

Lancashire County Council

Development Control Committee

Wednesday, 18th October, 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. 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.
- 3. Minutes of the last meeting held on 6 September 2023** (Pages 1 - 4)
The committee are asked to agree that the Minutes of the last meeting held on 6 September 2023 be confirmed and signed by the Chair.
- 4. Update Sheet**
The Update Sheet will be considered as part of each related agenda report.
- 5. Fylde Borough: application number LCC/2022/0065 Proposed Anaerobic Digestion plant fuelled by imported feedstock including digester/gas holder and associated equipment, relocated flare, new earth banking/perimeter landscaping and underground gas** (Pages 5 - 30)
- 6. West Lancashire Borough: application number LCC/2023/0022 Retrospective application for the change of use of land to site for processing and recycling of inert waste. Former Haulage Yard, Simonswood Industrial Park, Stopgate Lane, Simonswood** (Pages 31 - 52)



7. **Burnley Borough: application number LCC/2023/0024 Demolition of existing building and construction and operation of an embedded waste fuel gasification and combined heat and power generation facility, utilising densified waste derived fuels at Hapton Valley Transfer Station, Hapton Valley Estate, Accrington Road, Burnley** (Pages 53 - 78)

8. **Wyre Borough: application number LCC/2023/0030 The extraction and processing of sand and gravel including the construction of new site access roads, landscaping and screening bunds, minerals washing plant and other associated infrastructure with restoration to leisure end-uses, agricultural land and biodiversity enhancement, using imported inert fill. Land off Bourbles Lane, Preesall** (Pages 79 - 86)

9. **Planning decisions taken by the Director of Environment and Planning in accordance with the County Council's Scheme of Delegation** (Pages 87 - 88)

10. 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.

11. Date of Next Meeting

A provisional meeting date has been set for 8 November 2023 at 10.30am in Committee Room B – the Diamond Jubilee Room, County Hall, Preston.

The next scheduled meeting of the Development Control Committee will be held on Wednesday, 6 December 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



Lancashire County Council

Development Control Committee

**Minutes of the Meeting held on Wednesday, 6th September, 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

B Yates	M Pattison
M Dad BEM JP	E Pope
A Hindle	P Rigby
S Holgate	A Schofield
H Khan	D Westley

1. Apologies for absence

Apologies for absence were received from County Councillor Andrea Kay.

Temporary replacements

County Councillor Alan Schofield replaced County Councillor Stephen Clarke.

County Councillor Hasina Khan replaced County Councillor Julia Berry.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor Anna Hindle declared a non-pecuniary interest in item 5 as an elected member of Preston City Council.

County Councillor Hasina Khan declared a non-pecuniary interest in item 6 as an elected member of Chorley Borough Council.

3. Minutes of the last meeting held on 19 July 2023

Resolved: That the minutes of the last meeting held on 19 July 2023 be confirmed and signed by the Chair.



4. Update Sheet

The update sheet was circulated prior to the meeting (copy attached).

5. **Preston City: application number: LCC/2022/0049 Construction of a new railway station at Cottam, including station building and forecourt, two platforms, footbridge over the railway, associated parking and infrastructure, new public highway access road, a bus gate at the junction with Lea Road, conversion of Sidgreaves Lane to a segregated cycle and pedestrian track, segregated cycle and pedestrian track along new access road and the construction of a new bridge over the Lancaster canal with cattle creeps. The diversion of a public right of way, water attenuation pond, the construction of a secondary means of escape and access to it from Lea Road, landscape and ecological mitigation areas and temporary soil/material/plant storage and compound areas Land off Lea Road and Sidgreaves Lane, Preston**

A report was presented on an application for the construction of a new railway station and associated infrastructure in Cottam, Preston.

The report included the views of Preston City Council, Lea Parish Council, the Canal and Rivers Trust, Lancashire Council Historic Environment Service and Lancashire County Council Landscape Service.

The Committee's attention was drawn to the Update Sheet which included an additional condition that the implementation timescale be extended to five years rather than the original three years. The development might need a compulsory purchase order process which would mean that the proposed three year timescale would be too short.

The Senior Planner presented a PowerPoint presentation which showed the site location plan, an aerial photograph of the proposed location and design plans for the new station buildings and footbridge. Additionally, photographs of the proposed site entrance from Lea Road, the view towards the railway line and the view south along Sidgreaves Lane towards the site entrance were provided.

The Senior Planner answered questions from the Committee.

Resolved: That planning permission be granted subject to conditions controlling time limits, working programme, materials, surface and foul water drainage, ecological mitigation, highway matter and landscaping, together with the additional condition amendments set out within the update sheet.



6. Chorley Borough: application number: LCC/2023/0019 Retention of the Waste Transfer Station, Leachate Plant, Gas Plant and related infrastructure at Clayton Hall Landfill Site, Dawson Lane, Whittle-Le-Woods

A report was presented on an application for the retention of the waste transfer station, leachate plant, gas plant and related infrastructure at Clayton Hall Landfill Site, Dawson Lane, Whittle-Le-Woods.

The Principal Planner presented a PowerPoint presentation displaying the location plans, an aerial photograph of the site and photographs of the waste management centre and access road leading to the location.

The Principal Planner answered questions from the Committee.

Resolved: That planning permission be granted, subject to conditions controlling time limits, working programme, hours of working, site operations, and restoration.

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

It was reported that since the last meeting of the Development Control Committee on the 19 July 2023, nine decisions on development control matters had been taken by the Director of Environment and Planning, in accordance with the county council's Scheme of Delegation.

Resolved: That the report be noted.

8. Urgent Business

There were no items of urgent business.

9. Date of Next Meeting

Resolved: That the next meeting of the Development Control Committee will be held on Wednesday 18th October 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 18 October 2023

Electoral Division affected:
Fylde West

Fylde Borough: application number LCC/2022/0065

Proposed Anaerobic Digestion plant including digester/gas holder and associated equipment, relocated flare, new earth banking/perimeter landscaping and underground gas export pipeline. Stanley Villa Farm, Back Lane, Weeton with Preese

Contact for further information:
Jonathan Haine, 01772 534130, Head of Development Control
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Brief Summary

Application - Proposed Anaerobic Digestion including digester/gas holder and associated equipment, relocated flare, new earth banking/perimeter landscaping and underground gas export pipeline. Stanley Villa Farm, Back Lane, Weeton with Preese.

Recommendation – Summary

That planning permission be **granted** subject to conditions relating to time limits, working programme, design of plant, water management, highway matters and landscaping.

Applicant's Proposal

The application is for an anaerobic digestion plant to be fuelled by harvested crops and animal manures together with potato waste from the adjacent food processing factory. The plant would operate by biologically treating these materials in the absence of oxygen using naturally occurring microbes to produce a biogas which can be supplied into the local gas distribution network. The plant would produce 350m³ of biogas per hour that would be exported from the site, and which is sufficient to heat approximately 3000 homes.

The total area covered by the new plant would be 2.29 hectares.

The development would comprise of the following elements:

- A digester/gas holder tank. This would be in the form of a domed structure with a maximum height of 13 metres and a diameter of 31 metres.
- Desulphurisation unit in the form of a tank measuring 15.6 metres in height and 3 metres diameter.
- Biogas upgrading unit – maximum height of 10.5 metres.
- Grid entry unit – in the form of a kiosk type building with a height of 3.1 metres.
- CO₂ recovery plant - approximately 7.5 metres in height by 6 metres diameter.
- Gas flare – 11 metres high by 2 metres in diameter finished in galvanised steel. This would be relocated from the existing anaerobic digestion plant.
- 2 x CO₂ storage tanks measuring 3.8 metres in height. These would be steel cylindrical tanks finished in white.
- 3 x Propane tanks measuring 2.55 metres in height. These would be steel cylindrical tanks finished in white.
- Separated liquid tank - measuring 9 metres in height by 6 metres diameter.
- Electrical kiosk – maximum height of 3 metres.
- Liquid feed tank - measuring 9 metres in height by 6 metres diameter.
- Solids feed hopper – a steel structure measuring approximately 3 metres in height.
- Pasteurization tank – measuring 7 metres in height by 6 metres diameter.

All of this plant would be contained within an earth bund approximately 3 metres in height. With the exception of the propane and CO₂ tanks and flare, all the plant would be painted either in olive green or midnight green.

The feedstock for the plant would comprise of imported chicken manure, silage/crops together with vegetable peelings sourced from the adjacent factory. The plant would require approximately 18,000 tonnes of feedstock per year generating around 1607 heavy goods vehicle (HGV) movements per year. There would be a seasonable pattern to some of these movements particularly those relating to crops/silage. Imported feedstock would be stored within a number of agricultural buildings on the site.

The feedstock is fed into the anaerobic digestion plant which comprises several stages but basically the organic components are broken down by bacteria in an anaerobic environment within the digester/gas holder tank to produce gas, liquid and solid products. The biogas produced is comprised of methane and carbon dioxide. The biogas is passed through a biogas upgrading unit which strips out the CO₂ leaving a methane rich gas which is then subject to a gas conditioning process to meet specifications for direct injection into the gas distribution network. The planning application includes proposals for the laying of a new gas pipe from the site to link into a nearby gas main.

A flare would be incorporated into the plant in the event that the gas cannot be fed into the main.

The CO₂ is stored for use in industrial and food preparation processes.



The liquid and solid end products are collected and would be stored in the existing digestate lagoons at the site pending use as an agricultural fertilizer. The export of these materials would give rise to approximately 2000 heavy goods vehicle (HGV) movements per year in addition to those associated with the importation of feedstock.

Description and Location of Site

The application is at Stanley Villa Farm off Back Lane approximately 1.3km east of Weeton and 3km north of Kirkham. Stanley Villa Farm is a former agricultural complex which now operates as a food preparation factory primarily for the processing of potatoes into chips and ready meal ingredients. The site is comprised of a range of agricultural and semi-industrial buildings over a site of around 5 hectares that house the production process. At the northern side of the site is an existing anaerobic digestion plant that produces electricity from the potato waste. The application site is located immediately to the west of the existing anaerobic digester on an area of part farm land and part screen mounding around the existing digester plant.

The site is surrounded by agricultural land on all sides. A number of residential properties are located off Back Lane to the east and north of Stanley Villa Farm. These include Kirkby's Farm 400 metres to the north east where there is also a touring caravan/campsite. Other properties are located off Back Lane itself 300 metres to the east of the application site.

Back Lane can be followed to the west for around 1.5km to reach Weeton Road. There are also a number of other residential properties along this section of road. To the east of the site, Back Lane or Greenhalgh Lane can be followed to reach the A585 but both routes are generally lower in standard in this direction.

A public footpath runs in a generally east-west direction approximately 60 metres north of the application site.

History

Stanley Villa Farm has a complex history of planning applications relating to the food preparation business on the site. Planning permission for the existing anaerobic digestion plant was granted by Fylde Borough Council in 2014.

Planning Policy

National Planning Policy Framework

The following paragraphs are considered to be particularly relevant: 8-11 (definition of sustainable development), 84 (supporting a prosperous rural economy, 111 (highway considerations), 130 (design), 158 (planning applications for low carbon energy, 167 (flood risk), 180 (biodiversity), 188 (planning and pollution control).

National Planning Policy for Waste

Joint Lancashire Minerals and Waste Development Framework (JLMWDF) Core Strategy Development Plan Document (DPD) and Minerals and Waste Local Plan

The plan period for both of these documents ran from 2006 until the end of 2021. As both plans are time expired, the policies in these documents may not carry full weight depending upon the topic and wording of each policy. Further comment on the weight to be attached to these policies is provided in the advice section of this report.

Core Strategy Policies

- Policy CS7 – Managing our waste as a resource
- Policy CS8 – Identifying capacity for managing our waste
- Policy CS9 – Achieving sustainable waste management

Joint Lancashire Minerals and Waste Local Plan (JLMWLP) policies

- Policy DM1 – Management of waste and extraction of minerals
- Policy DM2 – Development Management
- Policy DM4 – Energy from waste
- Policy WM3 – Local Built Waste Management Facilities

Fylde Local Plan to 2032

- Policy GD4 – Development in the countryside
- Policy GD7 – Achieving good design in development
- Policy CL1 – Flood alleviation, water quality and water efficiency
- Policy CL2 – Surface water run off and sustainable drainage
- Policy CL3 – Renewable and low carbon energy generation
- Policy ENV1 – Landscape
- Policy ENV2 - Biodiversity

Consultations

Fylde Borough Council: Whilst the Borough Council do not have any objections to the principle of the development, they are concerned about the landscape impact of the development which extends beyond the developed area of the existing site. The Borough Council consider that the low-level planting proposed will not provide appropriate screening for the development contrary to policies GD4 and CL3 of the Fylde Local Plan. If Lancashire County Council are minded to approve the application, it is requested that the landscape strategy be revised to include more substantial landscaping. If this can be achieved, the Borough Council would not raise objections to the application. Fylde Council also raise the need to undertake an environmental impact assessment (EIA) screening process for this development.

Weeton-with-Preese Parish Council: Recommend refusal of the application. There will be an increase in heavy goods vehicle (HGV) traffic and Back Lane is completely unsuitable for the existing traffic without further increases. The resurfaced section is already deteriorating and collapsing on the edges as there is insufficient width on the

highway to accommodate two vehicles when one is an heavy goods vehicle (HGV). The parish council will be happy to reconsider if the highway is upgraded to accommodate the traffic.

Greenhalgh Parish Council: Recommend refusal. The height of the buildings and their colour is considered to be unacceptable in a visual sense. It is also considered that there will be an increase in heavy goods vehicle (HGV) traffic and Back Lane/Greenhalgh Lane is completely unsuitable for existing traffic without further heavy goods vehicles (HGVs). Should the application be successful the parish council insist that the traffic should not pass through Greenhalgh and instead should use Weeton Road. The parish are also concerned about safety of methane storage and comment upon the extent of local consultation.

Environment Agency: No objection. The existing anaerobic digestion plant at the site operates under an existing permit. A new permit will be required for any additional plant.

Lancashire County Council Highways Development Control: No objection. Lancashire County Council Highways consider that the proposal will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. Highways comment that Bradshaw Lane is not suitable for heavy goods vehicle (HGV) traffic and the routing should be via Back Lane or Greenhalgh Lane. Highways consider that the proposed increase in vehicle movements is still not a significant increase as the rural lanes are lightly trafficked and vehicles with a high cab will be able to see oncoming vehicles and wait at an appropriate passing place. Highways have noted on their site visit that some damage to verges is evident but that this is expected with large agricultural vehicles. Whilst the proposal will generate more heavy goods vehicle (HGV) movements, the increase will not have a detrimental impact on highway safety.

Lead Local Flood Authority: Object as there is an absence of an acceptable surface water sustainable drainage strategy. The applicant has not demonstrated why pumping is required to drain the development site and the drainage strategy does not include an allowance for climate change.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Five representations objecting to the application have been received raising the following comments.

