Hambleton.

Three fishing lakes had been created on this site in 2002/03, under a planning permission granted by the county council for the extraction and export of clay. The central lake had been infilled using imported materials, and developed as a holiday accommodation site, under a planning permission granted in 2020 (ref LCC/2020/0039). This planning permission had now been implemented and the caravan/chalet units were now in use. The current application related to the southernmost lake at Highfield Fisheries.

The report included the views of Wyre Borough Council, Hambleton Parish Council, Ecology Service, the Environment Agency, United Utilities, LCC Highways Development Control and the Lead Local Flood Authority. Three representations objecting to the proposal had been received.

The Development Management Officer presented a Powerpoint presentation showing a site location plan and aerial views of the application site and proposed layout, a photograph of the view of the site entrance from Ghants Lane, diagrams of the proposed mitigation land and the view of the mitigation land from Sower Carr Lane.

It was reported that, as there would be some losses to ecology, the applicant proposed to create a new off-site pond and use it purely for the purposes of ecological compensation. Committee were informed that Condition 18 covered this and stated that the pond should not be stocked with fish or used for angling purposes at any time.

The Development Management Officer answered questions from Committee.

It was confirmed that the current footpath which ran along the boundary of the current site and the proposed site would be retained and that various conditions needed to be satisfied before the development could be commenced. It was noted that Condition 8 dealt with the Construction Management Plan including the routing of vehicles and operating hours.

County Councillor Rigby raised concerned that the applicant had previously disregarded conditions as the lake had been used for carp fishing, rather than being used for wildlife. Committee were informed that this breach would be raised with the landowner and addressed.



Resolved: That planning permission be **granted** subject to conditions controlling time limits, working programme, construction details, design and details of compensation area, as set out in the Committee report.

8. Rossendale Borough: application number LCC/2022/0046 - The construction of a Multi-Use Games Area (MUGA) facility with a 30mm pile artificial grass surface with pre-treated timber edging to the MUGA perimeter and surrounded by 2.4m high 868 duex fencing coloured green RAL6005 - Balladen Primary School, Linden Lea, Rawtenstall

A report was presented on an application for the construction of a Multi-Use Games Area facility at Balladen Primary School. The facility would have a 30mm pile artificial grass surface with pre-treated timber edging to the perimeter and would be surrounded by 2.4m high 868 duex fencing coloured green RAL6005.

The report included the views of United Utilities and Sport England. No comments had been received from Rossendale Borough Council or LCC Highways. One representation objecting to the proposal had been received.

It was reported that although the applicant had responded to Sport England's concerns, Sport England had maintained their objection to the proposal so the application was required to be referred to the Secretary of State, should the Committee resolve to approve the application.

Committee's attention was drawn to the Update Sheet which included details from the applicant on the proposed drainage scheme and an amendment to Condition 6 to reflect this.

The Development Management Officer presented a Powerpoint presentation showing a site location plan, aerial view of the site, images of the fencing detail, diagram of the site layout, existing grass pitch and construction details and a photograph of the proposed location for the multi-use games area.

Committee were informed that the school had confirmed that team games would still be able to be played on the remaining playing field and that the Football Association had confirmed this was of adequate size. In addition, the multi-use games area would be available all year round, unlike the school field.

Resolved: That, subject to the Secretary of State confirming that the application will not be called in for his own determination, that planning permission be **granted** subject to conditions controlling hours of use, floodlighting and materials, as set out in the Committee report and the Update Sheet.



9. Lancaster City: application number LCC/2022/0061 - The permanent retention of the existing Salt Ayre materials recycling and transfer facility at Salt Ayre Materials Recycling and Transfer Facility, Ovangle Road, Salt Ayre, Lancaster

A report was presented on an application for the permanent retention of the existing Salt Ayre Materials Recycling and Transfer Facility at the closed Salt Ayre Landfill Site, Ovangle Road, Lancaster.

The report included the views of Lancaster City Council, Heaton with Oxcliffe Parish Council, the Environment Agency and LCC Highways. No representations had been received.

The Development Management Officer presented a Powerpoint presentation showing a site location plan and aerial view of the application site and the former landfill site, site layout and photographs of the view of the building from the site entrance (adjacent household waste recycling centre) and the site entrance from Ovangle Road.

County Councillor Pope raised concern around the permanency of the planning permission. However, it was noted that the only reason to continue with temporary permission would be if permanent permission would prejudice the restoration of the landfill site. As there would be no impact on this, the benefits of retaining the facility were considered to outweigh any limited benefit from the removal of the building, in terms of the landscaping impact, as the Household Waste Recycling Centre would remain on site.

The Development Management Officer answered questions from Committee.

County Councillor Berry referred to the concerns from Lancaster City Council around air quality and pollutants and that insufficient information had been submitted to enable consideration of these issues. Committee were informed that the applicant had provided further information to address these matters which the City Council had not responded to. The site was not within the air quality management area itself but within a zone around this area and Lancaster City Council would look to monitor whether traffic from the development was likely to add a contributory impact onto the designated air quality management area. As the facility was already operating, there would be no further traffic movement to contribute to the detriment of the air quality management area. Approximately 30% of the vehicle movements were internal from the Household Waste Recycling Centre so if the facility were to close, the waste would have to be transferred elsewhere which would likely result in an increase in vehicle movements.

Resolved: That planning permission be **granted** subject to conditions controlling all conditions relating to site operations, hours of working, safeguarding of watercourses and drainage, and the control of noise, as set out in the Committee report.



10. Planning decisions taken by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation

It was reported that, since the meeting of the Development Control Committee on 1st March 2023, four planning applications had been granted planning permission by the Head of Planning and Environment, in accordance with the county council's Scheme of Delegation.

Resolved: That the report be noted.

11. Urgent Business

There were no items of Urgent Business.

12. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 7th June 2023 at 10.30am in Committee Room B – The Diamond Jubilee Room, County Hall, Preston.

H MacAndrew
Director of Law and Governance

County Hall
Preston



Development Control Committee
Meeting to be held on 7 June 2023

Electoral Division affected:
Fylde West

Fylde Borough: application number: LCC/2023/0002

Variation of condition 2 of planning permission LCC/2014/0096 to allow the date of final restoration of the site to be postponed until 30 June 2025. Preston New Road Exploration Site, Off Preston New Road, Little Plumpton, Westby with Plumptons

Contact for further information:
Jonathan Haine, 01772 534130, Head of Development Control
Devman@lancashire.gov.uk

Brief Summary

Application - Variation of condition 2 of planning permission LCC/2014/0096 to allow the date of final restoration of the site to be postponed until 30 June 2025. Preston New Road Exploration Site, Off Preston New Road, Little Plumpton, Westby with Plumptons.

Recommendation

That planning permission be **Granted** subject to conditions controlling time limits, working programme, highway matters, environmental controls, restoration and aftercare.

Applicant's Proposal

Planning permission for the construction and operation of an exploration site for hydrocarbons at Preston New Road, Little Plumpton was granted by the Secretary of State on 6 October 2016.

Condition 2 of the planning permission requires all borehole drilling, hydraulic fracturing, testing and site restoration to be completed with a period of 75 months from the commencement of the development.

The development commenced on 7 April 2023 and therefore under the provisions of condition 2 of the permission, the restoration works have to be completed by 7 July 2023.

For a number of reasons explained further in this report, the restoration works have not been progressed and therefore an application is made to postpone the completion of restoration until 30 June 2025.

Description and Location of Site

The application relates to the existing hydrocarbon exploration site at Preston New Road, located on the north side of the A583 approximately 5 km west of Kirkham and 7km east of Blackpool.

The site measures approximately 200 metres by 120 metres and is comprised of a stone surfaced compound area surrounded by noise attenuation and security fencing. Within the compound area are two well heads and a flare stack that was used for burning gas during the testing phase. The compound is served by a stone access road from the A583.

The land surrounding the site is comprised of agricultural grazing land. The nearest residential properties to the site are at Plumptions Hall Farm, 500 metres to the east (the landowner's property) and at Staining Wood Cottages/Foxwood Chase, approximately 300 metres to the south west where there are a number of properties.

History

A planning application (ref LCC/2014/0096) for the construction of an exploration wellsite, drilling and hydraulic fracturing of four boreholes, testing and site restoration was refused by the County Council in June 2015. The decision was subject to an appeal and planning permission was granted by the Secretary of State in October 2016.

Planning Policy

National Planning Policy Framework (NPPF): The following paragraphs of the National Planning Policy Framework (NPPF) are particularly relevant: 8–12 (achieving sustainable development), 130 (design and landscaping) and 211 (planning control over mineral extraction sites)

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2: Development Management

Fylde Local Plan

Policy GD4 – Development in the countryside

Policy GD7 – Achieving good design

Consultations

Fylde Borough Council: Object to the application for the following reason:

- Even in its current suspended state the development site is an industrial form of development in the countryside which does not conform with any of the exemptions



listed in policy GD4 of the Fylde Local Plan. The application proposes an excessive period of time for this intrusion on the countryside to continue without appropriate justification that it is required to complete the restoration works and conflicts with policies GD4, GD7 and ENV1 of the Fylde Local Plan.

Westby Parish Council: Strongly object to the application and support the objections raised by County Councillor John Singleton in his letter of representation.

Environment Agency (EA): No objection. Under the Environmental Permitting Regulations, for the operator to surrender the permit, the operator will have to satisfy the Environment Agency (EA) that measures have been taken to avoid any ongoing pollution risk and to return the site to a satisfactory state. The Environment Agency (EA) state that they will not grant any application for surrender unless and until they are satisfied that these requirements have been complied with. A closure plan will need to be submitted with the application for a permit surrender – this will include arrangements for borehole monitoring and decommissioning prior to surrender. The Environment Agency (EA) also recommend that financial provision appropriate to meet the decommissioning, restoration and closure obligations under the relevant regulations is sought from the operator during this process.

Lancashire County Council (LCC) Highways Development Control: No objection – the proposed variation will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

North Sea Transition Authority (NSTA): The North Sea Transition Authority (NSTA) have provided information on the regulatory position concerning the abandonment of onshore oil and gas wells in England. The North Sea Transition Authority (NSTA) comment that planning guidance sets out that responsibility, including financial responsibility, for the restoration and aftercare of minerals sites lies with the mineral operator and, in the case of default, with the landowner. The section of the planning practice guidance dealing with hydrocarbon extraction indicates that the mineral planning authority are responsible for ensuring that wells are abandoned, and the site is restored. The mechanisms for achieving this are planning conditions and obligations possibly supported by a financial guarantee where the project is long lived, unusual or where there are concerns regarding financial failure of the operator. The North Sea Transition Authority (NSTA) are aware of two cases where Mineral Planning Authorities have introduced conditions or obligations backed up by a financial guarantee to ensure that operators have sufficient funds to cover restoration costs. These are in relation to the shale gas exploration wells at Mission Springs, Nottinghamshire and the large Wytch Farm oil field in Dorset. The North Sea Transition Authority (NSTA) have also drawn attention to a letter in February 2019 from Alex Chisholm, (then Permanent Under Secretary of State to the Department of Business, Energy and Industrial Strategy) to the Chair of the Public Accounts Committee providing evidence to a hearing on the public costs of decommissioning oil and gas infrastructure. The letter sets out that it is the Environment Agency (EA) who enforces the polluter pays principle and that it is the permit holder who is therefore responsible for restoring such sites but that where such safeguards fail, other parties such as landowners may bear responsibility.

Health and Safety Executive (HSE): The conditions to which this application relates are not relevant matters for the Health and Safety Executive (HSE).



United Utilities (UU): No objection. United Utilities (UU) draw attention to various items of their infrastructure which exist in the area.

Weeton-with-Preese: No observations received.

Kirkham Town Council: No observations received.

County Councillor John Singleton: Wishes to raise an objection on behalf of residents in Fylde West Division who states that these residents have been most affected by multiple earth tremors recorded near the application site. He is of the view that gas extraction using hydraulic fracturing cannot be undertaken safely and the Government's position on this is evidenced by the current moratorium. County Councillor Singleton considers that the company have had sufficient time to adhere to the planning conditions regarding restoration and the restoration of this site to open countryside should have been completed in a timely manner. The company has not done this but are waiting for another turnaround on the moratorium which will not happen. The suspension order issued by the North Sea Transition Authority (NSTA) has no bearing on this breach of the existing permission. The applicant knew the restoration timescales and should have complied with them and therefore the application should be refused.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Eighty-four representations objecting to the application have been receiving raising the following issues. These representations include those from the Preston New Road Liaison Committee (established as a condition of the planning permission), the Preston New Road Action Group and also the Roseacre Awareness Group which was established to oppose the Roseacre Wood hydrocarbon exploration proposal: -

- Lancashire County Council (LCC) have a poor track record in upholding planning conditions associated with the Preston New Road site and have routinely allowed deviations and further variations. Lancashire County Council (LCC) should find a way to ensure that Cuadrilla meet their obligations in the shortest possible period.
- When the North Sea Transition Authority (NSTA) withdrew the abandonment notice in June 2022, there was no obligation to keep the wells open. There are no re use options for the site or possibility of restarting fracking that would justify a deferment of the restoration period.
- Cuadrilla should have engaged with the Environment Agency (EA) at an earlier stage regarding the time periods for permit surrender.
- The North Sea Transition Authority (NSTA) have not specifically supported this application and therefore little weight should be given to the opportunities presented by allowing the wells to remain 'open'.
- Cuadrilla have 'run down the clock' and should have obtained equipment and the permits necessary to restore the site within the permitted timeframe.
- What guarantees are there to ensure that there will not be a further application in two years' time?
- The proposed timescale is too long and breaches the timescale that is set down in condition 6e of the planning permission.
- There is a breach of condition 6e as the flare stacks are still visible over the fencing.