- There is a considerable volume of traffic using the lane already which is not wide enough for heavy goods vehicles (HGVs) and tractors to pass therefore destroying the verges. This leads to the drains being blocked by mud and then causing flooding issues on the highway. The heavy vehicles also cause the concrete around the manholes to break up requiring further repair at Lancashire County Council's cost.
- Back Lane is a country road and not designed for this sort of use.
- The amenity of the road is destroyed by the presence of heavy goods vehicle (HGV) traffic.
- If permission is granted for the additional digester, it will double the level of traffic to the site.

- If permission is granted it should be subject to conditions that the lane is widened and resurfaced so it can accommodate the type and volume of traffic proposed. These works should be at the applicant's expense.
- The applicant's highways assessment is not representative of the real situation.
- The storage of chicken manure will result in odour issues.
- The noise from the potato factory is already obtrusive.
- The existing landscape screening is ineffective.
- The visual impact of the new plant will be considerable as it is at a higher elevation than surrounding dwellings and the nearby footpath.
- The new plant will give rise to noise impacts.
- The development will require the importation of feedstock via a narrow road in a rural location only to export the gas offsite – the power plant is being proposed in the wrong location.
- The noise and odours from the existing digester already have detrimental impacts on tourists at a nearby caravan park.
- The development is out of character with the countryside.
- The operation at Stanley Villa Farm has outgrown its location and should move to another more suitable site.
- There is no requirement for a 2nd digester in terms of the existing potato factory. If the anaerobic digestion plant was located elsewhere on the Fylde, it would have the same benefits.
- This is a planning application for a power plant in the countryside and is an alien form of development due to its design.
- The development will be detrimental to existing tourism development.
- The proposal is contrary to planning policy.

County Councillor John Singleton has commented that there will be an increase in heavy goods vehicle (HGV) traffic and Back Lane was not designed for this type of vehicle. He comments that the resurfaced section is already degrading on the road edges as there is insufficient width for two heavy goods vehicles (HGVs) to pass and the verges are ruined by heavy goods vehicles (HGVs) passing on this road. He opposes this application until such time as the highway width is expanded.

Advice

The applicant operates a potato processing business at Stanley Villa Farm using potatoes that are grown on their various farm holdings around the Fylde area. The potatoes are processed into chips and other food products. The waste from this process (peeling, trimmings and off specification potatoes) are used in the current anaerobic digester on the site along with some imported rye silage, chicken manure and liquid feed. The current anaerobic digester on the site was approved by the Borough Council in 2014 and produces enough gas to run two combined heat and power units which generate 800 kW of electricity plus a 200 kWe biogas boiler. The electricity and heat produced is used to power the applicant's potato processing factory with any surplus electricity being exported to the electricity distribution network.

The current proposal is for an additional anaerobic digestion plant which would be slightly larger in scale than the existing plant. The approved dimensions of the



existing digester vessel are 25 metres diameter by 10.6 metres high whilst the new plant would measure approximately 31 metres by 14.3 metres in height. The feed stock for the new plant would be comprised of rye silage, chicken manure, potato peelings and trimmings, potato stock feed, liquid sugar and starch water. However, rather than using the biogas to generate electricity for on- site use, the methane gas produced would be exported directly into the grid via a new gas pipe. The digestate which is a 'waste' product remaining at the end of the digestion process would be exported for use as a crop fertiliser.

The applicant states that the gas produced would be sufficient to supply approximately 3000 homes. Although CO₂ would be produced when the gas is combusted, biomethane (that produced from organic materials rather than fossil fuels) is considered to be carbon neutral. This is because the carbon in the feedstock would be released back into the atmosphere in any event if it were not used to produce bio methane. The applicant states that the proposal would have further carbon reduction benefits as it enables the digestate to be used as a fertiliser rather than having to use fossil fuels to produce artificial fertilisers.

The applicant states that the proposal would also assist to reduce dependence on imported natural gas and would therefore help price stability and reduce fuel poverty.

Policy requirements

In terms of planning policy for renewable and low carbon development, paragraph 158 of the National Planning Policy Framework states that local planning authorities should not require applicants to demonstrate the overall need for such developments and should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Paragraph 158 requires such projects to be approved if impacts are (or can be made) acceptable.

Policy CL3 of the Fylde Local Plan states that opportunities for renewable and low carbon development, including microgeneration, should be maximised whilst ensuring that adverse impacts are addressed satisfactorily including cumulative landscape and visual impacts. The policy states that proposed developments will be assessed in relation to the following criteria: cumulative impact, impacts on landscape and town scape and visual impacts, impacts on local residents, compliance with policy ENV2 (ecology), impacts on best and most versatile agricultural land, heritage assets, impacts on aviation, highway safety and flood risk and drainage. The policy states that applicants will not be required to justify the overall need either in national, regional or local context.

The proposal would generate a significant level of low carbon gas suitable for supply into the local distribution network and would meet the overall aims of paragraph 158 of the National Planning Policy Framework and policy CL3 of the Borough Local Plan. This should carry some weight in favour of the proposal.

However, it is necessary to balance the benefits of the proposal against the local plan policies relating to development within the countryside and local environmental impacts which in this case relate primarily to visual and highways impacts.

Policy WM3 of the Lancashire Minerals and Waste Local Plan deals with local built waste management facilities. The glossary confirms that the policy extends to anaerobic digestion plants. The Local Plan is now time expired, but some elements of the plan are still considered to carry some weight in particular the locational aspects of the policies. Policy WM3 states that local waste management facilities within the Fylde Coastal towns area will be supported on Whitehills Park. However, the policy does not specifically discount other sites being considered especially if there might be reasons for the choice of other locations relating to access to gas distribution infrastructure or proximate availability of feedstock.

Policy on developments in the open countryside

The key policy is policy GD4 of the Fylde Local Plan. This relates to development in the countryside. In terms of the issues relevant to this application, the policy states that development in the countryside will be permitted in the following circumstances:

- Where it is needed for the purposes of meeting local business and community needs, for the purposes of agriculture, horticulture or forestry or other uses appropriate to a rural area including uses which help diversify the rural economy. The development must be sensitive to its surroundings, must not have an unacceptable impact on local roads and should offer opportunities to make the location more sustainable.
- Development essentially needed for the continuation of an existing enterprise facility or operation of a type and scale which would not harm the character of the surrounding countryside.

The existing potato processing plant at Stanley Villa Farm has become established at a former farm site and is now a significant employer. The existing business is therefore an important source of rural employment. The existing anaerobic digestion plant was proposed in order to provide a source of renewable electricity that could be generated primarily from vegetable wastes sourced from the factory and hence support the overall financial viability of the plant. The applicant was therefore able to demonstrate that the plant was necessary to support an existing business operating in the open countryside.

The current proposal is for a second anaerobic digestion plant. However, in this case there are important differences in that the feedstock for the plant would primarily be from imported materials. Of the total annual input, approximately 17,590 tonnes would be imported in the form of chicken litter, crops and vegetable peelings with additional feedstock of approximately 4000t/year in the form of excess on-site potato wastes which the applicant states cannot be used in the existing anaerobic digestion plant. A large majority of the fuel for the process would therefore be from imported materials. The other important difference is that instead of being used to generate electricity for on-site use, the generated gas would be exported directly to the grid to supply general demand.

The applicant has stated that the income generated from the second anaerobic digestion plant would provide a continuation and steady baseline financial support for the potato processing business helping to even out large price variations due to weather and climatic issues and unpredictable market fluctuations. The applicant states that over 100 people are employed on the Stanley Villa site and therefore the

business is an important source of employment in the rural area. The proposal would therefore meet the objective of Paragraph 84 of the National Planning Policy Framework in terms of enabling '*the sustainable growth and expansion of all types of rural businesses*'.

Whilst the majority of the feed stock for the proposed anaerobic digestion plant would be imported to the site, it would all be agricultural in nature (such as maize, silage and chicken manure) much of which would be sourced from the applicant's own land holding. It would also enable the full utilisation of potato wastes arising from the onsite processing factory. Some of the materials that would be imported are already used in the existing anaerobic digestion plant, these being required in order to achieve a blend of different gas generating materials. The Stanley Villa Farm site is also located very close to a local gas distribution pipeline of suitable size and therefore the connection can be made at an economic cost.

Taking into account these considerations, it is considered that there is some justification for the location of this development in the open countryside.

Landscape Impacts

The second aspect of policy GD4 is that development must be of a type and scale which would not harm the character of the surrounding countryside. Development in the countryside must also be sensitive to its surroundings and not have an unacceptable impact on local highways.

In terms of landscape impacts, Policy ENV1 of the Fylde Local Plan requires that development must have regard to its visual impact within its landscape context and the landscape type in which it is situated. Development will be assessed to consider whether it is appropriate to its landscape character, amenity and tranquillity within which it is situated. In addition a landscaped buffer of appropriate depth and species is required for development within the countryside in order to limit the visual impacts, development proposals should ensure that existing landscape features will be conserved, maintained, protected and where possible enhanced through new planting and in the event of loss of landscape features, the impact should be minimised. There are also policy requirements in relation to new landscaping. In terms of general design of development, Policy GD7 requires that all development will be of a high standard of design, ensuring that local amenity will be protected, that the siting, layout design and landscaping of the development relates well to the surrounding context, being sympathetic to the surrounding land uses and avoiding demonstrable harm to the visual amenities of the local area and protecting existing landscape features.

The proposed anaerobic digestion plant would be sited to the rear of the existing factory complex at Stanley Villa Farm. The application site is currently occupied partly by agricultural land and partly by a screening bund that was constructed as part of the existing anaerobic digestion plant. The proposed development would not involve the loss of any existing landscape features although would require the existing bund to be relocated around the northern and western sides of the proposed site.

The existing anaerobic digestion plant is not readily visible from Back Lane being screened by the existing potato processing complex and also some existing woodland around the digestate lagoons. However, it is visible from several residential properties and a public footpath to the north where the existing landscaping has not been particularly successful in providing an appropriate degree of visual mitigation.

The main element of the proposal would be the digester vessel. This would be in the form of a domed structure with a maximum height of 14.3 metres and a diameter of 32 metres. This would be larger in scale than the existing anaerobic digestion plant. Adjacent to the main vessel would be a desulphurisation plant with a maximum height of 15 metres. The remainder of the plant would range between 11 metres and 3 metres with screening provided by relocating and extending the existing bund which would be maintained at its existing height of 3 metres.

The design of the proposed plant is by necessity functional. The form and appearance of the domed digester vessel and associated tanks would contrast with the large barn type structures normally seen on agricultural complexes in the countryside. Although the proposed anaerobic digestion plant would be higher than the existing plant, it would be largely screened from Back Lane by the existing farm and potato processing buildings. Without mitigation, it is likely that it would be more visible from locations to the north, particularly the public footpath and also the nearest houses. The applicant states that the proposed screen mounding cannot be increased in scale without importing additional materials. However, the landscaping (tree and shrub planting) has been reviewed and has now also been continued around the existing anaerobic digestion plant which in time will help to address some of the existing landscaping impacts which have been raised in representations. With the additional landscaping, it is considered that the proposal would not have an unacceptable visual impact and meets the objectives of policies ENV1 and GD7 of the Fylde Local Plan.

Highways matters

The other main issue relates to highway impacts. The applicant has produced a transport statement which provides information on the likely highway impacts of the proposal which would be generated by the importation of feedstock and export of digestate. The applicant states that the proposal would give rise to a further 1607 heavy goods vehicle (HGV) movements per year associated with the import of feedstock and a further 2095 heavy goods vehicle (HGV) movements per year associated with the export of digestate. The applicant states that these materials would all be transported using heavy goods vehicles (HGVs) as this would enable 25 tonne loads as opposed to smaller loads if carried using tractors and trailers. In terms of the digestate, this is considered reasonable as the applicant states that this would be delivered to farm sites around the north west where use of tractor and trailer would clearly be unfeasible. The applicant states that the proposed traffic movements from the new anaerobic digestion plant would represent approximately 10% of those currently generated by the Stanley Villa site.

The site is accessed via Back Lane which is a C class road. To the west this links with Weeton Road which is another C class road. To the east, Back Lane or Greenhalgh Lane which are both unclassified roads link with the A585. Back Lane is



generally a narrow country lane with grass verges and no footway provision and limited passing provision. Back Lane and Greenhalgh Lane east of the site access is particularly poor with limited width and some tight bends. Other than Stanley Villa, Back Lane serves a number of residential properties, several farms and a number of leisure/tourism facilities (camping/caravan sites and fishing lakes).

Lancashire County Council Highways have not raised objection to the application and consider that the development would not have an adverse impact on highway safety, capacity or amenity in the vicinity of the site. They comment that the increase in heavy goods vehicles (HGVs) would be on relatively lightly trafficked lanes where there is scope for such vehicles to see oncoming traffic and wait in an appropriate place. Notwithstanding the comments from Lancashire County Council Highways, it is considered that the highways serving this site are relatively constrained particularly this to the east of the site. The applicant has been asked to investigate the potential to carry out some highway improvements and has responded that they would be willing to fund some localised road widening/passing places on the section of Back Lane to the east of the site access. These works can be undertaken on highway land within the existing verge without removing any existing landscape features such as hedgerows. Whilst there does not appear to be excessive existing issues of verge over running on this section of highway, it is considered that such improvements would be beneficial as they would also mitigate some of the existing traffic impacts of the Stanley Villa site and not just those arising from the current proposal. It is also considered that the applicant should be requested to implement some signage or other physical means to direct traffic leaving the site to only turn east towards Weeton Road therefore avoiding use of the least suitable highways. These matters can be the subject of a planning condition.

Other environmental factors

The application site has previously been disturbed as part of the construction of the existing anaerobic digestion plant. No features of ecological interest would be removed. The applicant has carried out a biodiversity net gain assessment and with appropriate landscaping on the screening bund together with a new 20 metre section of hedgerow, considers that an appropriate level of net gain can be achieved in area and linear based habitats. This is considered to be acceptable.

In terms of flooding/drainage, the site is located within flood zone 1 (area with lowest probability of flooding). However, the applicant has produced a flood risk assessment and drainage strategy. The applicant proposes to attenuate the additional surface water run-off from the site using an underground cellular storage facility prior to discharge into an existing drainage pipe. The Lead Local Flood Authority are not in agreement with the applicant's drainage strategy due to it requiring pumping into the existing drain and not providing an adequate allowance for climate change. It is considered that these matters could be addressed through a suitable condition and that they do not represent a fundamental objection to the application.

A number of local residents have commented on noise and odour/gas implications. The operation of the proposed anaerobic digestion plant should not give rise to significant noise impacts, particularly as, unlike the existing plant, it does not include any engine for the generation of electricity. In relation to odours/gas, the digestion system is fully sealed and there should be no risk of explosion or leak of gas giving

rise to odour impacts. Odours are possible particularly through the storage of feedstock such as chicken litter. Fundamentally the site would require a permit from the Environment Agency and the permit would contain controls on odour and noise including from storage of feedstock. Paragraph 188 of the National Planning Policy Framework states that the focus of planning policies and decisions should be on whether the proposed development is an acceptable use of land rather than the control of emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Taking into account these factors, it is considered that the impacts of noise and odour on local amenity would be acceptable.

Conclusions

The proposal would allow the generation of gas to supplement energy supplies from a low carbon source and would also produce an alternative to agricultural fertilisers produced from fossil fuels. The proposal would therefore meet a number of the Government's climate change objectives. The proposal would also help to support an existing rural business and the landscape, local amenity and highways impacts of the proposal are considered to be acceptable. The proposal therefore complies with the policies of the National Planning Policy Framework and the Development Plan.

Human Rights Considerations

In view of the scale, location and design of the development, it is considered that the development would not affect any convention rights identified in the Human Rights Act 1998.

Recommendation

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

Time Limits

1. The development shall commence not later than three 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 20th September 2022.
 - b) Submitted Plans and documents:

Drawing FFF.969.3116.01 - Location plan
Drawing FFF.969.3116.03 - Proposed site plan



Drawing FFF.871-01-BMDR-003 - Rev B - Biomethane to grid plant site elevations

Drawing FFF.871-01-BMDR-004 - Rev C - Site elevations New BTG and AD

Drawing DR-C-0100 Rev P1- Drainage Strategy

Drawing 6941.01 Rev B - Landscape proposal

- c) All schemes and programmes approved in accordance with this permission.

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 GD4, GD7, CL1, CL2, CL3, ENV1 and ENV3 of the Fylde Local Plan.

3. No development shall commence until details of the level of the concrete slab forming the base of the anaerobic digestion plant have been submitted to and approved in writing by the County Planning Authority.

The concrete slab shall thereafter be constructed in accordance with the approved details.

Reason: In order to define the base levels of the development in the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

4. The items of plant and equipment comprising the anaerobic digester and ancillary equipment shall be painted in the colours shown on drawing 871-01-BMDR-004 Rev C within two months of completion of the construction of the development and thereafter retained in those colours.

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.

5. No development of the gas export pipeline shall take place until details of the following have been submitted to and approved in writing by the County Planning Authority: -

a) details including location, design and landscaping of any kiosk buildings or other structures required where the gas export pipeline joins the local distribution network.

b) details of any landscaping required to replace any hedges that are removed during construction of the gas export pipeline. The details shall include information on the numbers, species and sizes of replacement plants, planting techniques and protection measures.

Thereafter the gas export pipeline shall be constructed in accordance with the approved details. The landscaping works approved under b) shall be carried out in the first planting season following the completion of the development.



Reason: In the interests of the visual amenities of the area and to conform with Policy GD7 of the Fylde Borough Local Plan.

6. No development shall commence until a plan showing the contours and heights of the proposed mounding around the perimeter of the existing and proposed anaerobic digester site have been submitted to the County Planning Authority for approval in writing.

Thereafter no development shall take place until the perimeter mounding has been constructed according to the heights and contours shown on the approved details.

Reason: In the interests of the visual amenity of the area and to secure the adequate landscaping of the development and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

7. No construction development, delivery or removal of materials shall take place outside the hours of:

08.00 to 17.30 hours Monday to Friday (except Public Holidays)
08.30 to 13.00 hours on Saturday

No construction development, delivery or removal of materials shall take place at any time on Sundays or Public Holidays.

This condition shall not however operate so as to prevent the carrying out, outside of these hours, of essential repairs to plant and machinery used on the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 2 of the Lancashire Minerals and Waste Local Plan.

Highway Matters

8. No development shall commence until a scheme and programme of highway improvements has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include details of the following:

- a) details of highway widening works on Back Lane between the site entrance and the junction with Weeton Road including details of the areas of carriageway to be widened and construction details.
- b) details of works to be carried out at the site entrance onto Back Lane to prevent heavy goods vehicles (HGVs) from the Stanley Villa Farm site from turning left out of the site onto Back Lane.
- c) The measures to be taken to inform all hauliers and contractors that the site should only be approached via Weeton Road, and details of



disciplinary measures should hauliers/contractors not comply with the approved heavy goods vehicle route.

- d) details of signage to be erected at the site exit informing all heavy goods vehicle (HGV) drivers leaving the site to turn right.

The measures contained in the approved scheme shall be implemented prior to the anaerobic digestion plant being brought into use and thereafter retained for the duration of the development.

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

Site drainage

- 9. Notwithstanding the submitted details, no development shall commence until a surface water drainage strategy for the site has been submitted to an approved in writing by the County Planning Authority. The drainage strategy shall include details of the following:

- a) details of the areas that will be hard surfaced and from where surface water will be captured.
- b) the measures to be taken to attenuate surface water drainage from the site. The measures shall ensure that surface water flows from the site are limited to the greenfield rate and shall provide an appropriate allowance for climate change in accordance with national guidance. The submitted details shall include calculations to demonstrate that the attenuation measures will meet these standards.
- c) details for the management of the drainage system including demonstration of why any pumping is necessary.
- d) details of the outfall/discharge point to a surface watercourse.

The approved drainage measures shall be constructed as part of the development and maintained in working condition at all times thereafter.

Reason: In order to regulate the discharge of water to existing water courses in the interests of flooding prevention and to comply with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Landscaping

- 10. Vegetation removal necessary to construct the gas export pipeline shall only be undertaken between 1 September and 1 March.

Reason: To protect nesting birds and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.



11. The landscaping proposals shown on drawing ref 6941.01 Rev B shall be implemented in the first planting season following the completion of the development and shall thereafter be maintained for a period of 10 years including replacement of failed plants, weed control, maintenance of protection measures and thinning works.

Reason: To ensure the proper landscaping 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.

Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

This consent requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980, the County Council, as Highway Authority, must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works.

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

Paper	Date	Contact/Directorate/Ext
LCC/2022/0065	October 2023	Jonathan Haine Planning and Environment 01772 534130

Reason for Inclusion in Part II, if appropriate

N/A





Planning Application LCC/2022/0065

Development of an anaerobic digestion plant fuelled by imported feedstock including digester / gas holder, relocated flare, new earth banking and underground gas export pipe.