- The applicant has delayed restoration in the hope that the Government moratorium on hydraulic fracturing would be lifted. The proposed two-year extension period is only to see if a further change of policy will emerge.
- The geology of the local area is not suitable for fracking and Lancashire County Council (LCC) should be a lot tougher with Cuadrilla and ensure that the site is restored.
- Climate change issues will not go away.
- It makes no sense in a climate emergency for more fossil fuels to be produced.
- The company should be subject to enforcement action should it be unable to comply with the timescales set out in the current permission.
- Concerns about health impacts, pollution and damage to property from fracking operations.
- The operations do not lead to a local economic benefit and cause damage to roads.
- The proposed extension is not in the interests of local residents.
- Support the comments made by Mark Menzies MP.
- The attitude that it is acceptable to flout planning regulations is not acceptable.
- Fracking operations are still causing tremors – the most recent on 3 February 2023.
- There are still many tonnes of silica sand remaining on the site which should be removed immediately as this material presents a health risk.
- If Cuadrilla go bust, the residents of Lancashire will be left to 'carry the can' and exposes Lancashire County Council (LCC) and the UK Government to an unacceptable level of financial risk.
- The current site is an eyesore and should be restored as soon as possible.
- The retention of the site results in frequent visits to property by the press and by activists.
- The site entrance is festooned with fracking objection paraphernalia which is unsightly.
- The retention of the site affects property values.
- The development has an adverse effect on wildlife.
- There are traffic hazards.
- A performance bond should be sought from Cuadrilla to enable site restoration should the obligations not be complied with.
- The proposal is inconsistent with Government policy on fracking.
- The costs of policing this site are too high.
- The well is not fully capped and therefore there is a risk of gas leakage and explosion. There is a safety imperative in restoring the site as early as possible.
- Cuadrilla have a history of delaying restoration – this happened on their sites at Grange Road, Beconsall and Preese Hall.
- The extended flow testing has never taken place and therefore restoration should have been triggered upon the completion of the initial flow testing phase. The way that Cuadrilla have undertaken the testing has allowed the provisions of condition 6e to be circumvented without public scrutiny.

Two letters of representation from Mark Menzies – MP for Fylde have also been received raising the following issues:

- Mr Menzies is of the view that there are no grounds to grant any extension and urges the Council to reject the proposals.



- Government Ministers have taken an evidence-based approach and have concluded that this method of gas exploration cannot be conducted safely and within the regulatory framework agreed by the industry.
- The company has had adequate time to restore the site – it has not done so in the hope that there will be a change of Government policy.
- The company should be held to the terms of the original planning permission.
- Mr Menzies has asked what assurances the county council has been given by the applicant regarding their wherewithal to restore the site. What guarantees has the county council sought to ensure that the costs of decommissioning and restoration will not fall on the public purse should the company cease trading?

A representation has also been received from Friends of the Earth who object on the following grounds:

- Inconsistency with national policy: Friends of the Earth consider that the Government's Written Ministerial Statement of October 2022 has the same status as national planning policy. The application shows that Cuadrilla have not accepted the reality of national policy which is a complete moratorium on any further exploration, appraisal or development of shale gas through hydraulic fracturing. Any further use of the site as is suggested is incompatible with sustainable development.
- Inconsistency with Local Policy: Friends of the Earth consider that the proposal conflicts with the Fylde Local Plan and Lancashire Minerals and Waste Local Plan (LMWLP). The policies say that development should conserve and protect landscape character. The delay to restoration is in conflict with these aims.
- Inconsistency with the Inspector's decision and time conditions: The proposal would delay restoration beyond the dates considered acceptable by the Inspector who dealt with the original appeal. The county council refused an application for a deferment of restoration at the applicant's Becconsall site and the same policy issues exist at Preston New Road. The Inspector's original reasoning in relation to the time periods should not be varied in the manner proposed.

Advice

Planning permission was granted by the Secretary of State on 6 October 2016 for the construction of a hydrocarbons exploration wellsite, drilling of four boreholes, hydraulic fracturing (fracking) of each borehole, initial and extended flow testing followed by restoration of the site at Plumpton Hall Farm, Preston New Road. The Secretary of State's decision followed refusal of the planning application by the county council in June 2015 and a subsequent public inquiry which also considered a similar development at the Roseacre Wood Site near Elswick.

The Secretary of State's decision on the Preston New Road site was subject to 49 conditions regulating various aspects of the development. For the purposes of the current application, conditions 2 and 6 are particularly relevant.

Condition 2 deals with the overall timescales of the development including the site restoration and requires:

The site development works comprising the drilling operations of four vertical/lateral exploration boreholes, initial flow testing, extended flow testing, decommissioning and



site restoration shall be completed within a period of 75 months from the commencement of development as defined by this planning permission. All drilling and hydraulic fracturing operations shall be completed within a period of 30 months from the date of commencement of the drilling of the first well in accordance with condition 3

Condition 6 requires:

Prior to the commencement of each phase specified in condition 3, a scheme and programme for the following shall be submitted to the County Planning Authority and approved in writing

- a) The removal or disassembly of the drill rig on completion of each drilling operation in accordance with the requirements of condition 2.*
- b) The removal or disassembly of the hydraulic fracturing equipment on completion of each phase of hydraulic fracturing operations in accordance with the requirements of condition 2.*
- c) Details of the plant and equipment and boundary treatment to be retained on the site for the purposes of extended flow testing if extended flow testing is to be carried out.*
- d) Provision for the removal of all plant and equipment on completion of the final 90-day initial flow testing phase in the event the flow testing is unsuccessful, and the long-term appraisal phase is not to be carried out.*
- e) In the event the extended flow test is not carried out within 24 months of the initial flow test, notwithstanding the provisions of condition 1, a time schedule for the removal of all plant and equipment and restoration of the site in accordance with the conditions to this permission, such schedule not being greater than 12 months from the cessation of initial flow testing of whichever is the final well to be tested.*

Condition 6e requires the site to be restored at an earlier stage than the 75-month period referred to in condition 2 in the event that the extended testing works are not undertaken (for example if uneconomic quantities of gas were detected at the initial flow testing stage).

At this point it is worth explaining the various key stages and milestones that have occurred with this development.

- The development commenced on 4 April 2017 and therefore the 75-month period specified in condition 2 will expire on 4 July 2023. Construction of the access and wellsite compound took place through spring 2017 and drilling of the first two wells commenced on 31 May 2017. Hydraulic fracturing works on Well 1 commenced in October 2018 and initial flow testing on this well commenced in November 2018. Fracturing works on Well 2 commenced in August 2019.
- Following a number of seismic events in the local area in August 2019, the Government imposed a moratorium on issuing further Hydraulic Fracturing Consents. The moratorium meant that no further fracturing works could take place in either of the wells that had been drilled at the Preston New Road site.
- Following this, both wells were suspended to allow further testing of the qualities and volumes of any gas that had been produced following the fracturing operations



that were undertaken. In late 2019 gauges were installed within Well 2 to monitor and record downhole pressures to allow the well flow potential to be assessed. These works form part of the initial flow test.

- On 5 March 2022, the operator notified the county council that they would commence works to decommission both wells within seven days of the notification.
- At this time, the site was subject to a plug and abandon notice issued by the North Sea Transition Authority (NSTA) relating to the decommissioning of both wells. However, in April 2022 this was superseded by a well suspension notice that allowed for the continued suspension of both wells until 30 June 2023. During the suspension period, the operator agreed a work programme with the North Sea Transition Authority (NSTA) which included defining the key controls on induced seismicity, improving the seismic imaging of geological faults and supporting additional research by the British Geological survey as part of their scientific review of shale gas commissioned by the Government in April 2022. The suspension order was issued in the context of the global energy crisis at that time following the Russian invasion of Ukraine. The operator has confirmed to the North Sea Transition Authority (NSTA) that it will provide access during the suspension period to its data, operational expertise and to the boreholes themselves which are the only hydraulically fractured boreholes within the Bowland Shale in the UK.
- In a written ministerial statement on 22 September 2022, the Government lifted the moratorium on hydraulic fracturing. The statement highlighted the global energy supply and price issues resulting from the Ukraine war and the need to undertake further hydraulic fracturing works to assess whether such operations could be undertaken in a safe manner.
- The moratorium on hydraulic fracturing was reimposed in late October 2022 following Rishi Sunak being appointed as prime minister.

Under condition 2 of the planning permission, the site is required to have been restored by July 2023. As detailed above, the operator was preparing to commence the plugging and abandonment works to both boreholes in March 2022, but these works were deferred when the North Sea Transition Authority (NSTA) issued the suspension notice in April 2022. As the permitted time limit in condition 2 cannot now be complied, the operator has made a planning application to defer the restoration date until 30 June 2025. The planning application has been made so that the works can be carried out under the terms of a new permission rather than the county council having to enforce the requirements of the existing permission.

Upon expiry of the suspension notice in June 2023, the North Sea Transition Authority (NSTA) have three options: a) agree a plan to reuse one or both wells: b) agree a plan to bring one or both wells into production or c) require one or both wells to be plugged and abandoned. The current planning application is submitted on the basis that the North Sea Transition Authority (NSTA) will require option c) to be followed. Options a) or b) would require a further planning application as both would involve a further use of the site rather than restoration as is currently proposed.

The operator is proposing that a further two-year period will be required to complete the restoration works. The works will comprise of the following stages:

- Decommissioning of the wells. This will be carried out in accordance with UK Guidelines on well abandonment and according to a well abandonment plan agreed by the Environment Agency (EA), the Health and Safety Executive (HSE) and an independent well examiner. The wellheads will be removed and the casing of the well cut off at two metres below ground level to allow restoration of the site to agricultural use. A rig would be required to undertake the works to abandon the boreholes which includes filling the bores with concrete. It is anticipated that a period of 4–6 months will be needed to gain regulatory approval for the decommissioning programme and a further period of 8-12 weeks to undertake the works to both wells.
- The site currently has a permit from the Environment Agency (EA). The restoration works to the site cannot commence until the permit has been surrendered and in order to surrender the permit, the operator must demonstrate that the abandonment works to each borehole have been successful. A programme of groundwater and surface water monitoring is required to demonstrate the effectiveness of the abandonment works which could take between 6–12 months. The applicant states that the Environment Agency (EA) have provided a timescale of around eight months to review a permit surrender application which is in line with the timescales for the determination of other permits that the county council is aware of in other parts of the county.
- Upon the permit being surrendered, the restoration works would then commence. This would comprise the removal of the concrete drilling pad and initial part of the well and the surrounding hardcore surface and pollution prevention membranes together with any remaining equipment. The perimeter fencing would also be removed following which the stored soils would be used to level and restore the site surface to an agricultural field. An aftercare plan would then be implemented.

The proposed development timeline is shown in the following figure: -

Stages/ Dates	2023									2024				2025	
	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Q1	Q2	Q3	Q4	Q1	Q2
Stage 1 operate under NSTA notice	█	█	█												
Decision from NSTA				█	█										
Stage 2 Well Decom						█	█	█	█	█					
EA GW Monitoring /permit surrender									█	█	█	█	█	█	
Stage 3 Restoration														█	█



Several representations comment that the proposed restoration deferment period is too long, and the site restoration should commence immediately. Some residents including the Preston New Road Action Group have also commented that the early restoration provisions within condition 6e have also not been complied with. The requirement for the site to be restored at the earliest stage possible is acknowledged. However, it is important to understand that there is a sequential process to be followed as shown in the table above. This process will take time to complete. There is a well suspension notice in place until 30 June 2023. More importantly, the Environment Agency (EA) permit must be surrendered before the restoration works can commence and the permit surrender process can only commence once a period of groundwater monitoring has been undertaken to confirm the effectiveness of the borehole decommissioning works. In terms of condition 6e, the operator has stated that the initial testing period never finished and therefore the early restoration provisions within condition 6e were not triggered.