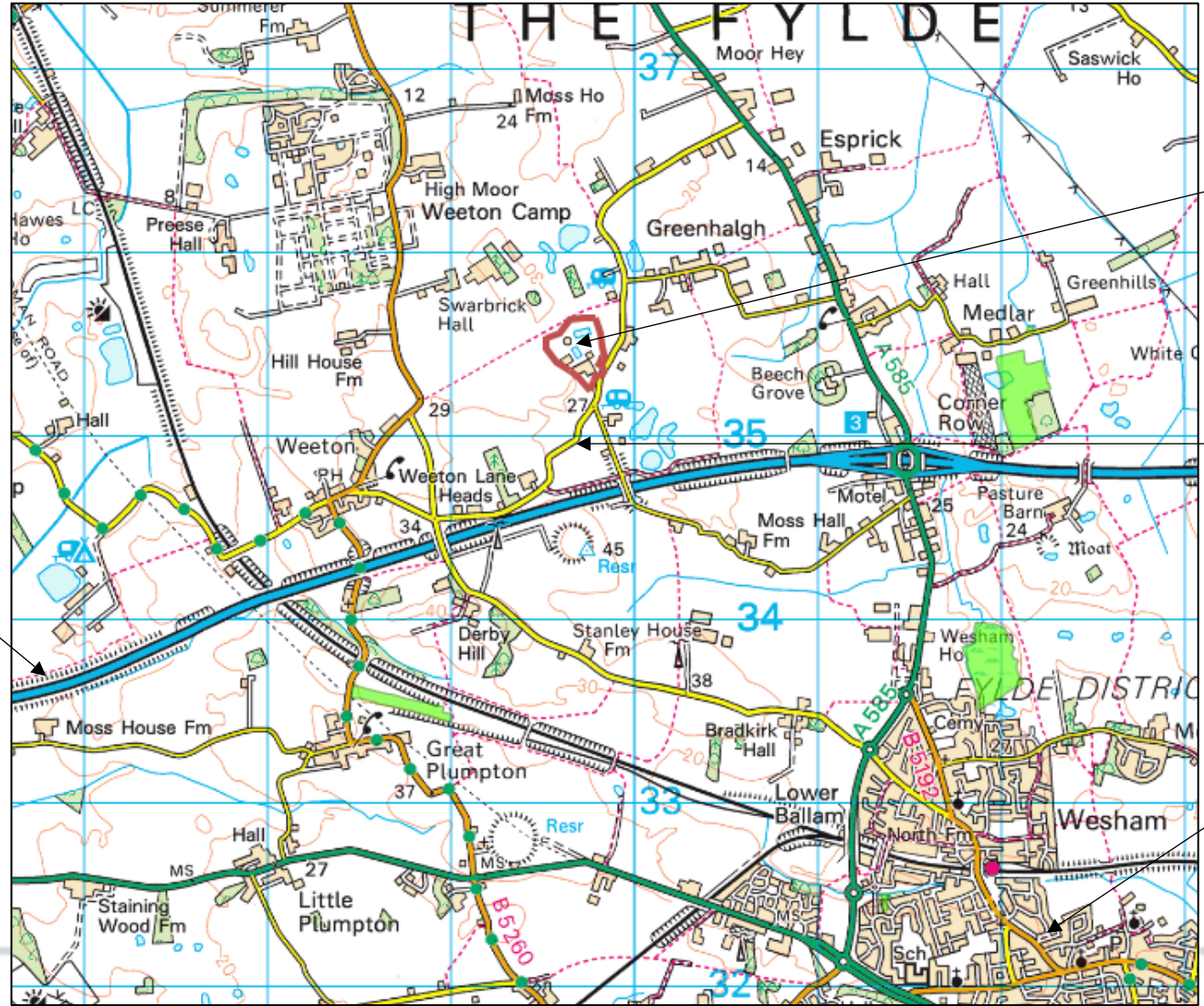
Stanley Villa Farm, Back Lane, Weeton

Planning application LCC/2022/0065

Site Location Plan

Page 22

M55



Stanley Villa Farm

Back Lane

Kirkham



Planning application LCC/2022/0065

Location Plan



Planning application LCC/2022/0065

Air photograph of Stanley Villa Farm

Application site



Lagoons used for digestate storage

Existing AD Plant

Buildings used for potato processing

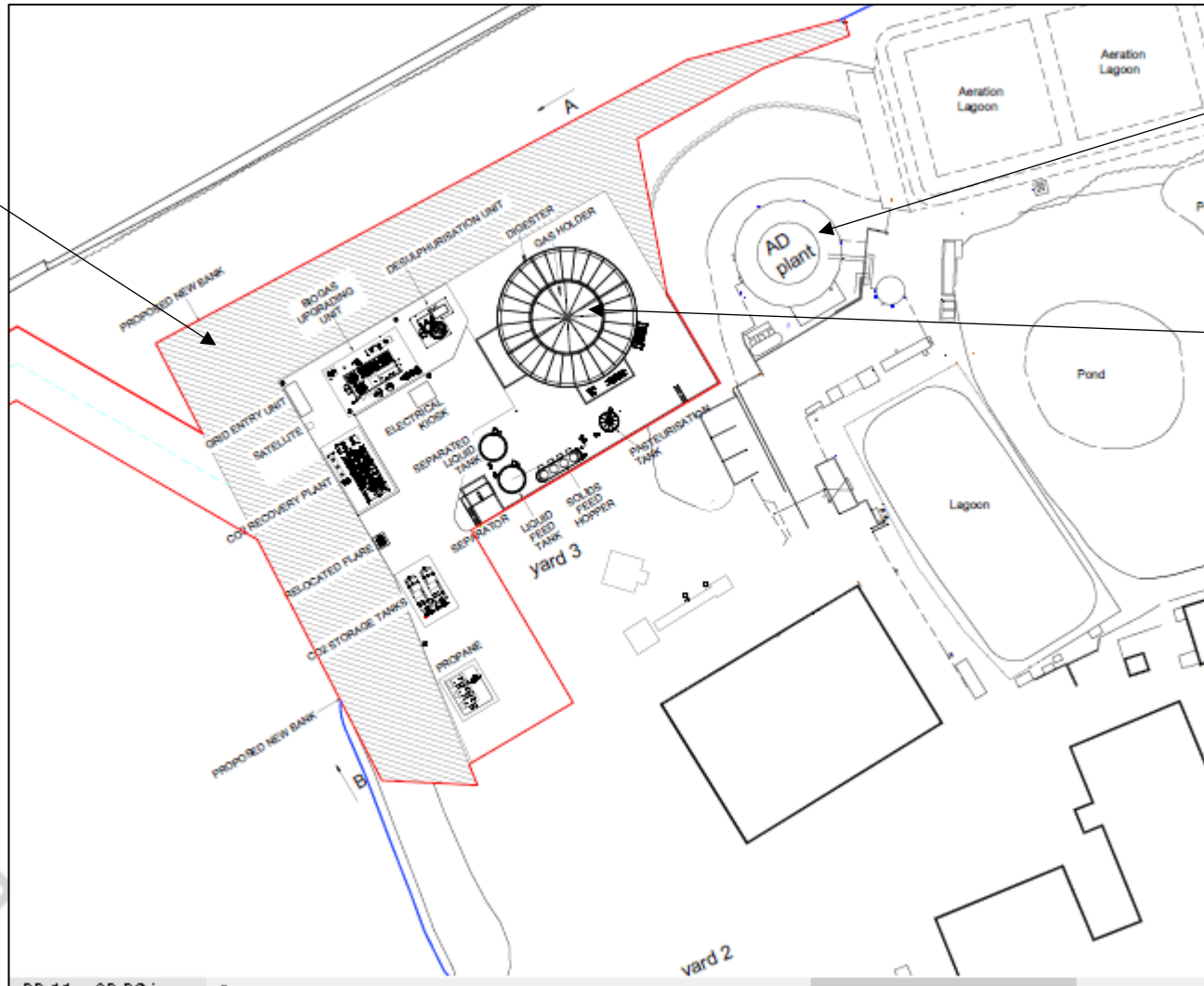
Site access onto Back Lane

Planning application LCC/2022/0065 - Proposals

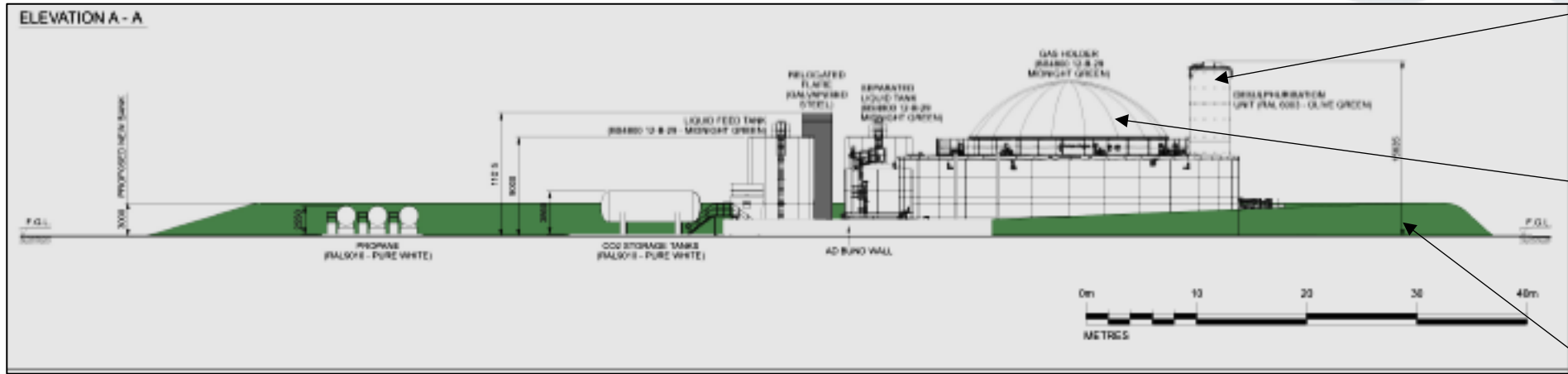
Screen mound

Existing AD Plant

Proposed digester vessel



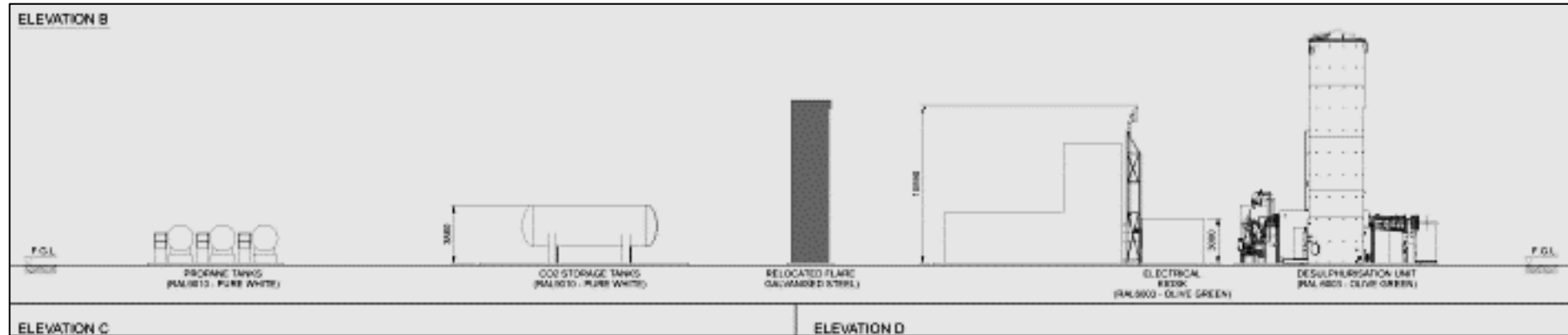
Planning application LCC/2022/0065 – Cross sections



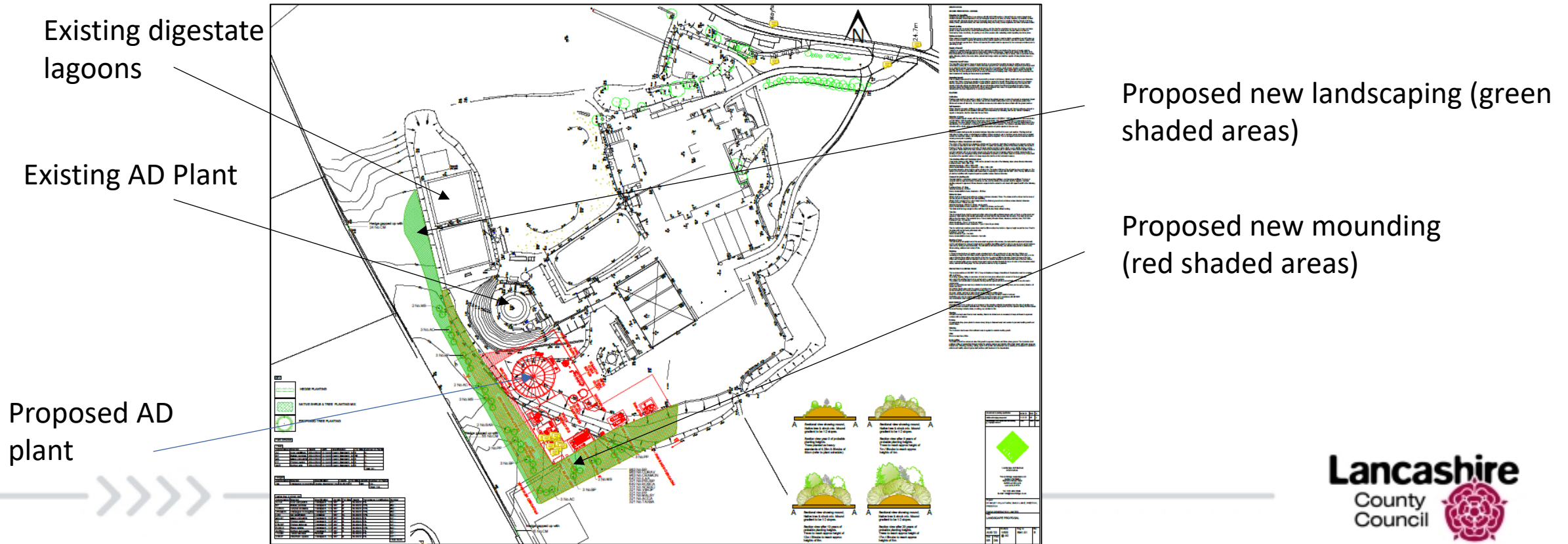
Desulphurisation plant

Digester vessel

Screen mound



Planning application LCC/2022/0065 – Landscaping proposals



Planning application LCC/2022/0065

View along Back Lane looking towards site entrance

Stanley
Villa
Farm



Planning application LCC/2022/0065

View of Back Lane looking East towards application site



Planning application LCC/2022/0065

View of Back Lane looking West towards site entrance



Greenhalgh Ln

Development Control Committee
Meeting to be held on 18 October 2023

Electoral Division affected:
West Lancashire East

West Lancashire Borough: application number LCC/2023/0022

Retrospective application for the change of use of land to site for processing and recycling of inert waste.

Former Haulage Yard, Simonswood Industrial Park, Stopgate Lane, Simonswood

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

Brief Summary

Application - Retrospective application for the change of use of land to site for processing and recycling of inert waste. Former Haulage Yard, Simonswood Industrial Park, Stopgate Lane, Simonswood.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling approved documents, noise and dust controls, stockpiles and highway matters.

Applicant's Proposal

The application is for a change of use of land from a haulage yard to a site for the processing and recycling of inert waste. The site is already being used for this purpose and the application is therefore retrospective.

The applicant receives demolition/excavation rubble such as brick and concrete. These materials are crushed and screened to produce recycled aggregate materials. The site currently processes around 150 tonnes per week (up to 7500 tonnes per year). There is also a portacabin unit on the site used for business administration purposes. The site is also used as an operating centre for five heavy goods vehicles (HGVs) used for collecting inert waste materials and delivering processed product.

Description and Location of Site

The site is located on the Simonswood Industrial Estate approximately 1 km east of Kirkby in Knowsley Borough. The site measures approximately 70 metres by 60 metres and is directly adjacent to the main access road running through the industrial estate. This access road serves a number of other timber storage, waste management and storage/haulage businesses on adjacent parts of the industrial estate and has a junction with Stopgate Lane approximately 400 metres north west of the application site.

The nearest residential properties to the application site are located on Sidings Lane 480 metres to the north east.

History

The application site was previously used as a haulage/container storage site. Adjacent units on the industrial estate benefit from a number of planning permissions for waste management operations.

An application ref LCC/2022/003 for a medical waste treatment facility on a nearby site was approved by the County Council in 2023 subject to the completion of a Section 106 agreement.

Planning Policy

National Planning Policy Framework

The following paragraphs are considered to be particularly relevant: 8–11 (achieving and definition of sustainable development), 55 (planning conditions), 111 (highway considerations), 130 (design), 185 and 188 (pollution impacts) and 210-213 (maintaining supply of aggregate materials).

West Lancashire Local Plan

Policy SP1 – A sustainable development framework for West Lancashire

Policy GN3 – Criteria for sustainable development

Policy EC1 – The economy and employment land

Joint Lancashire Minerals and Waste Development Framework (JLMWDF) Core Strategy Development Plan Document (DPD) and Minerals and Waste Local Plan

The plan period for both of these documents ran from 2006 until the end of 2021. As both plans are time expired, the policies in these documents may not carry full weight depending upon the topic and wording of each policy. Further comment on the weight to be attached to these policies is provided in the advice section of this report.

Core Strategy policies

Policy CS3 – Meeting the demand for new minerals



Policy CS7 – Managing our waste as a resource
Policy CS8 – Identifying capacity for managing our waste
Policy CS9 – Achieving sustainable waste management

Joint Lancashire Minerals and Waste Local Plan (JLMWLP) policies

Policy DM1 – Management of waste and extraction of minerals
Policy DM2 – Development management
Policy WM3 – Local Built waste management facilities
Policy WM4 – Inert waste recycling

Consultations

West Lancashire Borough Council: Object to the development for the following reasons:

- The applicant has failed to demonstrate the quantitative or market need for the proposal contrary to policy WM4 of the Joint Lancashire Minerals and Waste Local plan and the National Planning Policy for Waste.
- Insufficient information has been submitted to fully assess the impact of noise, dust and odour upon surrounding residents, contrary to the National Planning Policy Framework and Policy GN3 of the West Lancashire Local Plan.
- Insufficient information has been submitted to fully assess the impact on the local highway network contrary to the National Planning Policy Framework and policy GN3 of the West Lancashire Local Plan.
- The proposal conflicts with policy WM4 of the Joint Lancashire Minerals and Waste Local plan and policy GN3 of the West Lancashire Local Plan as it is not housed in a building which would otherwise help to limit impacts on residential amenity and the wider environment.

Knowsley Council: Strongly object to the application for the following reasons:

- The application is poor quality and does not explain how the development complies with planning policies or how environmental impacts would be managed.
- The application site is allocated under policy EC1 of the local plan as 'other significant employment site'. Policy EC1 states that on those sites uses within classes B1, B2 and B8 will be permitted. The application is for a sui generis use and therefore does not accord with policy EC1.
- The County Council's Annual monitoring report confirms that since 2009 planning permission has been granted for 600,550 tonnes of waste capacity on Simonswood Industrial Estate. This increases to 940,500 tonnes if the redevelopment of existing sites is included. This is significantly more than the level identified as being appropriate within Policy WM2 of the Lancashire Minerals and Waste Local Plan.
- Policies WM2, WM3 and WM4 are out of date. The National Planning Policy for Waste requires that applicants should expect applicants to demonstrate the quantitative or market need for waste management facilities where proposals are not consistent with an up-to-date local plan.



Simonswood Parish Council: The site has been operating unlawfully since 2021 and the parish council object most strongly to any unlawful operations within the Simonswood Industrial Estate. Policy WM2 of the Lancashire Minerals and Waste Local Plan sets a maximum level of 130,000 tonnes for the whole of the estate. This limit was exceeded many years ago and further sites on the estate only compounds an unacceptable situation. Increased dust levels are a major concern for residents and their quality of life is being affected on a daily basis. The development has also generated further heavy goods vehicle (HGV) movements around the areas of Bickerstaff, Simonswood and Kirkby especially on roads with 7.5 tonne weight restrictions which are continually being ignored.

Lead Local Flood Authority: No comment to make.

Environment Agency: No objection - the site already benefits from an environmental permit. However, the Environment Agency explain that they have received complaints regarding particulate emissions from the wider industrial estate and therefore the County Council may wish to consider whether measures are required to control dust such as a limitation on stockpile heights and controls on site layout and design including dust suppression and surfacing of vehicle manoeuvring areas.

Lancashire County Council Highways Development Control: There is no proposed expansion or other changes to the existing use. Provided that there is adequate parking within the site for employee cars and heavy goods vehicles (HGVs) there is no objection to the application.

Health and Safety Executive: No objection.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Nine representations objecting to the application have been received raising the following issues: These representations include comments from Cllr Rigby (West Lancashire Councillor) and Cllrs Brennan, Rowe and Wright (Knowsley Council).

- The development will result in increased traffic.
- The applicant company frequently ignores the Traffic Regulation Order and their vehicles speed along the lanes dropping material on the road surface and causing noise and nuisance to local residents.
- The industrial estate has reached capacity – continued expansion is not supported.
- Policy WM2 of the Lancashire Minerals and Waste Local Plan limits the annual tonnage on the Simonswood Industrial Estate to 130,000 tonnes which is already being exceeded. The proposal is contrary to this policy and also policy CS8 of the Core Strategy as sufficient capacity already exists to support the predicted need.
- The local wildlife is at risk with the increased pollution and traffic created by this site.
- Activities on the industrial estate are unregulated – the council or the police have shown no interest in dealing with the existing traffic issues.
- The site has been in use since 2021 - the fact that the breach of planning control has continued for so long is illustrative of the difficulties in enforcing planning legislation on site operators.

- The industrial estate is not a sustainable location being a remote site in relation to major road networks and only accessible via limited permitted routes.
- The proposal conflicts with Policy WM4 as the proposal is not located within a building as required by that policy.
- Operations on the site contribute towards dust and detritus on the industrial estate roads which is then tracked out onto Pingwood Lane and Stopgate Lane which leads to amenity issues for the nearest houses in Knowsley.
- The stockpiles are not contained which allows materials to spill out onto the estate access road.
- The applicant has not demonstrated a need for this facility as required by the National Planning Policy for Waste.
- The site is allocated for an employment use in the West Lancashire Local Plan and the proposal is therefore contrary to this policy.
- Nearly all the waste processed on the site originates from Merseyside – why is all this waste being processed in Lancashire?
- The application makes no mention of hours of working, throughput of waste, vehicle numbers, noise generation, vehicle sheeting, stockpile heights or generation of jobs.
- If planning permission is granted, it should be subject to conditions on working hours, requiring all heavy goods vehicles (HGVs) to follow the approved routes, wheel cleaning, dust controls, cleaning up of the estate internal roads and signage advising of the approved routes.

A letter has also been received from the Rt Hon Sir George Howarth, MP for Knowsley who strongly objects to the proposal as planning permission has already been granted for more inert waste processing capacity on the estate than is provided for in the Lancashire Minerals and Waste Local Plan. The application is also poor quality and lacks detail – there is no information on how dust emissions would be managed and how detritus would be prevented from being tracked out onto the public highway. The development should also be carried out within a building as required by Policy WM4. The West Lancashire Local Plan also allocates this site as an employment use and the proposal conflicts with this policy.

Advice

This application relates to an existing inert waste recycling site. The applicant operates a fleet of five grab/tipper heavy goods vehicles (HGVs) that are used to collect waste arising from utilities and demolition works including brick, concrete and other inert wastes. These are crushed and screened to produce a range of recycled aggregate materials that can be used in other construction works. The operation processes approximately 7500 tonnes per year which equates to approximately 30 tonnes per day. The applicant states that the crushing plant is operated around twice per week for two hours at a time which is sufficient to process the volumes of material generated by the business.