A number of representations including from Friends of the Earth have commented that restoration of the site has been deliberately postponed by the operator in the hope that Government policy on shale gas will change allowing fracking activity to resume. However, it should be noted that the operator wrote to the county council in March 2022 explaining that it would shortly begin work to plug and abandon the boreholes. The operator also wrote to local residents at this time advising them that plant would be moved onto the site in association with these works. However, these works were suspended when the North Sea Transition Authority (NSTA) agreed to withdraw the requirement to decommission the site by the end of June 2022 and asked the company to co-operate with the British Geological Survey to gather geological information before the boreholes were plugged. This agreement was also in the context of the sharp increase in energy prices and uncertainties about future supply which emerged following Russia's invasion of Ukraine in February 2022. Whilst the removal of the abandonment notices clearly allowed the possibility of a resumption in fracking, that step was taken in response to wider issues at that time rather than a speculative attempt by the operator to delay site restoration in the hope of a change in Government policy.

Friends of the Earth consider that the proposal is contrary to national policy, in particular the Written Ministerial Statement of October 2022. However, it is important to note that this application does not propose any further drilling or hydraulic fracturing activity. The Written Ministerial Statement confirms a presumption against issuing any further hydraulic fracturing consents and therefore does not directly relate to the current proposal for a deferment of the restoration date.

The main planning issue relates to the landscape and visual impacts arising from the retention of the wellsite over a longer period than was previously permitted.

The site is designated as a countryside area within the Fylde Local Plan. Policy GD4 of the Local Plan concerns development in the countryside and restricts such development to where it is needed for the purposes of meeting local business need, for agriculture, horticulture or forestry or other uses appropriate to a rural area. A range of other exemptions are also permitted which are not relevant to the current application. Mineral workings including hydrocarbon exploration sites would normally be considered to be appropriate within a rural area as they are temporary



developments and minerals can only be worked, or explored for, where they exist or potentially exist.

Paragraph 211 of the National Planning Policy Framework (NPPF) requires that mineral planning authorities in considering proposals for mineral extraction, should provide for restoration and aftercare at the earliest opportunity through the application of appropriate conditions.

This proposal if approved as submitted would allow the exploration wellsite to be retained for an additional period of two years and would therefore prolong the visual impacts of the site beyond that considered when planning permission was originally granted. The exploration wellsite is comprised of a concrete and stone compound surrounded by solid acoustic and mesh security fencing. Very little infrastructure remains on the compound itself and only the upper part of the flare stack is visible above the acoustic fencing. Nevertheless, the site is located in the middle of an agricultural field and does represent an incongruous feature within the countryside. However, the proposal is not proposing the permanent retention of the facility. It would only be retained for a further temporary period after which the site would be restored to an agricultural use.

The applicant has applied to defer the restoration date by a further two years. A large part of this period arises from the Environment Agency (EA) permit surrender process (including the time taken by the Environment Agency (EA) to register and allocate an officer to deal with the application). The operator has said that this can take around eight months to complete. It is considered that there is scope to reduce the duration of this part of the process and that a shorter restoration period than two years should be set. Any shorter period would have to allow for final replacement of soils at the correct time of year.

The decommissioning works to the wells would require the use of a large rig structure to undertake the cementing and sealing of the boreholes. The rig would have a significant although short term visual impact. However, these decommissioning works must be undertaken in any event and are not additional works as a result of the time extension currently proposed.

The operator has been asked whether it would be possible to undertake certain restoration operations at an earlier stage rather than them all being done towards the end of the restoration period. This might include removal of the acoustic and security fencing around the site which would have the benefit of reducing the visual impact of the site. However, the applicant has stated that such a restoration programme would generate inefficiencies as well as raising security concerns. However, they have confirmed that there is a possibility to remove the flare stack at an earlier stage. This would have some visual benefits as the element of infrastructure within the compound that is most visible. This matter can be dealt with through a condition.

The visual impacts arising from the wellsite being retained for a further period of 18 months for substantial completion of restoration from the date of decision on this application are therefore considered acceptable.

Friends of the Earth have highlighted a similar proposal at the applicant's Becconsall exploration wellsite. This application was refused on Green Belt and landscape



grounds by the county council's Development Control Committee contrary to officer advice. Friends of the Earth consider that the same conclusion should apply with the current application. However, for the reasons set out above, the landscape impacts are considered acceptable, and refusal of the application would not be justified.

Mark Menzies MP, the Environment Agency (EA) and several local residents have raised the issue of whether the operator has sufficient financial resources to undertake the well abandonment and restoration works and if some form of bond or other financial guarantee should be sought to cover the costs of these works in the event of default.

Paragraph 211 of the National Planning Policy Framework (NPPF) states that bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances. This policy is further developed in the Planning Practice Guidance which states that responsibility for the restoration and aftercare of minerals sites, including financial responsibility, lies with the mineral operator, and in the case of default, with the landowner. The guidance states that any concerns about the funding of site restoration should be principally through appropriately worded planning conditions and that financial guarantees to cover restoration and aftercare costs will normally only be justified in exceptional cases such as very long term new projects where progressive restoration is not practicable, where a novel approach or technique is to be used or where there is reliable evidence of the likelihood of financial or technical failure.

This issue has been raised with the operator who states that the company continues to have financial support provided by the parent company AJ Lucas and also the joint venture partner company Spirit Energy who are a subsidiary of Centrica (a large British multi-national energy and services company). Both companies will be providing funding for the decommissioning and site restoration work. The operator is therefore of the view that a bond or other mechanism to cover restoration costs is unnecessary.

As part of the licencing process, the Oil and Gas Authority (now the North Sea Transition Authority (NSTA)) undertake financial assessment of licensee companies in order to assess their capability to carry out the exploration or production activities granted by the licences. This process does not extend to any bonding arrangements necessary to cover well abandonment works but in granting a licence, the Oil and Gas Authority must have been satisfied as to the financial competence of this operator.

The development does not raise any particularly novel or difficult restoration issues. The operator has previously restored a number of other hydrocarbon exploration sites (Preese Hall, Grange Road, Annas Road and Banks) all of which are now returned to a productive agricultural use.

It is therefore considered that there is no basis for seeking a restoration bond or other form of guarantee to cover abandonment and restoration costs.

In conclusion, this proposal is seeking a postponement of the restoration date for this site. It is unfortunate that the site restoration works have not commenced before now, but a number of factors have occurred which have resulted in the restoration works being deferred. The retention of the site for a longer period would result in an extension of the existing landscape and visual effects, although for a relatively short additional



period. There is no evidence that the site cannot be restored to an adequate standard. Given the limited landscape impacts, the development is considered acceptable in terms of Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP) and Policies GD4 and GD7 of the Fylde Local Plan.

If approved the decision would result in the grant of an entirely new planning permission for the site pursuant to S73 of the Town and Country Planning Act 1990. The original permission ref LCC/2014/0096 was subject to 49 conditions covering a wide range of matters including the establishment of the site compound and access and environmental controls during the drilling and fracturing works. All of these works have now been completed and there is no proposal to resume these works as part of the current application. Therefore there is no need to include conditions covering these matters as part of the current proposal. The conditions detailed below are considered sufficient to properly control the operations during the remaining restoration works and aftercare period.

In view of the nature of the proposal, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Recommendation

That planning permission be **Granted** subject to the following conditions:

Time limits

1. The decommissioning and restoration of the site shall be completed within a period of 18 months from the date of this planning permission. The decommissioning and site restoration works shall be completed in accordance with the scheme and programme of restoration approved under the provisions of condition 11 below.

The provisions of this condition shall not relate to works for the final replacement of topsoil materials and their treatment which shall be completed within a period of 24 months from the date of this planning permission.

Reason: In order to secure the satisfactory restoration of the site within an acceptable timescale and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

2. Written notification of commencement of each of the following phases of the development shall be provided within seven days to the County Planning Authority.
 - a) Decommissioning of the wells
 - b) Restoration of the site

Reason: In order to secure the satisfactory restoration of the site within an acceptable timescale and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).



Approved documents

3. The development shall be carried out, except where modified by the conditions to this permission in accordance with the approved plans received by the County Planning Authority on 2 June 2014:

PNR -EW-OO1 Location plan
PNR -EW-002 Location Plan: Surface Works
PNR -EW-003 Parameter Plan
PNR-EW-OO4 Parameter Plan: Sections

Reason: For the avoidance of doubt and to ensure that the development is undertaken in accordance with the submitted drawings and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

Highway Matters

4. Throughout the duration of decommissioning and site restoration works, measures shall be taken to prevent mud, dust and other deleterious materials from being deposited on the public highway by vehicles leaving the site.

Reason: In the interests of highway safety and local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

Environmental Controls

5. Within two months of the date of this planning permission, a scheme and programme shall be submitted for the approval in writing of the County Planning Authority providing a timescale for the removal of all remaining buildings, plant, equipment and stored materials that are present within the exploration compound area. Thereafter all buildings, plant, equipment and stored materials shall be removed from the site within the timescale contained in the approved scheme and programme.

Reason: In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

6. No topsoils and subsoils shall be exported from the site.

Reason: To secure the proper restoration of the site in the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

7. Well decommissioning and site restoration works shall only take place between the following hours

07.30 to 18.30 hours Mondays to Fridays
08.30 to 12.00 hours on Saturdays

No such works shall take place on Sundays or public holidays.



The above hours shall not apply to essential maintenance activities.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

8. The provisions of the noise management plan approved under the requirements of condition 26 of planning permission ref LCC/2014/0096 shall be implemented at all times during decommissioning and site restoration works.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

9. Noise from the site under free field conditions at 1.2 to 1.5 metres height above ground level at any boundary of any residential property shall not exceed 55dBlaeq 1hr during well decommissioning or site restoration works.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

10. The provisions of the dust management plan approved under the provisions of condition 32A of planning permission LCC/2014/0096 shall be complied with at all times during well decommissioning or site restoration works.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

Restoration and aftercare

11. Restoration shall be carried out in accordance with the following:
 - a) All plant, buildings, security and acoustic fencing, pollution control membranes, aggregates and concrete hard standings forming part of the drilling compound shall be removed from the land.
 - b) The upper layers of the subsoil material shall be subsoiled to a depth of 600mm using a heavy duty winged subsoiler prior to the replacement of topsoils to relive compaction and remove materials injurious to plant life and any rock, stone or other materials capable of preventing or impeding normal agricultural use or land drainage operations.
 - c) Following treatment of the subsoil, the topsoil from the soil storage mounds on the site shall be distributed evenly across the site to a minimum depth of 150mm and shall then be ripped cultivated and left in a state that will enable the land to be brought to a standard fit for agricultural use.

Reason: In order to ensure the proper restoration of the site in accordance with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).



12. Following the restoration of the wellsite compound the site access track and junction with the A583 shall be restored in accordance with a scheme to be first submitted to and approved in writing by the County Planning Authority. The scheme shall contain details of the following:
- a) details for the restoration of the access road to a standard necessary to provide for agricultural access
 - b) the removal of all security fencing and gates and replacement with agricultural access gates and fencing
 - c) the reduction in size of the junction with the A583 to a standard necessary for agricultural use
 - d) the removal of the traffic island and ghost island markings in the A583 carriageway
 - e) details of the new hedge planting around the configured access including layout of planting, numbers and sizes of species to be planted, details of planting techniques and protection measures

Any new planting works contained in the approved scheme shall be undertaken in the first planting season following the completion of the site access restoration.

Reason: In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

13. With three months of the certification in writing by the County Planning Authority of the completion of restoration as required by condition 11, a scheme for the aftercare of the site to promote the agricultural after use of the site shall be submitted to the County Planning Authority for approval in writing. The scheme shall contain details of the following:
- a) maintenance and management of the restored site to promote its agricultural use
 - b) weed control where necessary
 - c) measures to relieve compaction or improve drainage
 - d) maintenance of any replacement hedgerow planting including replacement of failures, weed control and repair of protection measures
 - e) an annual inspection to be undertaken in conjunction with representatives of the County Planning Authority to assess the aftercare works that are required in the following year

The aftercare works shall thereafter be carried out for a period of five years starting for the date of approval of the scheme.



Reason: To ensure the proper restoration of the site in the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

Definitions

Planting Season: The period between 1 October in any one year and 31 March in the following year.