The operation subject to this application commenced on this site in 2021. Prior to this the site was used as a haulage and shipping container storage yard. The current operations already benefit from an Environmental Permit from the Environment Agency. However, no planning application was ever made to change the use of the site before the waste recycling operations commenced. Section 73 A of the Town



and Country Planning Act 1990 specifically provides a facility for the submission of retrospective planning applications to regularise development that has already been carried out.

The main issues relate to the appropriateness of the use on this site in relation to the policies of the development plan and the local environmental impacts including noise, dust and traffic.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the policies of the development plan unless material considerations indicate otherwise. For the purposes of this planning application, the development plan is comprised of the West Lancashire Local Plan, the Lancashire Minerals and Waste Core Strategy and the Lancashire Minerals and Waste Plan – Site Allocation and Development Management Policies Development Plan Document.

Paragraph 11 of the National Planning Policy Framework establishes a presumption in favour of sustainable development. For decision taking this means that:

- Proposals that accord with an up-to-date development plan should be approved without delay or
- Where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
 - a) The application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provides a clear reason for refusing the development or
 - b) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework taken as a whole.

The National Policy for Waste requires that applicants should only be expected to demonstrate a need for new waste management facilities where proposals are not consistent with an up-to-date local plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need.

The Simonswood Industrial Estate is allocated as an employment site for B1, B2 and B8 uses in Policy EC1 of the West Lancashire Local Plan. Knowsley Council in their representation consider that the use is a sui generis use (not falling within a particular use class) and therefore does not fall within the types of uses considered appropriate on this site under Policy EC1. However, waste recycling uses fall within the definition of an industrial process within the General Permitted Development Order 2015 and would therefore be a B2 (General Industrial) Use. The business employs eight full time staff (drivers and plant operatives). Therefore, the use of the site as a waste recycling use is considered to be appropriate in terms of policy EC1 of the local plan.



The Lancashire Minerals and Waste Core Strategy and Local Plan contains policies relating to the provision and location of waste management infrastructure. A number of representations to this application including from Knowsley Council and West Lancashire Council have commented that the waste capacity allocated for the Simonswood Industrial Estate within policies WM2 and WM3 of the Lancashire Minerals and Waste Local Plan has already been exceeded and that no further waste management operations on the estate should be permitted.

Policy WM1 sets out the overall quantum of waste management capacity that will be provided for waste in Lancashire, including construction, demolition and excavation waste between 2006 and 2020. The predicted overall capacity requirements are then distributed between Policy WM2 dealing with strategic sites and Policy WM3 dealing with local waste management facilities. Policy WM3 states that *'development involving local waste management facilities, of a capacity of around 50,000 tonnes per year, for the recycling, transfer and materials recovery (excluding thermal treatment) will be supported at the strategic locations identified in Policy WM2 and at a number of other industrial estates listed in the policy'*. Policy WM2 lists the Simonswood Industrial Estate as an appropriate site for waste development in West Lancashire. Policy WM4 of the plan deals specifically with inert waste recycling sites and provides that the Simonswood Industrial Estate is suitable for such uses.

The plan period of the Lancashire Minerals and Waste Core Strategy and Local Plan ran until the end of 2021. Some of the policies in this plan such as WM2 and WM3 deal with the amount of waste management capacity to be provided over the plan period. Knowsley Council and West Lancashire Council maintain that waste management capacity above the levels quoted in these policies has already been permitted and therefore no further permissions should be granted on the Simonswood Industrial Estate. However, the end date of the Lancashire Minerals and Waste Local Plan has now passed. Whilst some weight can be attributed to some aspects of WM2 and WM3 particularly in terms of site location, the aspects of the policies dealing with the quantum of capacity to be delivered now carry less weight as they only covered the period up until the end of 2020. There is currently no replacement plan in place dealing with waste processing requirements in the period on from 2020 and therefore no policy guidance as to the level of future waste processing capacity that is required. However, the Simonswood Industrial Estate is located very close to a large urban area where considerable quantities of inert waste will continue to be generated. The processing of such waste into new construction products is beneficial for a number of reasons including reducing the need to quarry aggregate materials and moving the management of such wastes up the waste hierarchy. For this reason, it is considered that it would not be appropriate to prevent the continuation of such businesses based upon exceedance of figures contained in a time expired plan.

In terms of Paragraph 11 of the National Planning Policy Framework, it is considered:

- That the proposal is consistent with Policy EC1 of the West Lancashire Local Plan.
- Due to the issues discussed above it is concluded that very limited weight should be applied to Policy WM3 of the Lancashire Minerals and Waste Plan.



The judgement has to be made in terms of the development plan as a whole. Given the issues surrounding Policy WM3, it is considered that Policy EC1 takes precedence as it is within an up-to-date local plan. Therefore on balance the proposal complies with the policies of the development plan.

Knowsley and West Lancashire Council have raised issues regarding the need for the facility and the relationship with the National Planning Policy for Waste. The application relates to an existing operation which is meeting the need for inert waste management facilities in this area and removing the need to dispose of these wastes to landfill. Paragraph 210 of the National Planning Policy Framework also states that planning policies should take account of the contribution that recycled materials can make to the supply of construction materials before considering extraction of primary materials. To meet these objectives, the recycling of inert wastes should be maximised. It would therefore run counter to the waste hierarchy and Paragraph 210 of the National Planning Policy Framework to require a need for the facility to be demonstrated particularly where the proposal is consistent with Policy EC1.

General Environmental Issues

A number of representations have been submitted raising objection to the application due to local environmental impact and conditions on the industrial estate as a whole. It should be recognised that this application is located on a large-scale industrial estate and the site is surrounded by other larger industrial uses including waste management operations.

Policy DM2 of the Lancashire Minerals and Waste Local Plan concerns the control of minerals and waste development and that such development will be supported where it can be demonstrated that impacts can be eliminated or reduced to acceptable levels.

In response to the representations, the following factors are considered relevant:

- Concern is expressed as to the lack of information submitted with the application. However, the use is already operational therefore officer site visits have allowed an accurate assessment of its impacts compared to if the application related to a proposed operation. Subsequent to the initial application, the applicant has provided more information on the scale and throughput of the proposal.
- The scale of the development is limited with a throughput of only 7500 tonnes per year which equates to approximately 30 tonnes per day. The impacts of the development in terms of heavy goods vehicle (HGV) numbers and other environmental impacts therefore need to be seen in that context. The site is relatively small which restricts the ability to increase the scale and intensity of the operation.
- No noise assessment has been submitted with the application. However, the application is located nearly 500 metres from the nearest residential properties on Sidings Lane. There are a number of large industrial buildings located in the intervening space which will reduce the potential noise impacts. The operator has also explained that crushing and screening activities are limited to twice per week each of two hours duration. This is sufficient to process the throughput of the site.



Subject to conditions relating to hours of operation and noise levels, the proposal is considered to be acceptable in terms of noise impacts.

- The applicant has provided a site layout plan. The crushing and screening activities have been moved away from the side of the site facing the internal estate access road. This should prevent waste materials from falling through the palisade fencing on these boundaries of the site and contributing to the issues regarding the tracking out of mud and debris onto Stopgate Lane. This matter can be the subject of a planning condition.
- Traffic volumes – the use will generate heavy goods vehicle (HGV) movements. However, consideration must be given to the previous use of this site as a haulage yard and storage yard for shipping containers. This use would have also generated heavy goods vehicle (HGV) movements and the highway impacts of the current proposal are unlikely to be significantly higher. Five heavy goods vehicles (HGVs) are based at the site and the size of the site is such that this number or the throughput of the site could not be increased significantly. Therefore, it is considered that there is no basis for refusing this application on the basis of traffic volumes exceeding the capacity of the local highway network.
- Heavy goods vehicle (HGV) routing. A number of the roads on the local highway network are subject to traffic regulation orders (weight restrictions). These Orders relate to Headbolt Lane and Shevingtons Lane in Knowsley and Stopgate Lane/Sinacre in Lancashire. The effect of these Orders is that the only permitted heavy good vehicle (HGV) access to the Simonswood Industrial Estate is via Pingwood Lane and the North Perimeter Road. It is acknowledged that there are outstanding issues in relation to heavy goods vehicles (HGVs) breaching these Traffic Regulation Orders resulting in amenity impacts for local residents. The enforcement of these matters is a matter for the police. However, it is considered that a condition can be attached to any planning permission requiring all hauliers visiting the site to be issued with instructions regarding the approved routes and for the implementation of a disciplinary system should hauliers be noted breaching the Traffic Regulation Order.
- Wheel cleaning: There are issues on the Simonswood Industrial Estate concerning dirt and debris being tracked out of individual sites onto the common estate access road and then onto Stopgate Lane. This is partly due to the condition of the common estate access road. In particular, the part of the road near the entrance to the application site is in very poor condition with multiple potholes and broken surfacing. The repair of this area is the subject of a clause within a section 106 agreement which will be attached to the planning permission for the proposed medical waste treatment plant. If this permission is implemented, this should make a significant difference to the condition of this road and help to prevent the tracking out of mud and debris onto the public highway. At present no part of the application site is hard surfaced. However, the applicant is agreeable to a condition to provide some hard surfacing within the site boundary. Due to the small size of the site, there is insufficient room for a full wheel cleaning facility but if a further area of hard surfacing can be provided, this should be adequate to prevent unacceptable amounts of mud from being tracked out onto the common access road. A condition can be attached to any permission requiring general measures to be taken to ensure appropriate levels of wheel cleaning.
- The site has been in active commercial use for a considerable period of time and therefore there are no issues regarding impact on wildlife.

- A number of comments are made regarding environmental impacts of the operations on the estate as a whole. These impacts are recognised and a working group involving officers from the Environment Agency, Lancashire County Council, West Lancashire Borough Council and Knowsley Council has been established to look at all these issues. Several meetings of this working group have taken place which have resulted in a number of initiatives including increased monitoring and enforcement, a dust monitoring programme, addressing compliance with the Traffic Regulation Orders and seeking improvement to the general environmental issues such as fly tipping and derelict land.
- A number of representations have commented on the requirement within Policy WM4 of the Lancashire Minerals and Waste Local Plan that inert waste recycling operations should be housed within buildings. Although this policy is within a time expired plan, it is considered that this policy should still carry weight as it relates to general environmental considerations. However, this site is small scale, is located at some distance from the nearest properties where the noise and dust impacts would not be significant even with the processing plant operating in the open air. For these reasons it is considered that it would not be reasonable to require these operations to be enclosed within a building.

In conclusion, this application concerns the continuation of an existing inert waste recycling business which assists in moving the management of wastes up the waste hierarchy and reducing the need to use quarried aggregates. The proposal therefore meets objectives in Government policy relating to waste management and supply of construction materials.

The proposal is on an existing industrial estate which is already used by other waste management operations and its use for this purpose is supported by policy EC1 of the Borough Local Plan. The operation is small scale and subject to suitable planning conditions, it is considered that the local environmental impacts of the development are acceptable in relation to policy DM2 of the Lancashire Minerals and Waste Local Plan.

In view of the location, scale and design 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:

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 and supporting statement received by the County Planning Authority on 11 July 2023.
 - b) Submitted Plans and documents:

Location Plan
Revised Block Plan submitted 6th October 2023



- c) All schemes and programmes approved in accordance with this permission.

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 Policy GN3 of the West Lancashire Local Plan.

2. No waste recycling operations or export of materials from the site shall take place outside the hours of:

07.00 to 18.00 hours, Mondays to Fridays (except Public Holidays)
07.30 to 13.00 hours on Saturdays

No such operations shall take place at any time on Sundays or Public Holidays.

Notwithstanding the above hours of operation, the operation of crushing and screening equipment shall not take place other than between the hours of 07.30 to 17.30 Mondays to Fridays

This condition shall not, however, operate so as to prevent the carrying out, outside these hours, of essential repairs to plant and machinery used on site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy 2 of the Lancashire Minerals and Waste Local Plan.

3. All vehicles transporting recycled aggregates or soils from the site shall be securely sheeted.

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

4. Measures shall be taken at all times to prevent the transfer of mud, dust and other deleterious materials onto the industrial estate internal access road by heavy goods vehicles (HGVs) leaving the site.

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

5. Within two months of the date of this permission, a scheme for the improvement of the access into the site and the associated vehicle loading and turning area shall be submitted to and approved in writing by the County Planning Authority.

The improvement works set out in the approved scheme shall be implemented within two months of the date of approval of the scheme by the



County Planning Authority and shall thereafter be maintained to prevent mud from being deposited on the industrial estate access road by heavy goods vehicles (HGVs) leaving the site.

Reason: To prevent the tracking out of mud and debris from the site in the interests of highway safety and the amenities of local residents and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

6. No stockpiles of waste materials and recycled aggregate and soil materials shall be located other than in the positions shown on the Block Plan submitted 6 October 2023. All stockpiles of recycled materials shall be contained within the storage bays shown on the Block Plan and no stockpile of waste or recycled material shall exceed a height of five metres when measured from ground level.

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

7. All mobile plant used on the site shall be fitted with and use white noise or low noise reversing alarms. No reversing beepers shall be used.

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

8. Measures shall be taken at all times to minimise the generation of dust. Such measures shall include the fitting of dust suppression equipment on crushing and screening plant and the watering of stockpiles and vehicle circulation areas.

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

9. Within two months of the date of this planning permission, a scheme of traffic management measures shall be submitted to the County Planning Authority for approval in writing. The scheme shall contain details of the following:

- a) The measures that the site operator will take to inform all hauliers of the roads that shall be used to access and egress the site taking account of the traffic regulation orders that operate on Shevingtons Lane, Headbolt Lane and Stopgate/Sinacre Lane.

- b) The measures that the site operator will take to reinforce compliance with the traffic regulation orders in the event that hauliers are observed using the roads listed in a) above.

Thereafter, the provisions of the approved scheme shall be complied with at all times for the duration of the development.