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration in accordance with condition x have been completed satisfactorily.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2023/002	June 2023	Jonathan Haine Planning and Environment 01772 434130

Reason for Inclusion in Part II, if appropriate

N/A



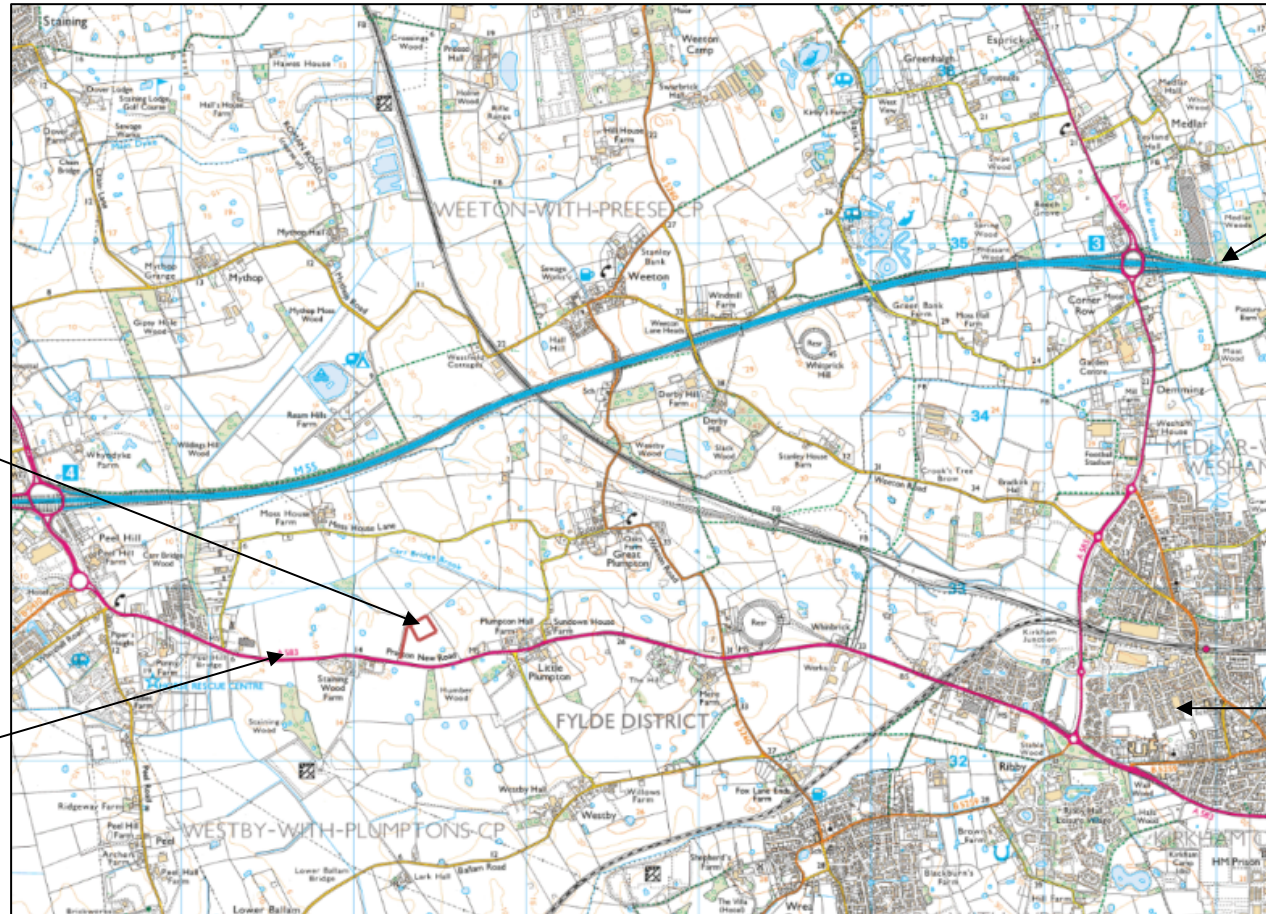


Planning application LCC/2023/0002

Variation of condition 2 of planning permission LCC/2014/0096 to allow the date of final restoration of the site to be postponed until 30 June 2025.

Preston New Road Exploration Site, Off Preston New Road, Little Plumpton, Westby with Plumptons

Planning application LCC/2023/0002 – Location Plan



Preston New Road Exploration Site

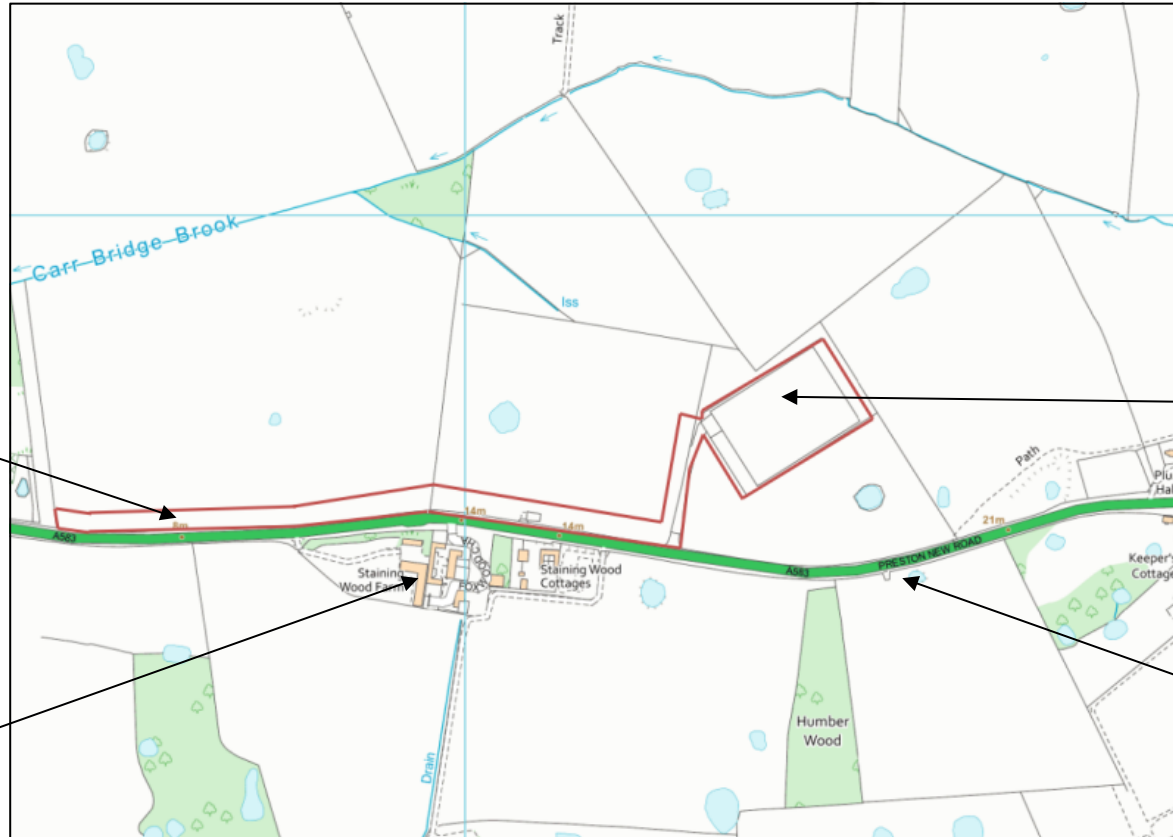
A583 Preston New Road

M55

Kirkham



Planning application LCC/2023/0002- Location Plan



Application site

Exploration site compound

Nearest houses

A583



Planning application LCC/2023/0002 – Air photograph of Preston New Road Exploration site



Soil storage mound

Site access from A583

Gas flare

Well heads

Perimeter acoustic and security fencing



Planning application LCC/2023/0002 – Preston New Road Exploration Site



Site access road



Perimeter fencing



Gas flare



Soil storage mound



Well heads



Development Control Committee
Meeting to be held on 7 June 2023

Electoral Division affected:
West Lancashire North

West Lancashire Borough: application number LCC/2022/0066

**Construction of four control kiosks and associated landscaping.
Mere Brow Wastewater Treatment Works, Mere Brow Lane, Tarleton**

Contact for further information:
Jonathan Haine, 01772 534130, Head of Development Control
Devman@lancashire.gov.uk

Brief Summary

Application – Construction of four control kiosks and associated landscaping Mere Brow Wastewater Treatment Works, Mere Brow Lane, Tarleton.

Recommendation

That planning permission be **Granted** subject to conditions controlling time limits, working programme and landscaping

Applicant's Proposal

The proposal is for the construction of four control kiosks on an existing waste water treatment works site. The proposed kiosks would be as follows:

- Ferric Dosing Storage Kiosk measuring 10 metres by 4.05 metres and 4 metres in height
- Chemical dosing kiosk measuring 7.4 metres by 4.05 metres and 4 metres in height
- Motor Control Kiosk measuring 8 metres by 4 metres by 4 metres in height.
- A low voltage (LV) kiosk measuring 8 metres by 4 metres by 3.2 metres in height.

All kiosks would be constructed from glass reinforced plastic coloured holly green. The kiosks would provide chemical storage facilities or contain electrical control equipment that is required as part of new plant being installed at the site to improve the quality of the treatment process.

The proposal also includes a landscaping scheme to provide appropriate levels of mitigation landscaping.

Description and Location of Site

The application site is located at Mere Brow Wastewater Treatment Works which is located off Mere Brow Lane approximately 400 metres east of Mere Brow village. The site is accessed via a single-track road which leads from Mere Brow Lane.

The land surrounding the treatment works is in agricultural use with several glasshouses located on land to the east of the works. The nearest houses are located on Mere Brow Lane approximately 100 metres north of the treatment works.

The site is located in the Green Belt.

The treatment works is comprised of a number of tanks and filter beds and associated plant and equipment. The proposed kiosk buildings would be located close to the southern boundary and in the centre of the treatment works site.

Background

History: The site is an existing wastewater treatment works. Planning permission ref LCC/2022/0015 was granted on this site in 2022 for the construction of three control kiosks, a contractor's compound and associated landscaping works. This permission was granted under delegated powers.

Planning Policy

National Planning Policy Framework (NPPF): The following paragraphs of the National Planning Policy Framework (NPPF) are considered relevant: - 11 (presumption in favour of sustainable development), 130 (design) and 147 – 150 (Green Belts).

Joint Lancashire Minerals and Waste Local Plan (JLMWLP).

Policy DM2 – Development Management.

West Lancashire Local Plan.

Policy SP1 – A sustainable development framework for West Lancashire

Policy GN3 – Criteria for sustainable development

Policy EN2 – Preserving and enhancing West Lancashire's Natural Environment

Consultations

West Lancashire Borough Council: No objection.

Environment Agency (EA): No objection.

Tarleton Parish Council: It has been brought to the Parish Council's attention that the proposed kiosks would be 9 metres high and would therefore be visible to residents of Mere Brow. The Parish Council consider that the height of these kiosks cannot be determined from the application. The Parish is also concerned that the proposed



structures fall outside of the term 'kiosk'. The Parish asks if the structures can be sunk into the ground, if proper screening can be provided and if the kiosks can be located out of sight of the residents. The Parish consider that the development will result in a loss of amenities to residents of Mere Brow as their views will be restricted by these structures.

Representations: The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. No representations have been received.

Advice

Planning permission ref LCC/2022/0015 was granted in August 2022 for the erection of three control kiosks on this site together with a temporary construction compound and associated landscaping works. As a result of further design work, it is now necessary to modify the location of the three kiosks that were approved under that permission and to provide a fourth low voltage (LV) kiosk.

Three control kiosks on this site already benefit from planning permission. The new locations for these kiosks proposed in this application are not materially different from those that have already been approved and the buildings would be the same size. The impacts on the Green Belt would be the same and the justification for their being located in the Green Belt would continue to apply.

The new low voltage (LV) kiosk building would also not be appropriate development in the Green Belt according to paragraphs 148 and 149 of the National Planning Policy Framework (NPPF). Therefore very special circumstances must be demonstrated in order to justify the new building within the Green Belt. The new development including the proposed low voltage (LV) kiosk is required to upgrade the treatment processes to permit a higher standard of phosphorous within the effluent discharge as stipulated by the Environment Agency in the permit for the treatment works. The new kiosk has to be located within the treatment works and there is no area where it could be located outside of the Green Belt. It is therefore considered that very special circumstances exist to justify the location of the low voltage (LV) kiosk within the Green Belt.

A response has been received from Tarleton Parish Council the details of which are set out above. In response to the comments made by the parish council, the following comments are made:

- The base levels of the kiosk buildings are set at a level of around 5 metres above ordnance datum (AOD) and their maximum heights will reach a level of approximately 9 metres above ordnance datum (AOD). However, all buildings would be approximately 4 metres in height. The height of the low voltage (LV) kiosk has now been reduced to 3.2 metres high and is no longer sited on stilts which will reduce its height further.
- It is possible that parts of these buildings would be visible from the nearest houses on Mere Brow Lane. However, there is existing landscaping located on the northern side of the works which will reduce any visual impacts to acceptable levels. It



should also be recognised that three kiosk buildings have already been approved on this site and the relocation of these structures as proposed in this application would not have any significant additional visual impacts.

- The structures are termed 'kiosks' as they are pre-fabricated structures that are purpose designed to store treatment chemicals or house electrical control equipment for waste water treatment sites.
- Due to the purpose of these buildings, it is not possible to sink the structures further into the ground as there would be a risk of water ingress or flooding issues. Three of the kiosks are sited on small concrete plinths so that they are slightly raised above ground level for this reason.

In conclusion, the proposed kiosk buildings are considered to be an acceptable form of development on this site. Very special circumstances have been demonstrated for these buildings in the green belt and their visual impacts are considered to be acceptable. The proposal therefore complies with the policies of the National Planning Policy Framework (NPPF) and the Development Plan.

In view of the scale, location and nature of the proposal, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Recommendation

That planning permission be **Granted** subject to the following conditions:

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

- a) The Planning Application and supporting statement received by the County Planning Authority on 6th December 2022

- b) Submitted Plans and documents:

Drawing Mereb-97-DR-T-100001-PO2-S2 Site location plan

Drawing Mereb-97-DR-T-100002-PO3-S2 Proposed site layout

Drawing Mereb-97-DR-T-100003-PO2-S2 Proposed ferric dosing kiosk

Drawing Mereb-97-DR-T-100004-PO2-S2 Proposed chemical storage kiosk

Drawing Mereb-97-DR-T-100005-PO2-S2 Proposed MCC Control Kiosk



Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan and policies SP1, GN3 and EN2 of the West Lancashire Local Plan.

3. The landscaping works shown on Drawing Mereb-97-DR-T-00001-PO2- Landscaping proposals shall be undertaken in the first planting season following the completion of the development and thereafter maintained for a period of five years including replacement of failed plants, weed control and maintenance of protection measures.

Reason: In the interests of the visual amenities of the area and to conform with Policy EN2 of the West Lancashire Local Plan.

Definitions

Planting Season: The period between 1 October in any one year and 31 March in the following year.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2022/0066	June 2023	Jonathan Haine Planning and Environment 01772 534130

Reason for Inclusion in Part II, if appropriate

N/A





Planning application LCC/2022/0066

Construction of four control kiosks and associated landscaping

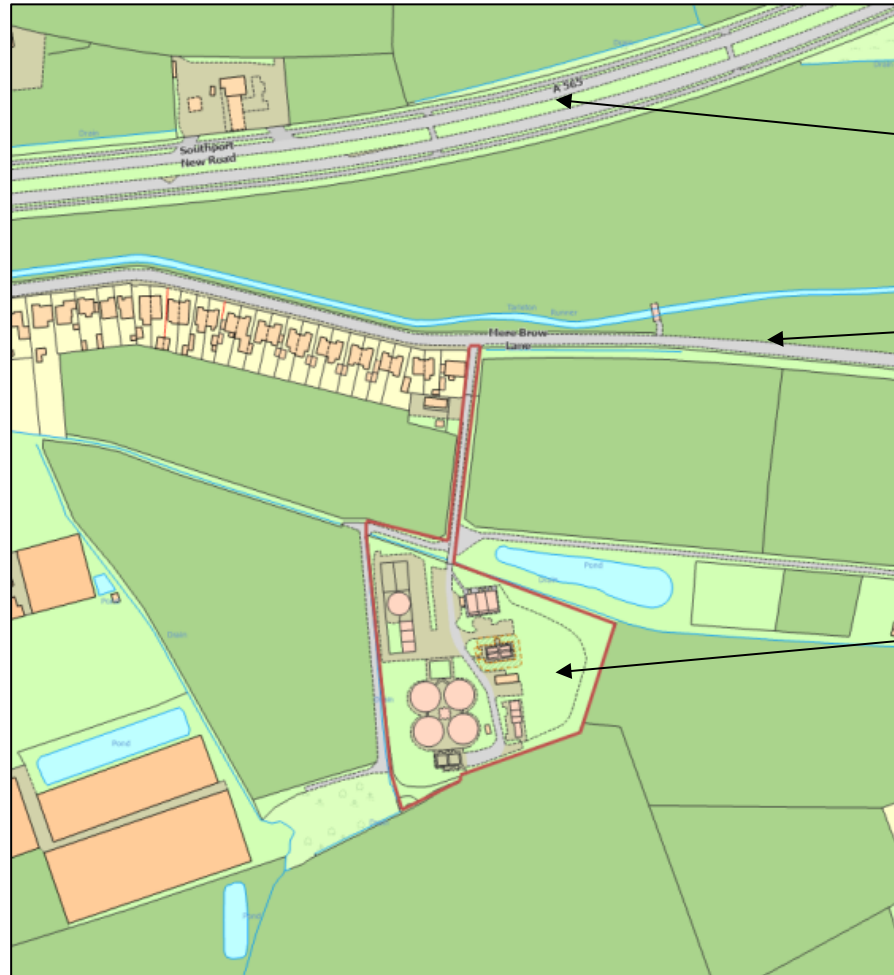
Mere Brow Wastewater Treatment Works,
Mere Brow Lane, Tarleton

Planning application LCC/2022/0066 – Location Plan

Mere Brow
WWTW



Planning application LCC/2022/0066 – Application site



A565

Mere Brow Lane

Mere Brow WWTW

Planning application LCC/2022/0066 – Air photograph of site



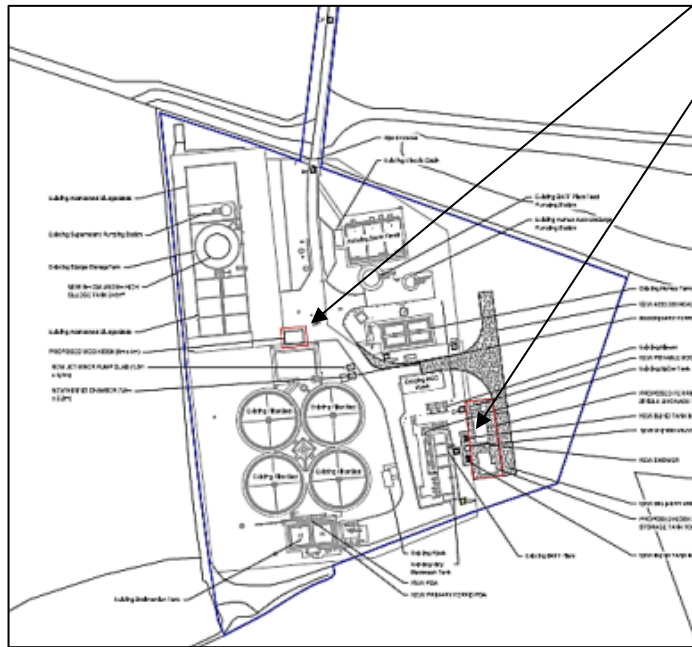
Nearest
houses on
Mere Brow
Lane

Application
site

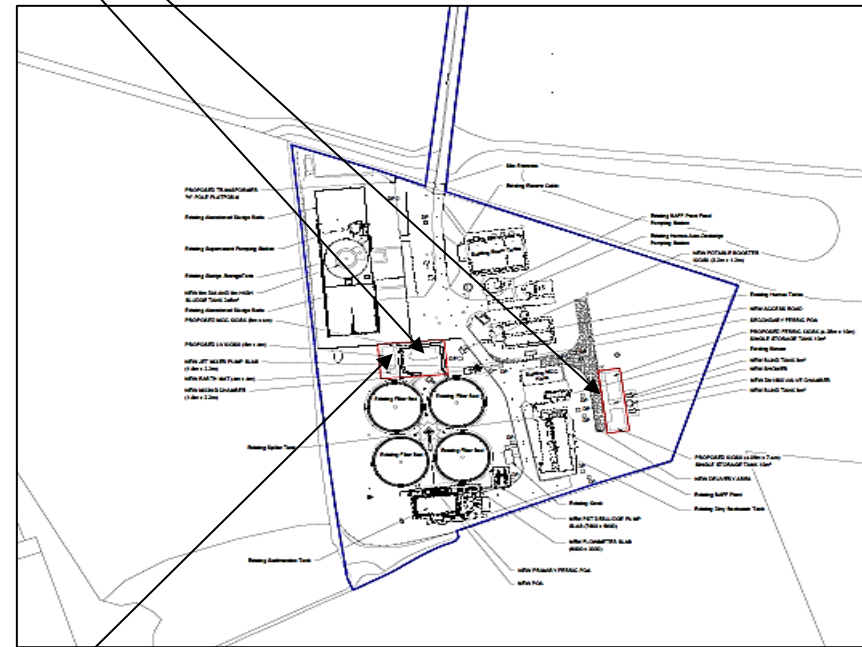


Planning application LCC/2022/0066 – Comparison of permission LCC/2022/0015 with current application

Kiosk locations



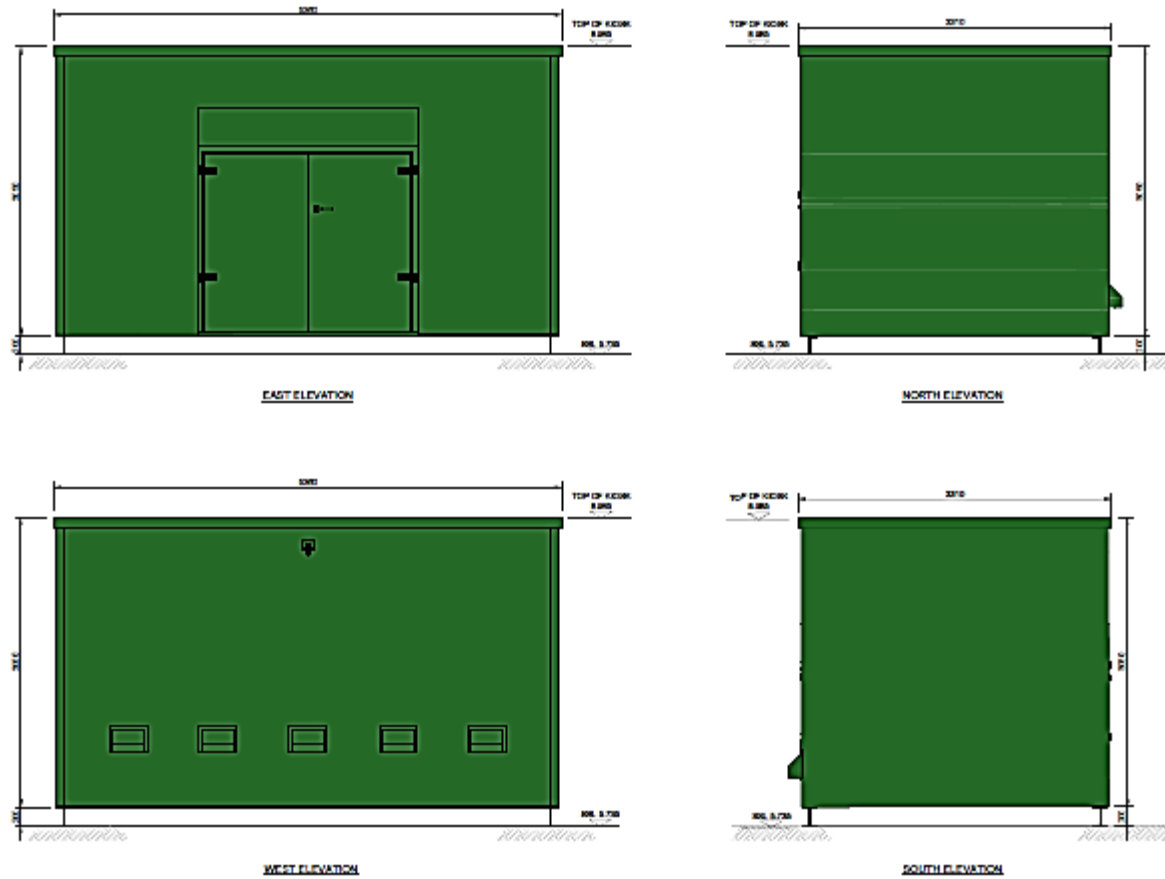
LCC/2022/015



LCC/2022/066

New LV kiosk

Planning application LCC/2022/0066- Elevations of LV Kiosk



Planning application LCC/2022/0066 – View from Mere Brow Lane

Location
of Mere
Brow
WWTW



Access road to WWTW



Development Control Committee
Meeting to be held on 7 June 2023

Electoral Division affected:
Wyre Rural East

Wyre Borough: application number LCC/2023/0005

Variation of condition 8 of planning permission LCC/2016/0084 to allow the permitted number of heavy goods vehicles (HGVs) leaving the site to increase from two per day to six per day. Foggs Farm, Hobbs Lane, Claughton-On-Brock

Contact for further information:
Jonathan Haine, 01772 534130, Head of Development Control
Devman@lancashire.gov.uk

Brief Summary

Application - Variation of condition 8 of planning permission LCC/2016/0084 to allow the permitted number of heavy goods vehicles (HGVs) leaving the site to increase from two per day to six per day. Foggs Farm, Hobbs Lane, Claughton-On-Brock.