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

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

Paper	Date	Contact/Directorate/Ext
LCC/2023/0022	October 2023	Jonathan Haine Planning and Environment 01772 534130

Reason for Inclusion in Part II, if appropriate

N/A





Planning Application LCC/2023/0022

Retrospective application for the change of use of
land to a site for processing and recycling of inert
waste

Simonswood Industrial Estate, Stopgate Lane, Kirkby

Planning application LCC/2023/0022

Site Location Plan



Stopgate Lane

Application site

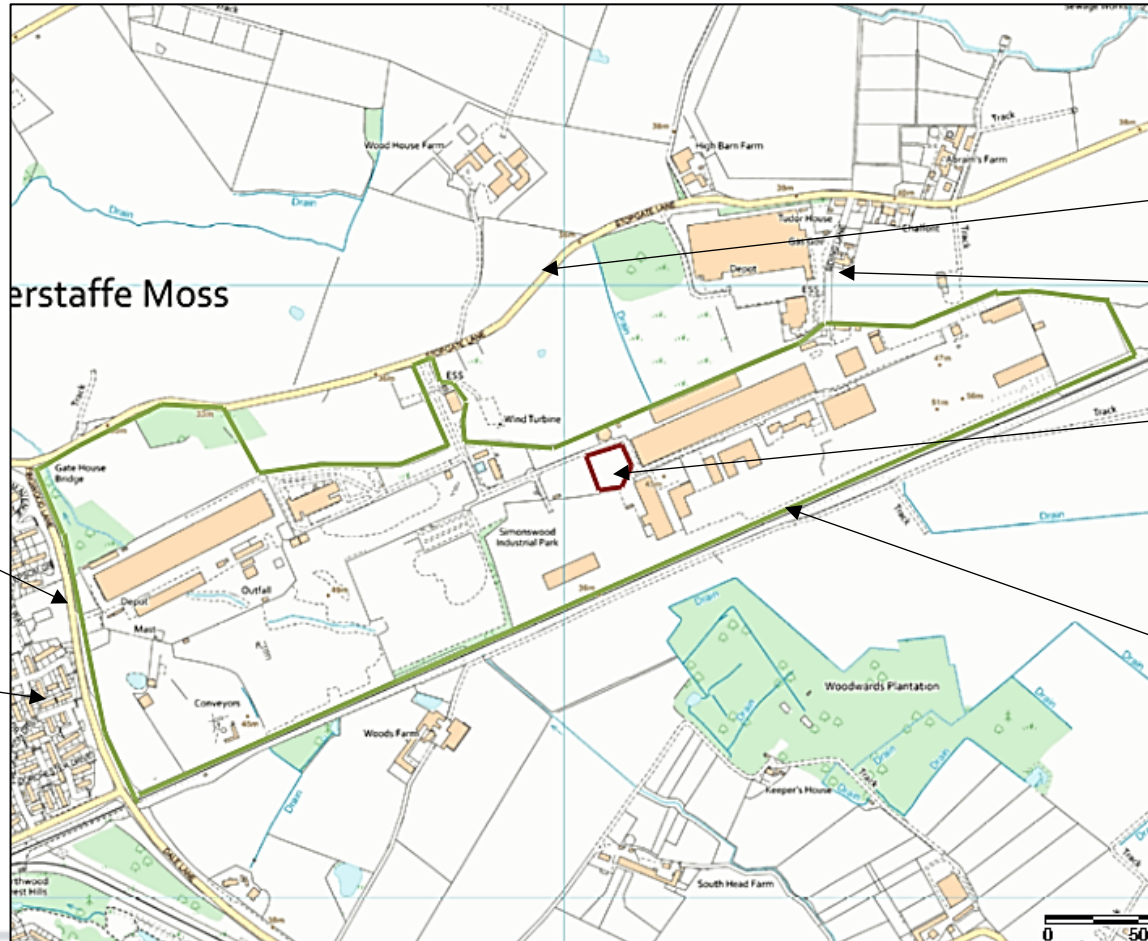
Simonswood Industrial Estate

Page 46

Kirkby



Planning application LCC/2023/0022



Stopgate Lane

Sidings Lane

Application site

Boundary of industrial estate
(green line)

Pingwood Lane

Kirkby residential
areas

Planning application LCC/2023/022



Nearest houses – on Sidings Lane

Application site

Boundary of industrial estate (green line)

Kirkby



Planning application LCC/2023/0022 – Simonswood Industrial Estate



Industrial Estate access road

Site access

Crushing / screening
plant



Planning application LCC/2023/0022

View from site entrance

Screening
plant



Stockpiles of inert waste and
processed materials



Planning application LCC/2023/0022 – View of site



Development Control Committee
Meeting to be held on 18 October 2023

Electoral Division affected:
Padiham and Burnley West

Burnley Borough: application number LCC/2023/0024

Demolition of existing building and construction and operation of an embedded waste fuel gasification and combined heat and power generation facility, utilising densified waste derived fuels at Hapton Valley Transfer Station, Hapton Valley Estate, Accrington Road, Burnley

Contact for further information:
Robert Hope, 01772 534159, Principal Planner
Devman@lancashire.gov.uk

Brief Summary

Application – Demolition of existing building and construction and operation of an embedded waste fuel gasification and combined heat and power generation facility, utilising densified waste derived fuels at Hapton Valley Transfer Station, Hapton Valley Estate, Accrington Road, Burnley.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, site operations, noise and lighting.

Applicant's Proposal

Planning permission is sought for the demolition of an existing building that was formerly used for tyre recycling followed by the construction and operation of a gasification, and combined heat and power facility. The key process would involve the heating of pelletised and solid recovered fuels (SRF) in a vessel to a very high temperature (without combustion) to create a usable gas. The gas would then be used to power engines to generate electricity and heat. This would replace diesel use which is currently used to power some of the wider waste management site. The footprint of the application site would be approximately 1,500m² and would include new plant and equipment up to 12 metres in height and an exhaust stack for the gas engines up to 26 metres in height. The facility would process approximately 24,000 tonnes of pelletised solid recovered fuels per annum (3 tonnes per hour). The facility would also include feedstock storage hoppers, an office and welfare block and transformer.

The applicant states that any residual contamination in the gas such as acid gases, halides and particulates would be removed from the gas using conventional scrubbing technologies. The temperature zone within the base of the gasifier would be sufficiently elevated to melt all ash produced by the plant to create a clinker which could be used as an inert aggregate material.

The plant would operate on a continuous basis, 24 hours a day, 7 days a week on a minimum of 48 weeks per year, operating for a total of 336 days per year.

During the operational phase, the facility would provide direct employment for around two staff. This would comprise two people who would monitor the plant and complete daily checks, there would also be remote monitoring which would take place. The hours of work would be from 9am-5pm for the two staff. The plant will be controlled and monitored remotely at all other times.

Description and Location of Site

The site is located some 600 metres south of the A679 Accrington Road, 3km west of Burnley. To the west is the Network 65 Business Park and to the north is a small residential estate known as Valley Gardens, which runs parallel with, and at a lower level to, the access road to the site. Burnley Cemetery is located some 250 metres to the east beyond the Green Brook Valley. The nearest properties on Valley Gardens are approximately 200 metres to the north of the application site.

Other waste management related operations (which have the benefit of separate planning permissions) are located elsewhere on the former colliery site. All operations at the site share the access road to the A679.

Background

The application site is at the former Hapton Valley Colliery.

Planning permission for the development of a waste transfer station was granted in June 1997 (ref. 12/96/228).

Planning permission to vary conditions 2 and 13 of planning permission 12/96/228 to allow the redesign of the site layout and to allow skips containing sorted wastes to be stored outside the building was granted in June 1998 (ref. 12/97/479).

Planning permission for the establishment and operation of equipment for shredding of tyres, timber and green waste to the southwest of the site was granted in July 2003 (ref. 12/03/0208).

Planning permission for the erection of a building and hardstanding for end-of-life vehicle breaking to the southeast of the site was granted in April 2004 (ref. 12/04/0176).

Planning permission for the extension to existing waste transfer and treatment building and realignment of access road, proposed introduction of a concrete

crushing operation and levelling of land for the parking of trailers was granted in April 2008 (ref. 12/07/1134).

Planning permission for a new building to house biomass boilers including 2 x 9 metre high flues was granted on 7 March 2018 (ref. LCC/2018/0004).

On 2 February 2023 permission was granted (subject to the applicant first entering into a Section 106 Agreement in relation to earthworks and landscaping) for a change of use of an end-of-life vehicle building to use for the drying and pelletising of waste solid recovered fuel (SRF), construction of 2 x 20 metre high flues, construction of underground ducting to transfer warm air from boiler to the pelletising building, and the storage of baled solid recovered fuel (SRF) in the northern yard (ref. LCC/2019/0069).

On 7 March 2023 permission was granted for the construction of three additional waste processing/storage buildings and an office building (ref. LCC/2022/0050).

In December 2022 a request for a screening opinion on the above proposal was made under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It was the County Council's screening opinion that the proposal would not be Environmental Impact Assessment development (ref. SCR/2022/0011).

Planning Policy

National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

National Policy Statement for Energy (EN-1) 2011

National Policy Statement for Renewable Energy Infrastructure (EN-3) 2011

Waste Management Plan for England (December 2013)

National Planning Policy for Waste (October 2014)

Our Waste, Our Resources: A Strategy for England (December 2018)

Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals
Policy DM2	Development Management
Policy DM4	Energy from Waste

Burnley Local Plan

Policy SP1	Achieving Sustainable Development
Policy SP4	Development Strategy



Policy SP5	Development Quality and Sustainability
Policy EMP3	Supporting Employment Development
Policy NE1	Biodiversity and Ecological Networks
Policy NE3	Landscape Character
Policy NE5	Environmental Protection
Policy CC5	Surface Water Management and Sustainable Drainage Systems (SuDS)

Consultations

Burnley Borough Council – Make the following comments:

- The site is located just within the defined settlement boundary and there are no land use policy designations.
- To the north east is Network 65 protected employment site and to the east is designated protected open space and woodland ecological network, the south is open countryside.
- There is no Public Rights Of Way (PROW) through the site.
- The site is within flood zone 1.
- Any highways concerns should be picked up through Lancashire County Council engineers.
- No objection in principle but note the large scale of the proposal especially with the proposed chimney 26 metres could potentially have impacts on wider views into the site (but note it is already industrial in nature).
- Tree planting and any ecological mitigation or enhancements would be welcome.

Burnley Council Environmental Health have provided supplementary comments and request conditions in relation to contaminated land assessment and air quality. They wish to inform that they are currently in the process of considering an application for an environmental permit that relates to a small waste incineration plant (SWIP), proposed for the same site. They are also currently seeking advice regarding the permit application, as the site is a linked part of a larger site where an A1 process is in operation and regulated by the Environment Agency (EA). They are therefore liaising with the Environment Agency (EA) as to whether they are the more appropriate regulator for the small waste incineration plant (SWIP).

Hapton Parish Council – No comments received.

Lancashire County Council Lead Local Flood Authority - No objection on the basis that there will be no change in the impermeable area and that the existing drainage system will, therefore, be reused in its entirety.

Environment Agency – No objection in principle. The Environmental Permit to authorise the proposed activity would be determined by the Local Authority Pollution Control Team.

Lancashire County Council Highways Development Control – No objection.



Coal Authority – On the basis that the area, where the built development would be falls outside the defined Development High Risk Area it is considered that a Coal Mining Risk Assessment is not necessary and therefore do not object.

United Utilities - Request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan prior to determination of the application. Should planning permission be granted without the provision of this information it is requested that a condition be imposed in relation to details of a sustainable surface water drainage scheme and a foul water drainage scheme.

Lancashire County Council Ecology Service - The ecological information submitted to date includes details on birds and bats only. Further ecological assessment may be required if any suitable habitat to support these species is present. If all of the ecological matters have been adequately addressed, and the application is to be approved, conditions are recommended regarding protected species, nesting birds, and lighting.

Representations – The application has been advertised in the local newspaper, by site notice, and neighbouring residents have been informed by individual letter. 40 representations have been received objecting to the application for the following summarised reasons:

- Object to the application on the grounds of risk to health of residents, wildlife and damage to the woodland adjacent to the application.
- There is insufficient information in the application for the Committee to make a safe and reasonable decision regarding the above matters. As a minimum there should be a fallout [emission pathway] plan under different weather and wind conditions.
- The risk of fire at the site with severe pollution and its long-term impacts. There have been several serious fires at the site. The fire authority needs to be consulted on this application. The last fires needed water from the canal and closing of Accrington Road, a major route between Burnley and Accrington.
- There is no clear information on the tonnage of waste involved and whether this application fits within the county waste plan.
- Object to the lack of consultation on such a massive environmental risk. Being given 21 days to respond to a letter dated 15 August that was received on the 19 August, effectively allowing 17 days to respond is insufficient. An application of this type should include proper consultation with local residents including meetings with the applicant to present their proposals and answer questions.
- No details of proposed site operations or noise levels.
- Existing pollution issues at the site including generators, odour and dust.
- Additional air emissions over existing.
- Exhaust gas scrubbers should be employed to reduce air impacts.
- There are already two incineration facilities within a short distance of each other and a third incineration facility would cause great concern for the welfare residents in the area.
- Burning waste in incinerators is not recycling.
- The application should be determined by planning committee.
- Area too populated for this development.

- Waste water would be drained to the brook.
- Poor environmental record of the site operator.
- The proposal will release toxic and dangerous gas.
- Existing and proposed heavy goods vehicle impacts.
- Technical language in the application is hard to understand.
- The development would be too close to houses.
- Unsightly stack.
- Carcinogenic particles from burning plastics.
- The air assessment should include reference to existing air quality impacts including from diesel generators.
- Concerns over failure rate of such technology.
- Concerns over emissions from existing diesel-powered generator.
- Lancashire County Council will use the site to burn waste.
- This application should be refused and Lancashire County Council should adopt an alternative long-term strategy.
- The developer will be unable to meet pollution control limits.

Advice

The proposed new plant and equipment would be at an existing waste management facility where the current site operator predominantly focusses on waste recycling and recovery through treatment of household, commercial and industrial waste to produce solid recovered fuel (SRF) for co-incineration in cement manufacturing kilns. Solid recovered fuel (SRF), comprised mainly of shredded paper, plastic and other combustible material, is transported loose in bulk trailers to cement kilns where it is combusted as a replacement for fossil fuels. The current application would allow some of this material to be utilised on site in a different way for energy generation.

The applicant's site currently includes mechanised equipment for processing waste into solid recovered fuel (SRF). The electrical power for this process is currently provided by diesel powered generators. The current application would allow some of solid recovered fuel (SRF) material in the form of pellets to be utilised on site to provide electrical power to replace diesel with the waste heat being used in the waste drying process.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development spans three key areas of government policy (referred to in the Policy section above), which seek to direct the management of waste up the waste hierarchy, promote the decentralisation of energy production, and use fuels and energy sources other than primary won fossil fuels.

National Planning Policy for Waste sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. A key part of this is to drive waste management up the waste hierarchy. This hierarchy sets out the following order of preference in waste prevention and management legislation and policy: a) prevention; b) preparing for re-use; c) recycling; d) other recovery, (for example energy recovery); and e) disposal as the least preferable option. The National Planning Policy for Waste refers to the Waste Management Plan for England in which the Government supports efficient



energy recovery from residual waste to deliver environmental benefits, reduce carbon impact and provide economic opportunities.

Policy DM4 of the Joint Lancashire Minerals and Waste Local Plan refers to energy from waste. The policy specifies that all developments that include processes capable of recovering energy from waste will be required to include measures to capture any heat or electricity produced directly or as a by-product of the waste treatment process and either use it on site or export it to the national grid or a local energy or heat consumer. The primary aim of the proposed development is to recover energy from residual waste that is not currently recycled or re-used.

The application site falls within the Burnley development boundary. Policy SP4 of the Burnley Local Plan supports new development within the development boundary subject to meeting certain criteria. This includes considering the use of previously developed land, not having a detrimental effect on residential amenity by reason of noise and other nuisance, and not having a detrimental effect on the safe and efficient operation of the road infrastructure. Policy SP5 of the Burnley Local Plan seeks to ensure that development is of a good design and quality.