Recommendation

That planning permission be **Granted** subject to conditions controlling working programme, highway matters, ecology, landscaping and storage locations.

Applicant's Proposal

Planning permission was granted on 1 March 2017 for the change of use of existing buildings and land to use for the production of agricultural bedding materials from imported waste paper products including installation of drying equipment and biomass boiler, installation of flue and weighbridge and siting of two portacabin buildings (ref LCC/2016/0084).

Condition 8 of the planning permission requires as follows:

8. *Not more than two heavy goods vehicles (HGVs) shall leave the site in any one day.*

The numbers of heavy goods vehicles (HGVs) leaving the site shall be recorded and such a record shall be made available for inspection to the County Planning Authority. Such record shall contain details of the date and time of the movement and vehicle registration.

The requirements of this condition shall not apply to heavy goods vehicles (HGVs) associated with the importation of biomass for the purposes of fuelling the boiler.

The application proposes to amend condition 8 so that the daily limitation on heavy goods vehicles (HGVs) leaving the site is increased to six per day (12 movements).

Description and Location of Site

Fogg's Farm is located off Hobbs Lane, an unclassified road approximately 4km south east of Garstang within the Forest of Bowland Area of Outstanding Natural Beauty. The site has been historically used as a dairy farm but ceased to be a working farm in 1998. The surrounding land is comprised of agricultural grazing land. The farm complex is comprised of a range of portal frame and stone farm buildings together with an external drying unit, all of which have been used since 2017 for the applicant's business which is the production of agricultural bedding products from imported waste paper pulp.

There is one residential dwelling immediately adjacent to the farm complex which is occupied by the landowner's gamekeeper and also used as mess/office accommodation for the business. A public right of way crosses the access track and farm land immediately to the east and north of the site. Other properties are located at other farm complexes, the nearest of which are around 350m from Fogg's Farm.

History

Planning permission was originally granted in March 2017 for the change of use of land and buildings and the erection of various new pieces of plant for the purposes of manufacturing agricultural bedding materials from imported waste paper products. (Ref LCC/2016/0048).

Planning permission for the erection of a new building for the storage of plant and equipment with linked canopy for the loading of waste products was granted in July 2017 (Ref LCC/2017/0036).

Planning permission was granted in October 2017 to amend condition 3 of planning permission LCC/217/0036 to allow the storage of waste materials and plant within the building.

Planning permission ref LCC/2020/0031 was granted in October 2020 for the erection of a new building to accommodate production plant and bagging equipment and erection of a roof structure over the wet crumb storage area.

Planning Policy

National Planning Policy Framework

The following paragraphs are particularly relevant: 7-11 (achieving sustainable development), 111 (highway considerations) and 178 (development in Areas of Outstanding Natural Beauty (AONB's)).



Joint Lancashire Minerals and Waste Local Plan (JLMWLP):

Policy DM2 – Development Management

Wyre Local Plan

Policy SP2 – Sustainable Development

Policy SP4 – Countryside Areas

Policy SP5 – Forest of Bowland AONB

Policy CDMP1 – Environmental protection

Policy CDMP6 – Accessibility and Transport

Policy EP8 – Rural Economy

Consultations

Wyre Borough Council: No observations received.

Claughton Parish Council: No observations received.

Lancashire County Council (LCC) Highways Development Control: No objection – the proposed increase in heavy goods vehicle (HGV) movements is acceptable. However, due to the width of Hobbs Lane and lack of passing places, Lancashire County Council (LCC) Highways would be concerned if all the proposed vehicle movements occurred in a short space of time. Highways request that a condition is imposed to manage heavy goods vehicle (HGV) movements to no more than two within any hour in order to manage this risk.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. One representation has been received objecting to the application on the following grounds:

- The proposal would result in an increase in the number of vehicle movements to this site from four per day to 12 per day.
- The present restriction on heavy goods vehicles (HGVs) is on the limit of the engineering load capacity of the local roads.
- The width of the roads and frequent bends makes the route inadequate to allow such vehicles to pass each other safely.
- The heavy goods vehicles (HGVs) present a risk to safety of cyclists.
- The additional heavy goods vehicles (HGVs) will cause damage to the verges and sides of the roads.
- Several parts of the roads used by heavy goods vehicles (HGVs) to this site are in very poor condition – for example Brock Mill Lane, Ducketts Lane and Bleasdale Lane.
- May Lane is a route used by pupils attending St Marys Primary School.
- This area, including Beacon Fell and Brock Bottoms, is becoming increasingly popular as places to visit. There is a conflict with promotion of tourism and increased heavy goods vehicle (HGV) traffic.



Advice

Foggs Farm is a former agricultural unit that now operates as a site predominately for the manufacture of agricultural livestock bedding products which are produced from imported waste paper pulp. Planning permission for the change of use of the former farm complex to this use was granted in 2017 and a number of further permissions have since been granted for additional buildings.

When the 2017 planning permission was granted it was subject to a condition (condition 8) restricting the level of heavy goods vehicle (HGV) movements to the site to two loads (four movements) per day. This condition reflected the applicant's anticipated level of business activity at the time of the application. This level of heavy goods vehicle (HGV) movements was considered acceptable in terms of the highway network serving the site and its location within the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

The applicant now states that due to business growth and demand for the product, there is a need for heavy goods vehicle (HGV) movements in excess of those permitted by condition 8. This is particularly the case during the winter months when demand for bedding products increases due to cattle being kept undercover. The applicant states that during the winter months over the last two years, approximately five heavy goods vehicles (HGVs) have been leaving the site per day. The type of heavy goods vehicles (HGVs) associated with the operation are mainly articulated tippers importing wet paper crumb and biomass. As well as normal heavy goods vehicles (HGVs), product is also exported in smaller vehicles or in tractors/trailers as self-collection by farmers. The applicant wishes to increase the daily limit to six heavy goods vehicles (HGVs) leaving the site per day (12 movements).

The site is served by a number of minor rural roads that eventually lead to the A6 south of Catterall (approximately 6km from the site). The site is also located within the Area of Outstanding Natural Beauty (AONB).

Paragraph 111 of the National Planning Policy Framework (NPPF) states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Policy SP5 of the Wyre Local Plan states that the landscape and scenic beauty of the Area of Outstanding Natural Beauty (AONB) will be protected from any development which would damage or adversely affect the character, appearance and setting of the Area of Outstanding Natural Beauty (AONB) and that development will be required to conserve, enhance and make a positive contribution to the natural beauty of the area.

Although there would be no change in the visual impact of the site itself, it is considered that there are potential conflicts with allowing the expansion of a manufacturing site within the Area of Outstanding Natural Beauty (AONB) particularly in terms of an increase in heavy goods vehicle (HGV) traffic on the rural roads used to access the site. Even though there may be no issue in terms of highway safety or capacity, it is considered that there must be a threshold where a use generating significant levels of heavy goods vehicle (HGV) movements would be better located on a suitable industrial site rather than within a rural area designated

for its special landscape character. It will be a matter of planning judgement to establish the point at which heavy goods vehicle (HGV) movements from the site begin to have an unacceptable impact on the character of the Area of Outstanding Natural Beauty (AONB).

The applicant states that production at Foggs Farm has expanded since installation of the plant for a number of reasons including:

- dry storage of the incoming paper crumb
- creation of more storage capacity for finished product allowing continuous production throughout the year and improved throughput
- better understanding of how to maximise efficiency of the drying plant and minimising breakdowns.

The applicant has explained their view that production is now approaching the ceiling that can be achieved with its current arrangements at Foggs Farm and that they have no proposals to further increase drying or production capacity at the site. Although demand for their product remains high due to shortages in other bedding materials, the company say they can meet the demand for their product through partnering with other drying facilities with Foggs Farm being retained to keep a baseline production and retain employment for key members of staff.

The applicant has provided further information on the breakdown of vehicle movements to the site for a summer week and also winter week when sales were greatest. Over a 5-day Monday to Friday period in summer the site generated 19 heavy goods vehicle (HGV) movements whilst the figure for the winter week was 29 movements, hence why the applicant has requested the condition be modified to six heavy goods vehicle (HGV) loads per day. The applicant notes that when using articulated tipper lorries for importing paper waste, that there are opportunities for back loading with finished product which helps to reduce overall numbers of heavy goods vehicle (HGV) movements. In terms of export during the winter week, eight of the total heavy goods vehicle (HGV) movements were self-collection by farmers (using tractor and trailer).

The main issue relates to the large articulated vehicles that access the site. Hobbs Lane is a single-track road and Bleasdale Lane, Gonder Lane and May Lane have areas of restricted width, some steep gradients and sharp bends where it is considered that a considerable increase in use by such large vehicles would not be desirable in terms of the amenities of the area and other road users. The export of material to local sites using tractors and trailers is considered to be less problematic as these types of vehicles are commonly found on rural roads in this area.

Lancashire County Council (LCC) Highways have raised no objection in terms of the capacity or safety of the local highway network. However, they have proposed a control on the numbers of heavy goods vehicles (HGVs) leaving the site per hour in order to avoid issues of heavy goods vehicles (HGVs) passing on Hobbs Lane where there are no passing places. It is considered that such a condition would be difficult for the applicant to comply with as they will have limited control of when heavy goods vehicles (HGVs) arrive at the site. The most effective control is considered to be to limit heavy goods vehicle (HGV) numbers to an acceptably low level which when

spread over the course of a full working day should minimise the occurrence of HGVs meeting on this road.

The applicant has requested if the method of control through a reworded condition 8 could be expressed as a weekly limitation rather than a daily limitation as that would provide them with greater flexibility regarding the management of vehicles. The applicant is willing to accept a weekly limitation of 25 heavy goods vehicles (HGVs) rather than the six per day/30 per week that was originally applied for. This is considered acceptable and would still be enforceable. It should be recognised that a large proportion of these heavy goods vehicles (HGVs) will be tractors and trailers collecting product for use on local farms and therefore a type of traffic that is more acceptable on local roads compared to large articulated heavy goods vehicles (HGVs).

At present the access road to the site where it joins Hobbs Lane has only a stone surface. There is some evidence of stone and other debris being deposited onto the surface of Hobbs Lane by heavy goods vehicles (HGVs) leaving the site. It is therefore considered that a condition should be imposed requiring the first 15 metres of the access road to be hard surfaced. The applicant is agreeable to such a condition.

Subject to the conditions discussed above, the proposal is considered acceptable in terms of Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP) and Policy SP5 of the Wyre Local Plan.

In view of the scale, location and nature of the proposal, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Recommendation

That planning permission be **Granted** subject to the following conditions:

Working Programme

1. The development shall be carried out, except where modified by the conditions to this permission in accordance with the following documents:
 - a) The Planning Application ref LCC/2016/0084 received by the County Planning Authority on 18 November 2016 as amended by planning application ref LCC/2023/0005 received on 1 February 2023.
 - b) Submitted Plans and documents submitted with planning application LCC/2016/0084:
 - Drawing 0032/FF/GA00 Proposed Site Layout
 - Drawing 0032/FF/ES00 Proposed Sections
 - Drawing 3143-WMTR 1.5 - LINKS - Dryer Dimensions
 - Drawing ML/HR/55256 - Landscaping proposals
 - Drawing ML/HR/55257 - Elevations of New Barn Building



Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP) and policies SP2, SP4, SP5 and CDMP1 of the Wyre Borough Local Plan.

2. No waste material or finished product shall be stored except within the buildings labelled Shed 1, Shed 2 and Shed 4 as shown on drawing 20-1133-PO1 Rev D submitted with planning application ref LCC/2020/0031. No storage of waste material or finished product shall take place outside of the buildings within the open yard area.

No storage of biomass for the purposes of fuelling the boiler shall be stored except within the building labelled as Shed 3 on drawing 20-1133-PO1 Rev D submitted with planning application ref LCC/2020/0031.

Reason: In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP) and Policy CDMP1 of the Wyre Borough Local Plan.

3. Within two months of the date of this planning permission, that part of the site access road extending from the junction with Hobbs Lane for a distance of not less than 15 metres shall be surfaced in tarmac, concrete or other hard surfaced material. The surfaced area shall thereafter be maintained, free from potholes, for the duration of the development.

Reason: In the interests of highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

4. The hedgerow on either side of the access with Hobbs Lane shall be maintained at a height not exceeding one metre above ground level at all times to provide a visibility splay free of obstruction measuring 2.4 metres by 120 metres in each direction.

Reason: In the interests of highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

5. All vehicles associated with the export of finished products from the site shall be securely sheeted.

Reason: In the interests of highway safety and to protect the amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP) and Policy CDMP1 of the Wyre Borough Local Plan.