Landscape and visual impact

In determining planning applications, Paragraph 130 of the National Planning Policy Framework requires the decision maker to ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting while not preventing appropriate innovation or change.

The development would be located on an established waste management site adjacent to the Network 65 Business Park. The gasification plant and gas engines would be compatible with the scale and height of existing surrounding buildings. However, the exhaust stack would be 26 metres high and requires further scrutiny to consider the potential visual and landscape impacts. The applicant has submitted a visual assessment which reviews the local environment and notes the backdrop of industrial estate buildings, wind turbines on the hillside, and large electricity pylons. Given the existing landscape character, additional negative visual or landscape impact would be unlikely. Furthermore, permission was approved in 2020 for the construction of two 20 metre high flues of comparable height, which are yet to be constructed. This permission is subject to a Section 106 Agreement in relation to earthworks and site perimeter landscaping which has now been partially undertaken, which will improve the landscape setting of the overall site in relation to its surroundings.

Pollution control

Paragraph 174 of the National Planning Policy Framework advises that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and contribute towards remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.



Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan supports development for minerals or waste management operations where it can be demonstrated that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals, account should be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts could be controlled in accordance with current best practice and recognised standards.

The National Planning Policy Framework and National Planning Policy for Waste state that planning authorities should not concern themselves with the control of processes, which are a matter for the pollution control authorities. It should be assumed that the relevant pollution control regime will be properly applied and enforced. Given the size and nature of the proposed gasification system, an Environmental Permit must be secured from Burnley Borough Council as the local air pollution prevention and control authority rather than the Environment Agency. Certain industrial installations that have the potential to cause pollution are required to have a pollution permit before they operate. There are three types of process classification. Larger A1 installations are regulated by the Environment Agency and smaller A2 and Part B installations are regulated by local authorities.

An application has been made to Burnley Borough Council and they will have to consider whether the proposal would be capable of meeting the requisite pollution control standards. Additionally, the other waste management activities, including odour and dust control, fire prevention, and the acceptability of the diesel generator are covered by a separate Environmental Permit issued and monitored by the Environment Agency.

Given national policy guidance, in these circumstances pollution control matters should be addressed through the relevant permitting processes. Nevertheless, the applicant has provided baseline assessments to seek to demonstrate that compliance would be possible and to satisfy the planning process. A noise assessment establishes the existing environmental noise climate through direct measurement at the existing noise sensitive receptors to calculate the appropriate environmental noise limits for the proposed facility to achieve compliance with recognised British Standards. To give some assurance to local residents through the planning process, a noise condition is recommended to seek to ensure that the proposed development is no noisier than the existing background noise environment, which is currently dominated by the local road network. The applicant is agreeable to this.

In terms of air quality, the applicant has undertaken an air quality assessment to determine the potential impacts arising from the proposed development. For small Waste Incineration Plants (SWIP), emissions to air from the combustion unit would be governed by the Industrial Emissions Directive, which requires adherence to emission limits for a range of pollutants. Maximum predicted concentrations have been compared to relevant air quality objectives and environmental assessment levels for the protection of human health and the significance of the air quality impacts have been assessed using criteria provided by the Institute of Air Quality Management's planning guidance. The proposed development would utilise pre-

processed pelletised fuels from the wider waste management processing site. For the proposed stack height of 26 metres, predicted maximum off-site concentrations are assessed as 'not significant' and well below the relevant air quality standards for all pollutants considered. Further scrutiny would be undertaken by Burnley Council as part of the assessment and determination of the Environmental Permit application. Without the permit the facility could not be legally operated.

The application site is on land that was a former colliery and consequently there is some risk land contamination. The proposed development would be constructed on an existing yard area and excavation work is likely to be limited. However, the application acknowledges that further ground investigation work is likely and therefore an appropriate condition is recommended. Burnley Council Environmental Health similarly recommend a condition in this respect.

Highway Matters

Paragraph 111 of the National Planning Policy Framework makes it clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The applicant has stated that the proposed development would source all its fuel feedstocks from the wider site without any need for additional vehicles or road movements. Given that the plant would consume approximately 24,000 tonnes of fuel per annum, a reduction in outgoing road movements (approx. 1000 per annum), could be achieved. As such, the proposed development could generate a reduction of approximately four heavy goods vehicle (HGV) movements per day from the wider site, reducing the overall impacts of transport at the nearby residential receptors. Nevertheless, given the relationship of the application site to the wide waste management site it is recommended that a condition be imposed to limit vehicle movements to that which is currently applied to the whole site, which is a limit of 50 heavy goods vehicles (HGVs) leaving the site per day Monday to Friday inclusive, no more than 25 heavy goods vehicles (HGVs) between 0730 hours and 1300 hours on Saturdays and no more than five heavy goods vehicles (HGVs) between 1300 hours and 1600 hours on Saturdays. This should allay concerns of local residents that there could be an intensification of heavy goods vehicle (HGV) movements associated with this proposal. Lancashire County Council Development Control Highways have raised no objection.

Surface water management

Policy CC5 of the Burnley Local Plan refers to surface water management and sustainable drainage systems and sets a focus on managing and minimising surface water run-off from sites. The application is for the re-development of a small area of the wider waste management site and would have limited impact on flood risk and drainage matters. Additionally, planning permission ref LCC/2022/0050 for the construction of three additional waste processing/storage buildings and an office building includes a condition requiring details of a drainage strategy for the wider site and does not need to be repeated here.



Ecology

The application is for the re-development of a small area of the wider waste management site and would have limited direct impact on ecology matters. The site is a concrete yard area and the only matter requiring consideration is the demolition of an open building structure. The applicant has provided an assessment of the building for bats, which concludes a low risk. Lancashire County Council's Ecology Services have no reason to disagree with the suitability of the survey or its findings. There could be an impact associated with lighting if installed inappropriately, which could apply to ecological interests and local amenity, and on this basis a condition is recommended so that, should lighting be proposed, details of light fittings and assessment of light spill control are provided beforehand. Should bats or nesting birds be encountered at a future date, separate wildlife legislation is in place to seek to prevent harm.

Human Rights

The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 1 of the 1st Protocol states that an individuals' peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance with law and as is proportionate.

The development, if approved, would be unlikely to generate such an impact on neighbouring properties which would breach those rights. Conditions and the Environmental Permitting requirements should protect the rights of local residents and would not have a disproportionate impact on the rights of the applicant.

Conclusion

Overall, it is considered that the proposed development would provide enhanced facilities for the management of waste at the site, while contributing to the aims of key Government policy, which seeks to direct the management of waste up the waste hierarchy, promote the decentralisation of energy production, and use fuels and energy sources other than primary won fossil fuels. There would be no unacceptable adverse impact on the local landscape or visual amenity to justify refusal and subject to recommended conditions (many of which reflect the existing waste management permissions at the site) and the Environmental Permitting requirements, there should be no unacceptable pollution or drainage impacts. On this basis, the development accords with the policies of the National Planning Policy Framework and the Development Plan.

Recommendation

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

Time Limits

1. The development shall commence not later than three 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:

a) Submitted Plans:

Drawing no 11575 - Site Location Plan
Drawing no 11576 - Site Layout and Permit Boundary
Drawing no 11577 - Site General Arrangement
Drawing no. EV9_A98.0106_01 - General Arrangement
Drawing no. EV9_A98.0106_02 - Layout Plan
Drawing no. EV9_A98.0106_03 - Elevation View 1
Drawing no. EV9_A98.0106_04 - Elevation View 2
Drawing no. EV9_A98.0106_05 - Elevation View 3
Drawing no. EV9_A98.0106_06 - Elevation View 4
Drawing no. EV9_A98.0106_07 - 3D Visual
Drawing no. EV_A98.0099 - ETGAS Syngas Plant (submitted 3/10/2023)

b) All details approved in accordance with this permission.

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 comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy SP5 of the Burnley Local Plan.

Site Operations

3. No development shall commence until a strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the County Planning Authority. The strategy shall include the following components:

- i) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
- ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- iii) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and



remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Thereafter, the strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution and to comply with Policy NE5 of the Burnley Local Plan.

4. There shall be no storage of loose waste outside any building, plant or machinery.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and to comply with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and policies NE5 and SP5 of the Burnley Local Plan.

5. No more than 50 heavy goods vehicles (HGVs), as defined in this permission, shall leave the site in any one day during Mondays to Fridays, inclusive. No more than 25 heavy goods vehicles (HGVs) shall leave the site between 0730 hours and 1300 hours on Saturdays and no more than five heavy goods vehicles (HGVs) shall leave the site between 1300 hours and 1600 hours on Saturdays.

No heavy goods vehicles (HGVs) shall leave the site on Sundays or Public Holidays.

This condition shall apply to all vehicle movements from the wider site as a whole as shown edged in green on drawing no. 11575 - Site Location Plan and annotated as 'Envirofuels (SRF) Limited Waste Operations'.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and to comply with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and policies NE5 and SP5 of the Burnley Local Plan.

6. All vehicles transporting materials from the site shall be securely sheeted or alternatively waste shall be securely contained.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and policies NE5 and SP5 of the Burnley Local Plan.

7. The rating level of noise emitted from the development subject of this permission shall not exceed the existing background level at the boundary of



any premises used for residential purposes when assessed in accordance with British Standard BS 4142:2014+A1(2019).

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and to comply with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and policies NE5 and SP5 of the Burnley Local Plan.

8. No external lighting columns or lights shall be erected or fitted on site until details have been submitted to and approved in writing by the County Planning Authority. The details shall include the following:
- a) Location, type and intensity of lights.
 - b) Types of masking or baffle at head.
 - c) Type, height and colour of lighting columns.
 - d) Number and size of lighting units per column.
 - e) Light levels at the site and at nearby properties.
 - f) Control of the times of illumination of the lighting.
 - g) Assessment of light levels in relation to appropriate guidance to demonstrate that there would be no unacceptable impact.

The lighting at the site shall only be provided in accordance with the approved details throughout the duration of the development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and policies NE5 and SP5 of the Burnley Local Plan.

Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency or Local Pollution Control Authority.

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

Paper	Date	Contact/Ext
LCC/2023/0024	October 2023	R Hope Planning and Environment 01772 534159

Reason for Inclusion in Part II, if appropriate

N/A





Planning Application LCC/2023/0024

Demolition of existing building and construction and operation of an embedded waste fuel gasification and combined heat and power generation facility, utilising densified waste derived fuels at Hapton Valley Transfer Station, Hapton Valley Estate, Accrington Road, Burnley

LCC/2023/0024 Site Location



Accrington Road
A679

Valley Gardens

Application site

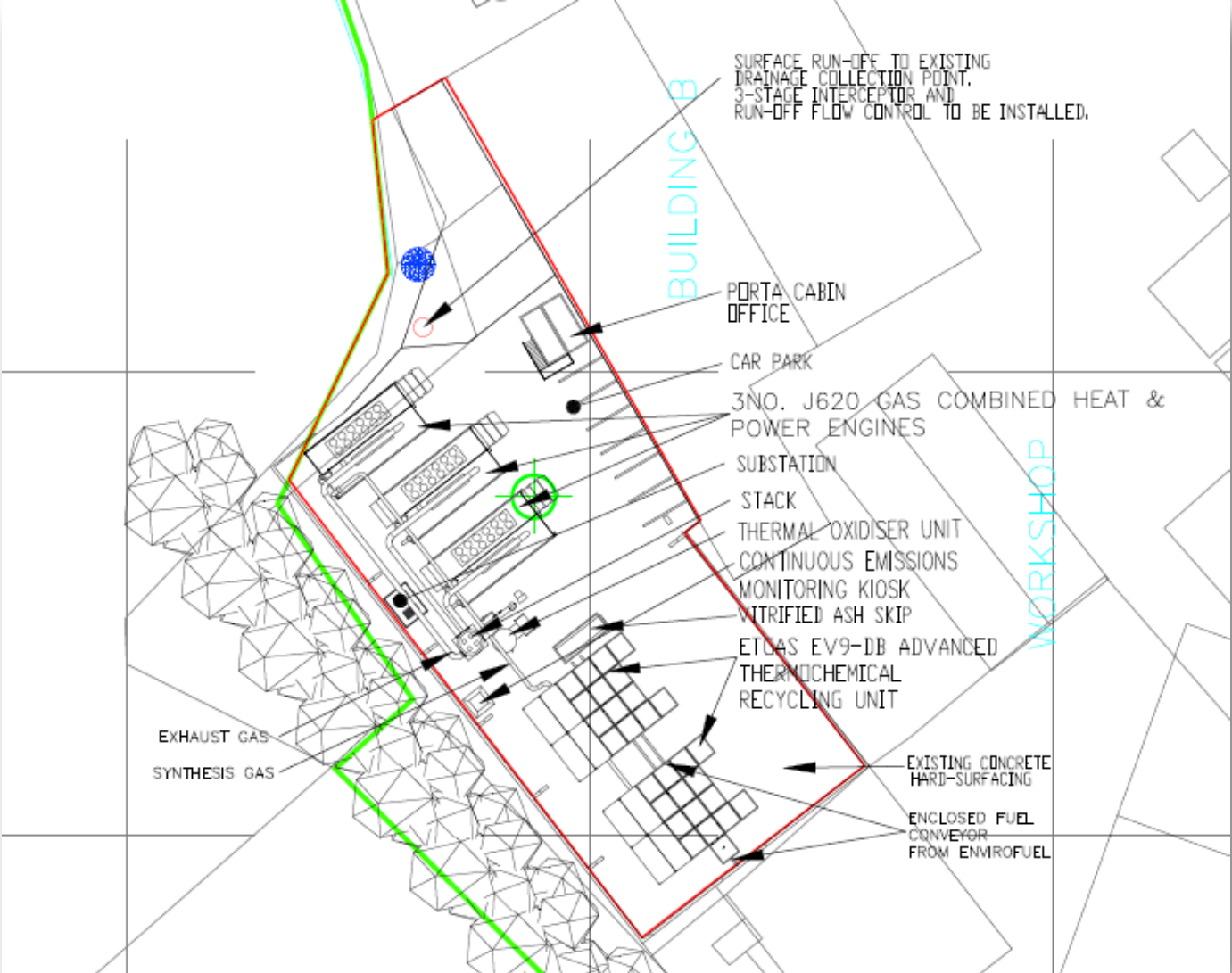
LCC/2023/0024
Aerial view (2020)