6. Not more than 25 heavy goods vehicles (HGVs) shall leave the site in any one week.

The numbers of heavy goods vehicles (HGVs) leaving the site shall be recorded and such a record shall be made available for inspection to the

County Planning Authority. Such a record shall contain details of the date and time of the movement and vehicle registration number.

Reason: In the interests of highway safety and local amenity and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP) and Policy CDMP1 of the Wyre Borough Local Plan.

7. No heavy goods vehicles (HGVs) shall leave the site except between the hours of 07.00-18.00 hours Mondays to Fridays. No such vehicle movements shall take place on Saturdays, Sundays or public holidays.

Reason: In the interests of local amenity and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP) and policy CDMP1 of the Wyre Borough Local Plan.

8. The landscaping works shown on drawing ML/HR/55257 shall be managed for a period of five years including replacement of failed plants, maintenance of protection measures and weed control.

Reason: In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

9. All foul drainage shall be discharged to a public sewer or else to a sealed watertight tank fitted with a level warning device to indicate when the tank needs emptying. Upon emptying the contents of the tank shall be removed from the site completely.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

10. The barn owl mitigation works described in the letter from Envirotech Ltd dated 13 February 2017 shall be maintained throughout the duration of the development.

Reason: In the interests of ecology and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP).

Definitions

Heavy Goods Vehicle (HGV): A vehicle including a tractor and trailer of more than 7.5 tonnes gross weight.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Ext
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LCC/2023/005

June 2023

Jonathan Haine
Planning and Environment
01772 534130

Reason for Inclusion in Part II, if appropriate

N/A





Planning application LCC/2023/0005

Variation of condition of condition 8 of planning permission LCC/2016/0084 to allow the permitted number of heavy goods vehicles (HGVs) leaving the site to increase from two per day to six per day

Foggs Farm, Hobbs Lane, Claughton on Brock

Planning application LCC/2023/0005 – Location Plan

Garstang

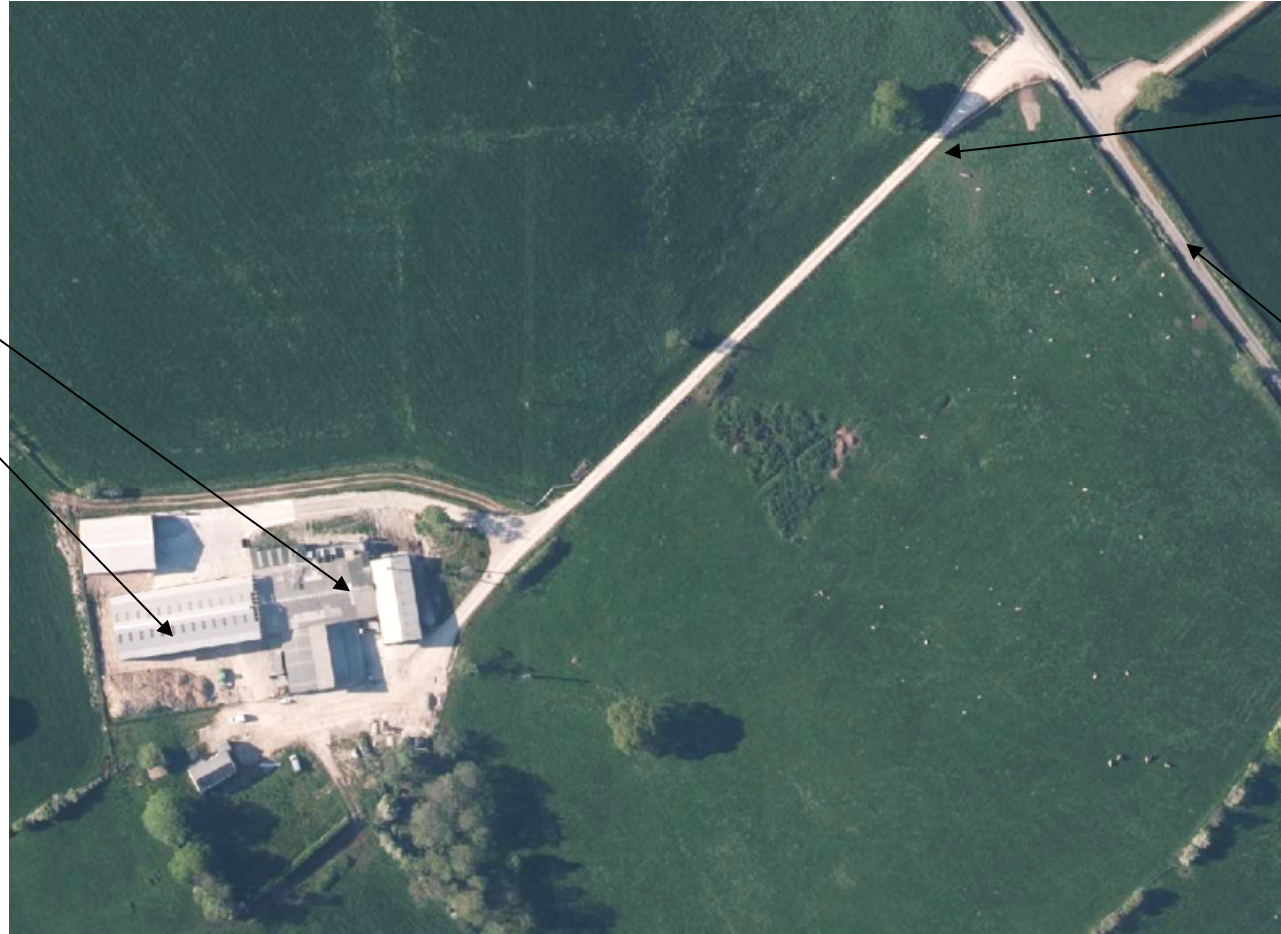


Application site



Planning application LCC/2023/0005 – Air photograph

Buildings used for production of bedding materials



Site access track

Hobbs Lane



Planning application LCC/2023/0005 – Photograph of site entrance onto Hobbs Lane



Planning application LCC/2023/0005 – Photograph of Hobbs Lane



Planning application LCC/2023/0005 – Photograph of site buildings and drying plant



Development Control Committee
Meeting to be held on 7 June 2023

Electoral Division affected:
Chorley South

Chorley Council: application number LCC/2023/0007

Proposed 2.4 metre high mesh fence to front boundary of school to replace existing hoop top fence. Gillibrand Primary School, Grosvenor Road, Chorley

Contact for further information:
Helen Ashworth, 01772 530084, Senior Planning Officer
Devman@lancashire.gov.uk

Brief Summary

Proposed 2.4 metre high mesh fence to front boundary of school to replace existing hoop top fence. Gillibrand Primary School, Grosvenor Road, Chorley

Recommendation

That planning permission be **Granted** subject to conditions controlling approved plans and tree protection.

Applicant's Proposal

Planning permission is sought for the erection of a 2.4m high open mesh and wire steel panel security fence to the front of Gillibrand Primary School, Grosvenor Road, Chorley. The proposed fence would replace the existing perimeter fencing that consists of an approximately 1.3m high hoop top metal railings. The proposed fencing would replace the existing fencing along the frontage with Grosvenor Road, up to the school car park entrance. The fence would then continue around the rear of the car park, in front of the school buildings, where it would eventually join the boundary with the rear garden of no. 4 Grosvenor Road, on the north eastern side of the school playing fields. The proposed fence would be coloured moss green. A 4.8m wide double entry gate and a 1.5m wide pedestrian gate would be included in the same location as the existing gates. These would also be 2.4m in height and constructed from the same materials. The new fence would be approximately 180 metres in length.

The proposed fencing would match the design and colour of existing fencing erected to the sides and rear of the school boundaries that was granted planning permission in 2010. The fencing is required to improve security at the school in response to instances of trespass and vandalism.

Description and Location of Site

Gillibrand Primary School is located off Grosvenor Road in the residential area of Weld Bank approximately 1.2 km to the south west of Chorley town centre. The boundary of the school playing fields to the north and west is formed by the fences and hedgerows of residential properties on Cunningham Avenue, Beatty Avenue, Collingwood Road and Grosvenor Road, whose rear gardens back onto the school. There are also residential properties to the south, on the opposite side of Grosvenor Road, facing the school. To the west the school is bordered by an existing mature woodland area.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 - 14, and 126 - 136 are relevant in terms of the presumption in favour of sustainable development, and the need for high standards of design.

Chorley Local Plan 2012-2026

Policy V2 – Settlement Areas

Policy BNE1 - Design Criteria for New Development

Policy HW2 – Existing Open Space

Central Lancashire Core Strategy (adopted 2012)

Policy 1 – Locating Growth

Policy 14 - Education

Consultations

Chorley Council: Advise that they have no objections to the proposals.

Lancashire County Council (LCC) Highways: Advise that they have no objections and that they consider that the proposal would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Representations: The application has been advertised by site notice and neighbouring residents informed by individual letter. Three letters of objection have been received making the following comments:

- The existing hoop top fence is approximately 1.2m high and blends into the surrounding area.
- The proposed fencing will cut the school off from the adjacent residents and surrounding community and will aesthetically be a barrier.
- It will make the pleasant residential area look more like an industrial estate.
- The proposed fence would not be in keeping with the character of the area.
- The proposed fence would be a waste of money.
- The proposed fence would not improve security as it could be removed with wire cutters easily.

- The proposed fence and gates would have a terrible impact on my property (as it would be right to the side of the property).

Background

The site is an established educational facility. The planning history of the site is as follows:

LCC/2021/0013 - Single storey extension to create a nurture room
Approved May 2021

09/13/0580 - Installation of 1 x 6m high lighting column to staff car park
Approved July 2013

09/10/0720 - Erection of 2.4m high security fencing and gates to boundary of school
Approved October 2010

09/02/0513 - Proposed infill of existing courtyard to provide additional classroom
Approved

9/00/0418 - Classroom extension into existing courtyard to provide new toilet block and wet play area.
Approved

Advice

The proposed development is located at Gillibrand Primary School which is mainstream primary school catering for pupils aged 4 - 11 years old. There are just over 200 pupils on roll at the school.

The school are experiencing issues with vandalism and unauthorised access to the school grounds out of hours. There have been incidents where playground equipment has been vandalised and also attempted arson. The applicant has stated that the existing fencing to the front is of an insufficient height to deter access and the new fencing would provide a higher degree of security at the school.

Policy 17 of the Central Lancashire Core Strategy seeks to ensure that the design of new development takes account of the character and appearance of the local area including siting, design and landscaping and that it is sympathetic to surrounding land uses and occupiers and avoids demonstrable harm to the amenities of the local area.

Policy BNE1 of the Chorley Local Plan states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development, the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout building to plot ratio, height, scale and massing, design, orientation and use of materials. The policy also supports measures to help to prevent crime and promote community safety.

The principal concerns raised by local residents are that the proposed fencing would be out of keeping with the character of the area, and harmful to visual amenity. It was originally proposed that the replacement fencing would run the full length of the front perimeter with Grosvenor Road (abutting the pavement), from the south west boundary with the adjacent woodland up to the north east boundary with no. 4 Grosvenor Road (including a length of fencing that would be adjacent to the driveway of no. 4). The proposals have been amended so that the proposed fencing would run around the perimeter of school car park thereby avoiding the fencing adjacent to no. 4. This is considered to reduce the impact of the proposed fencing on the residents of no. 4 Grosvenor Road and would slightly reduce the impact of the proposed fencing on the overall street scene.

It is acknowledged that the proposed fence would be higher than the existing fencing. The neighbouring properties in the immediate locality are predominantly residential bungalows, and existing boundary features comprise mainly low fences and walls, with mixed shrub and hedge planting, although there a number of higher fences and gates visible within the area. However, the proposed fence is of a design and appearance that is now commonplace around schools in the area and would match the existing fencing to the side and rear of the school grounds. Furthermore, it is important to note that under The Town and Country Planning (General Permitted Development) (England) Order 2015 the school could erect a fence of up to 2m in height, in this location, without requiring planning permission. This is considered to be an important fallback position, which has a realistic prospect of being implemented. Planning case law has established that this is a material consideration in determining a planning application.

The size, scale and appearance of the proposed fencing is considered to be in keeping with the proposed development and existing use of the site as a school. It would be viewed in the context of the existing school building and is sufficiently far from the adjacent residential properties so as not to form an unduly overbearing or obtrusive feature. The front elevation of properties facing the school would be approximately 15m from the proposed fence. The application site is located within the settlement boundary, and not within any areas designated for their landscape, visual or historic importance.