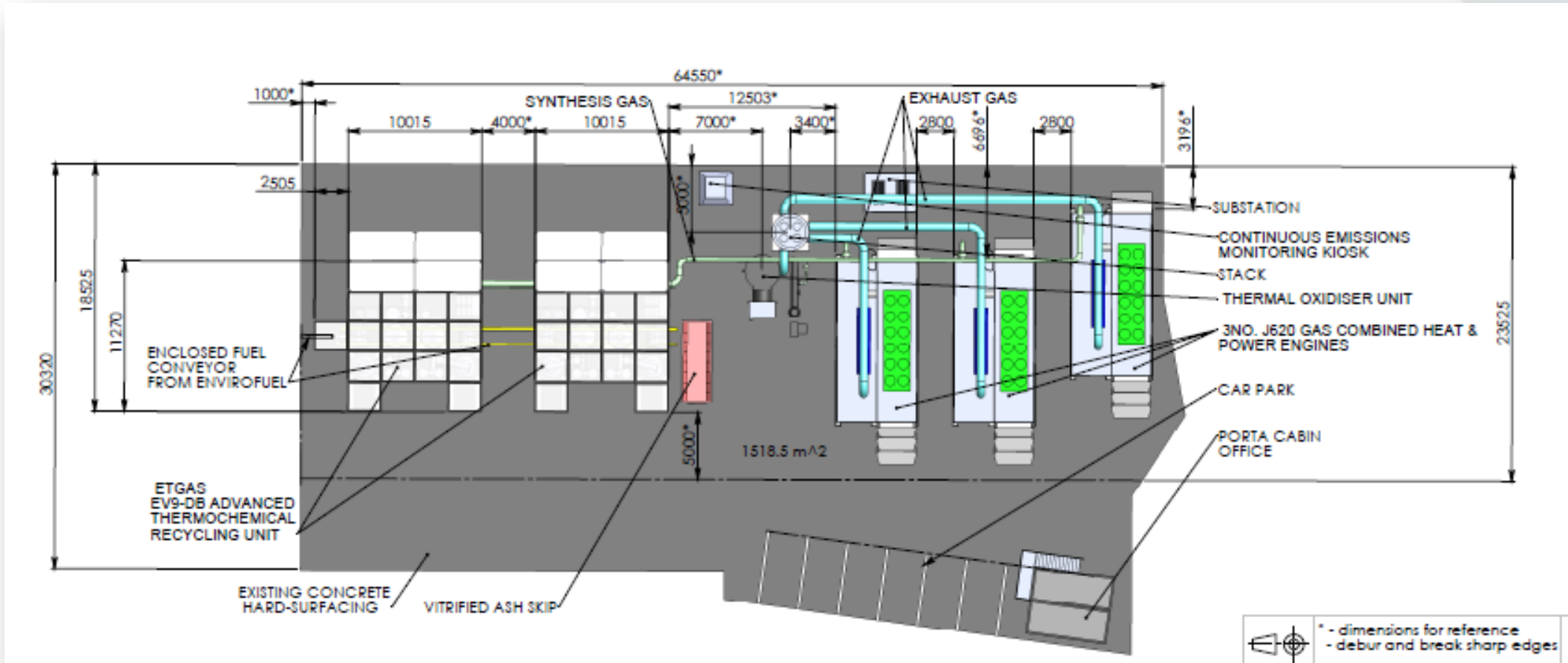
Application site

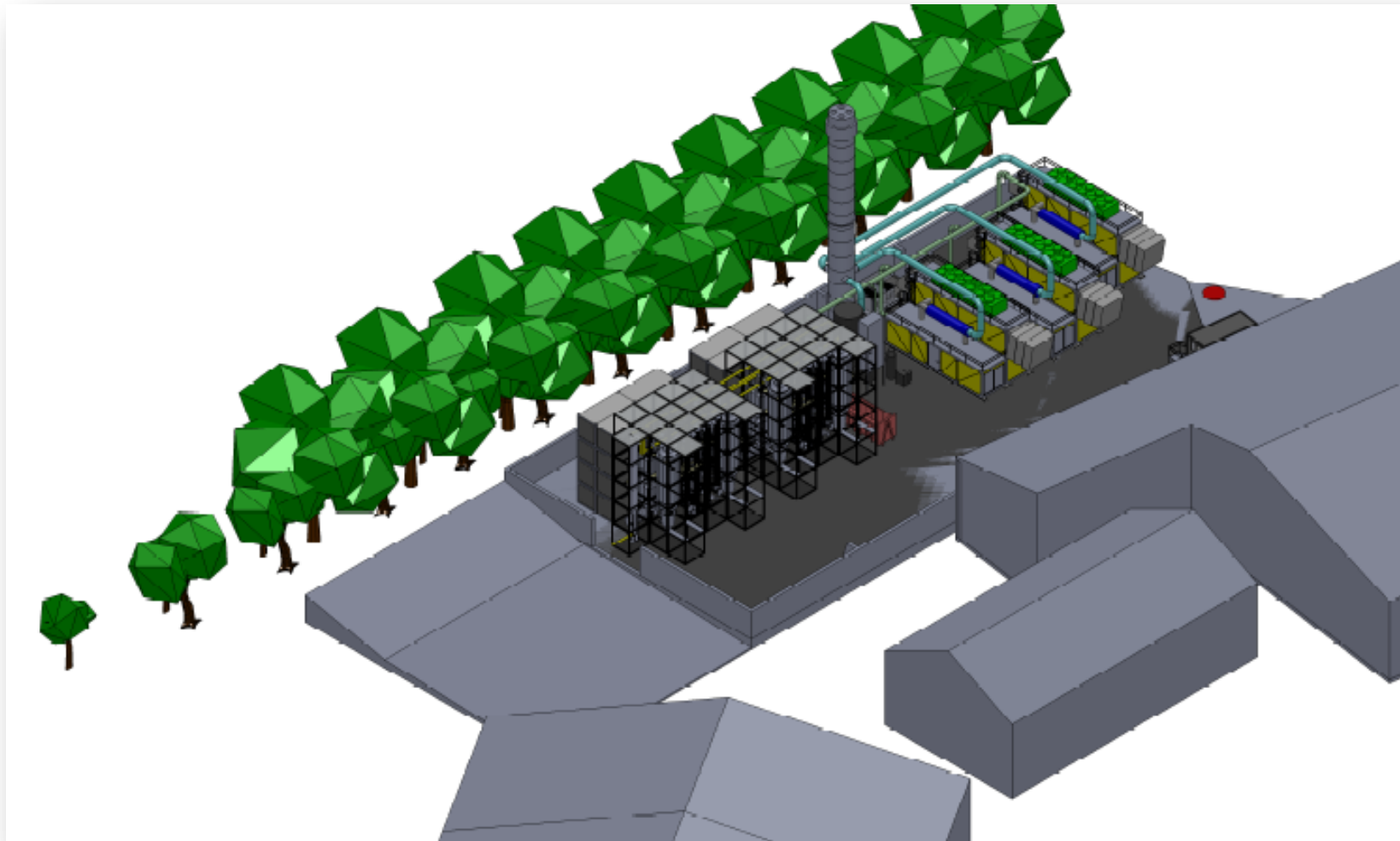


LCC/2023/0024 –proposed site layout



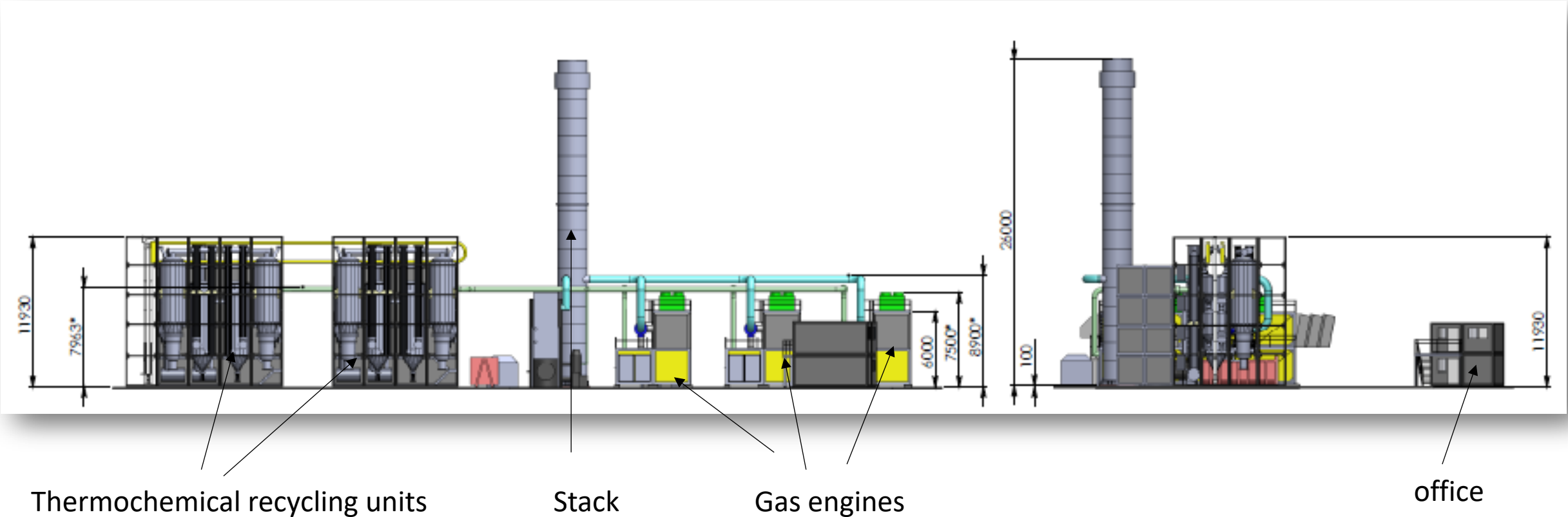
LCC/2023/0024 – Proposed Site layout





Front elevation

Side elevation







Site entrance



Existing building to be demolished



Building B in front of application site

Development Control Committee
Meeting to be held on 18 October 2023

Electoral Division affected:
Wyre Rural Central

Wyre Borough: application number: LCC/2023/0030

**The extraction and processing of sand and gravel including the construction of new site access roads, landscaping and screening bunds, minerals washing plant and other associated infrastructure with restoration to leisure end-uses, agricultural land and biodiversity enhancement, using imported inert fill.
Land off Bourbles Lane, Preesall**

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

Brief Summary

Application - The extraction and processing of sand and gravel including the construction of new site access roads, landscaping and screening bunds, minerals washing plant and other associated infrastructure with restoration to leisure end-uses, agricultural land and biodiversity enhancement, using imported inert fill. Land off Bourbles Lane, Preesall.

Recommendation – Summary

That the Committee visit the site before considering the planning application.

Applicant's Proposal

The planning application is for the extraction of approximately 500,000 tonnes of sand and gravel with site restoration being achieved using 220,000 m³ of imported inert fill materials.

The main features of the proposed development are:-

- Creation of a new junction and access road onto the B5270 Lancaster Road.
- Phase A: Creation of an area for offices, weighbridge and processing plant/stockpiling by excavating the in-situ sand and gravels and then creating a platform using imported fill materials. This phase would also include the

development of a new clean water lagoon and use of an existing fishing lake as a settlement lagoon for waste water from the processing plant.

- Phases 1-4 – Excavation of sand and gravel from four distinct phases. Each phase will commence with the soils being stripped and stored in bunds on the perimeter of each phase. The mineral would then be worked on a campaign basis and used to create a stockpile next to the processing plant.
- The stockpiled sand and gravel would then be progressively used to feed the processing plant which would clean and grade the material to produce a range of aggregate materials for construction purposes. The site would be capable of producing approximately 100,000 tonnes per year which would generate an average of around 20 heavy goods vehicle (HGV) loads per day.
- Each phase would be progressively restored after extraction is complete. Phase 1 would be restored using clay materials excavated from the site with the other extraction phases being backfilled using imported inert materials. Stripped soils would then be used to reinstate the land to the original land levels.
- The processing plant area would then be the final area to be restored using the soils stripped during Phase A.
- The restoration proposals include replacement of agricultural land. A number of lakes/wetland/habitat areas would also be created. The area used for the site offices/weighbridge would be used as a site for up to twelve holiday lodges.
- The total duration of the mineral extraction/backfilling development would be approximately seven years.

A full description of the proposed development will be provided when the application is reported for determination.

The planning application is accompanied by an Environmental Statement.

Description and Location of Site

The proposed development is located on an area of agricultural land to the north of the B537 Lancaster Road and A588 Head Dyke Lane, approximately 1.3km east of Preesall in Wyre Borough.

The application site is comprised of a number of flat agricultural fields divided by ditches or access tracks. Bourbles Lane which is a bridleway runs through the site in a north west to south east direction. Part of the site includes a number of lakes used as a course fishing facility.

There are a number of properties located close to the site boundaries including off Bourbles Lane, Gaulters Lane, Little Tongues Lane and Lancaster Road.

The site has very few trees, hedgerows or other landscape features. Phases 2 and 3 which are the northern and eastern areas of the site are located within the Pilling Moss – Head Dyke Biological Heritage Site designated for their value for overwintering birds associated with Morecambe Bay.

A full description of the site and surrounding area will be provided when the application is reported to the Committee for determination.



Advice

This planning application which was received in August 2023 proposes the working of a storm beach sand and gravel deposit. Parts of the deposit in this area have previously been worked giving rise to a number of fishing lakes in this area. This planning application is for the working of the remaining economic mineral resource in this area.

The planning application has already attracted over 500 representations. It is therefore considered that members of the Committee should visit the site and the surrounding area before they determine the application.

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

Paper	Date	Contact/Directorate/Ext
LCC/2023/0030	October 2023	Jonathan Haine Planning and Environment 01772 534130

Reason for Inclusion in Part II, if appropriate

N/A





Planning Application LCC/2023/0030

Extraction and processing of sand and gravel including construction of new access road, landscaping and screening bunds, minerals washing plant and other associated infrastructure with restoration to leisure end uses, agricultural land and biodiversity enhancement using imported inert fill.

Land off Bourbles Lane, Preesall

Planning application LCC/2023/0030: Site Location Plan



Application site

Planning application LCC/2023/0030: Site Location Plan



Development Control Committee
Meeting to be held on 18 October 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 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 – Summary

That the report be noted.

Since the last meeting of the Development Control Committee on the 06 September 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:

Lancaster

Application: No. SCP/2022/0002
South Lancaster to M6 road scheme
Scoping request for the proposed development of a new road scheme from South Lancaster to M6 junction 33.

Ribble Valley

Application: No. LCC/2023/0021
Ribblesdale Works, West Bradford Road, Clitheroe
Installation of a solid recovered fuel facility including two trailer docking stations, two buildings, bag filter structure, dosing unit building, conveyors and pipeline linking the dosing unit to the main burner.

Application: No. LCC/2023/0018
St Joseph's RC School, Whalley Road, Hurst Green
Erection of a modular building for new external classroom with increased size of building compared to the previously approved design.

Rossendale

Application: No. LCC/2023/0016
Rossendale Waste Water Treatment Works, Irwell Vale Road, Haslingden,
Rossendale
Installation of 2.4m high security fencing around electricity substation kiosk.

Pendle

Application: No. LCC/2023/0006
Colne Primet Academy, Dent Street, Colne
Variation of conditions 16 and 17 of permission LCC/2022/0032 (erection of two storey teaching block, alterations and car park) to amend the times for restricting deliveries and allow additional time to finalise a landscape design.

Recommendation

That the report be noted.

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

None