There are a number of mature trees along the boundary, set back approximately 2m from the fencing within the school grounds. The applicant has stated that no trees would need to be felled as a result of the proposals and that any branches affected by the installation of the fencing would be carefully trimmed using a qualified tree surgeon. The trees are a prominent feature that enhance the street scene. It is therefore considered to be appropriate to attach a condition preventing the removal of any trees or shrubs during the works.

Taking all of the above matters into consideration, the proposed development is considered to comply with the policies of the National Planning Policy Framework (NPPF) and the policies of the Development Plan and is accordingly recommended for approval.

In view of the scale, design and nature of the development it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Recommendation

That planning permission be **Granted** subject to the following conditions

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application and supporting statement received by the County Planning Authority on 15 March 2023.
 - b) Submitted Plans and documents:

Proposed fencing Plan ref. 13751/RW Rev. A

Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy BNE1 of the Chorley Local Plan.

3. No trees or shrubs shall be removed in order to construct the new fencing.

Reason: In the interests of the amenities of the area and to conform with Policy BNE1 of the Chorley Local Plan.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2023/0007	June 2023	Helen Ashworth Planning and Environment 01772 530084

Reason for Inclusion in Part II, if appropriate

N/A





Planning Application LCC/2023/0007

Proposed 2.4m high mesh fence to front boundary of school to
replace existing hoop top fence

Gillibrand Primary School, Grosvenor Road, Chorley

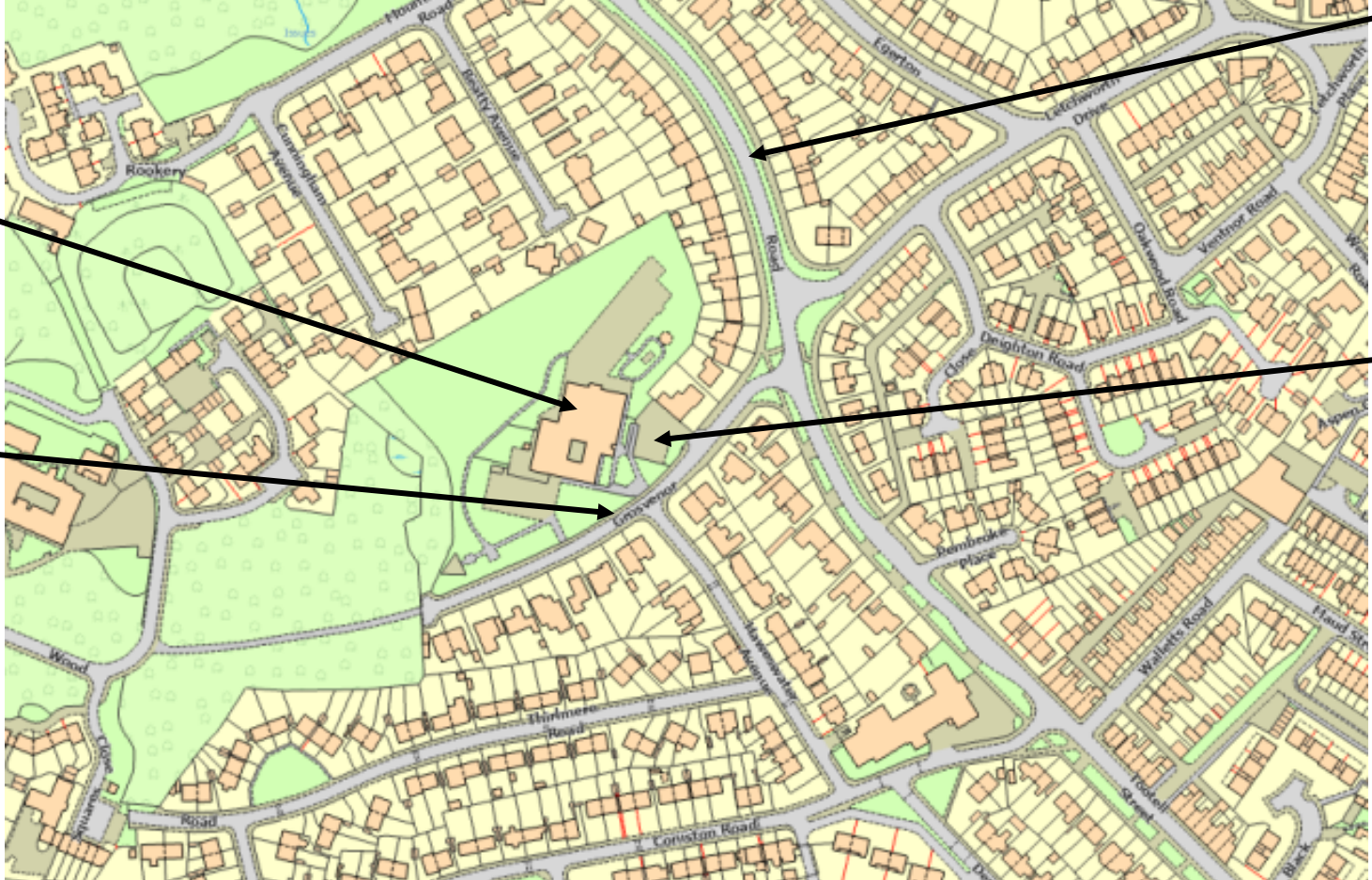
Planning application LCC/2023/0007 Site Location Plan

Gillibrand School

Grosvenor Road

Collingwood Road

Staff car park



Planning application LCC/2023/0007 Aerial View

Gillibrand School

Grosvenor Road

Collingwood Road

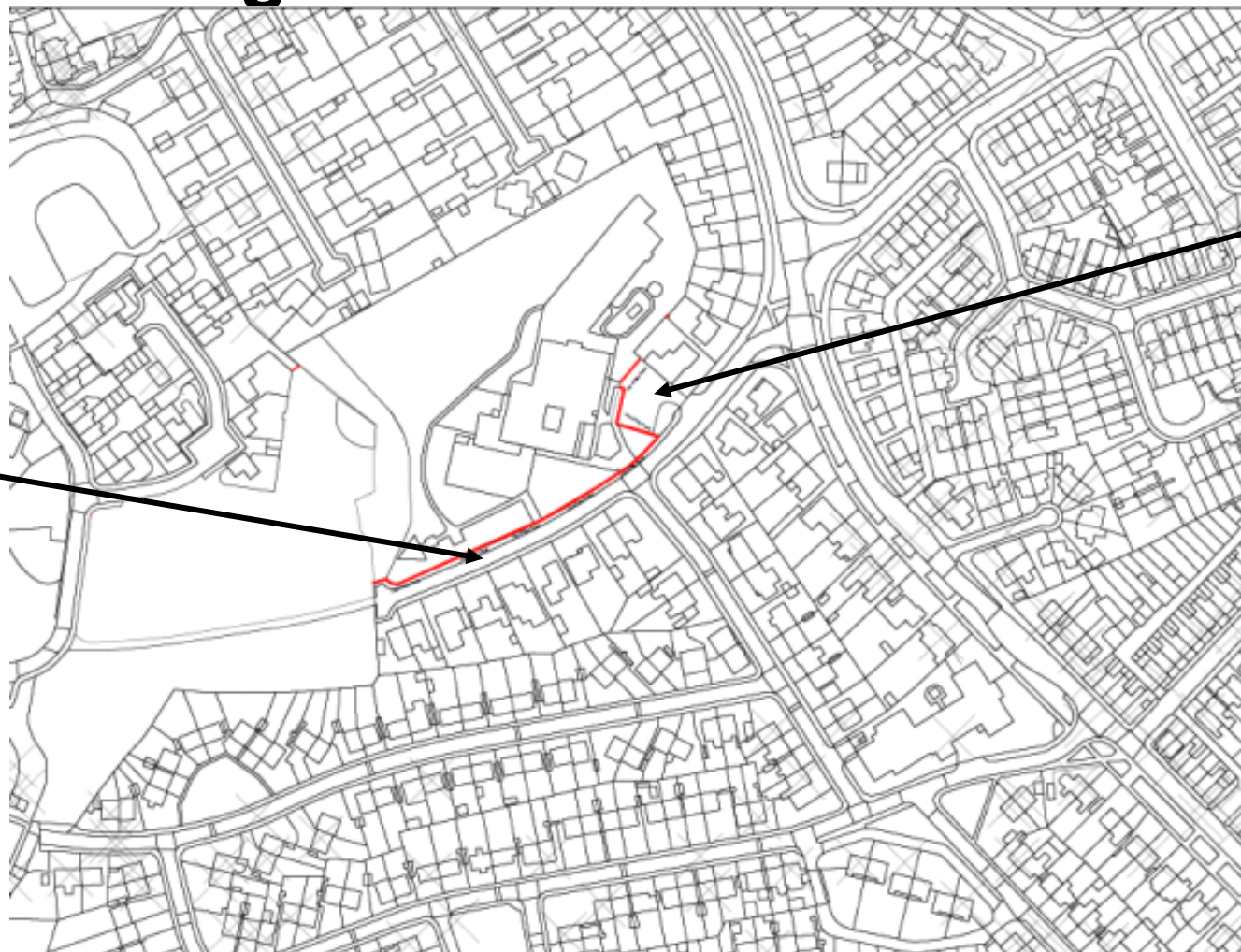
Staff car park



Planning application LCC/2023/0007 Position of proposed fencing

Grosvenor
Road

Car park and
vehicular
entrance



Planning application LCC/2023/0007 Pictures of existing fencing

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Planning application LCC/2023/0007 Pictures of existing fencing



(Image from Google)

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Planning application LCC/2023/0007 Boundary with 4 Grosvenor Road



Development Control Committee
Meeting to be held on 7 June 2023

Electoral Division Affected:
All

Decisions taken on development control matters by the Director of Environment and Planning in accordance with the County Council's Scheme of Delegation

Contact for further information:
Susan Hurst, Tel: (01772) 534181, Planning Technician
devman@lancashire.gov.uk

Brief Summary

Decisions taken on development control matters by the Director of Environment and Planning in accordance with the County Council's Scheme of Delegation.

Recommendation

That the report be taken account of.

Detail

Since the last meeting of the Development Control Committee on the 26 April 2023, the following decisions have been taken on development control matters by the Director of Environment and Planning in accordance with the County Council's Scheme of Delegation:

Wyre

Application: No. LCC/2022/0037

Forton Wastewater Treatment Works, Hollins Lane, Forton

Extension to Forton Wastewater Treatment Works with permanent widening of existing vehicle access junction on east side of Hollins Lane and 1.8m high perimeter paladin fence; new pumping station with new vehicle access junction on west side of Hollins Lane; new outfall on east bank of potters brook; six temporary vehicle accesses – 2 x on west side of Hollins Lane, 1 x on north side of an unnamed road near Hollins Lane, 1 x north side of Whinney Brown Lane, 1 x north side of school lane, and 1 x east side of A6 Preston Lancaster Road; and landscaping.

Ribble Valley

Application: No. LCC/2022/0063/1

St Joseph's RC School, Whalley Road, Hurst Green

Compliance with conditions 3a, 3b, 3c, and 3d of permission LCC/2022/0063 – Design and building materials.

Application: No. LCC/2021/0004NM1

Chipping Wastewater Treatment Works, Longridge Road, Chipping, Preston

Non material amendment for the replacement of the proposed concrete road with a stone road, primary settlement tanks (PST) reduced from 3no to 2no, diameter of primary settlement tanks (PST) and hydro-system tanks (HST) increased, primary settlement (PS) positions amended in humus tank area, outfall pipe route modified, and booster set location amended.

Fylde

Application: No. LCC/2022/0062

Tarnbrick Farm, Blackpool Road, Kirkham

Erection of a compost storage building.

Preston

Application: No. LCC/2023/0011

Riverside Road, Penwortham, Preston

Flood Defence Wall Realignment associated with areas 1 and 2 of The Preston and South Ribble Flood Risk Management Scheme.

Hyndburn

Application: No. LCC/2023/0008

The Oswaldtwistle School, Union Road, Oswaldtwistle

Construction of a building.

West Lancashire

Application: No. SCP/2022/0005

Ravenhead Quarry, Chequer Lane, Upholland

Environmental Impact Assessment Scoping Opinion request for the proposed restoration of Ravenhead Quarry by infilling with inert wastes.

Pendle

Application: No. LCC/2022/0032/1

Colne Primet Academy, Dent Street, Colne

Compliance with conditions 4, 5, 8, 9 and 11 of permission LCC/2022/0032 - Sustainable drainage design, construction surface water management, external materials, highway matters and construction method statement.



Application: No. LCC/2021/0019/2
Barnoldswick Wastewater Treatment Works,
Greenberfield Lane, Barnoldswick
Compliance with condition 4 of planning permission LCC/2021/0019 - landscaping
scheme.

Recommendation

That the report be taken account of.

Local Government (Access to Information) Act 1985 List of Background Papers

N/A



