

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 26th February, 2014 at 10.00 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Present:

County Councillor Kevin Ellard (Chair)

County Councillors

T Aldridge	N Penney
P Buckley	P Rigby
M Dad	K Sedgewick
S Holgate	R Shewan
D Howarth	B Yates
M Johnstone	A Schofield

County Councillor Alan Schofield replaced County Councillor Michael Green on the Committee.

1. Apologies for absence

Apologies for absence were received on behalf of County Councillor Tony Jones.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor R Shewan declared a non pecuniary interest in agenda item 5 as the local member for the area concerned.

County Councillor P Buckley declared a non pecuniary interest in agenda items 7 and 8 as his wife is a member of the Borough Council for the area concerned.

County Councillor P Rigby declared a pecuniary interest in agenda items 7 and 8 as the applicant had been allowed to access his land for testing purposes.

County Councillor M Johnstone declared a non pecuniary interest in agenda item 9 as the local member for the area concerned.

County Councillor B Yates declared a non pecuniary interest in item 10 as a member of South Ribble Borough Council and as a parish councillor for the area concerned.

County Councillors D Howarth declared a non pecuniary interest in agenda item 10 as a member of South Ribble Borough Council.

County Councillor A Schofield declared a non pecuniary interest in item 10 as the local member for the area concerned.

County Councillor M Dad declared a non pecuniary interest in agenda item 12 as the local member for the area concerned.

County Councillor K Sedgewick declared a non pecuniary interest in item 13 as his grandson attends Queens Drive CP School.

County Councillor T Aldridge declared a non pecuniary interest in agenda item 14 as a member of West Lancashire Borough Council.

3. Minutes of the last meeting held on 15 January 2014

Resolved: That the Minutes of the meeting held on the 15 January 2014 be confirmed and signed by the Chair.

4. Lancaster City: Application 01/13/1267 Erection of three kiosks, transformer compound and landscaping. Lancaster Waste Water Treatment Works, Old Aldcliffe Lane, Stodday, Lancaster.

A report was presented on an application for the erection of three kiosks, a transformer compound and landscaping at Lancaster Waste Water Treatment Works, Old Aldcliffe Lane, Stodday, Lancaster.

The report included the views of Lancaster City Council, Lancashire County Council's (LCC) Developer Support (Highways) LCC Specialist Advisor (Ecology), LCC Specialist Advisor (Landscaping), the Environment Agency, National Grid Gas and Electricity and details of one letter of objection received.

The Deputy Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown photographs of the access roads to the site.

It was reported orally that Lancaster City Council's Environmental Health Officer had recommended that further information should be provided regarding noise emissions from kiosks and transformers and the likely impact on the nearest residential properties.

The committee was advised that Condition 4 requires that equipment shall be fitted with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

Resolved: That planning permission be **granted** subject to the conditions set out in the report to the Committee:

**5. Wyre Borough: Application No. 02/13/0786
Erection of odour control unit, control kiosk, underground storage tank and associated connecting shaft, access road, ground re-profiling works, temporary construction access and compounds.
Fleetwood Waste Water Treatment Works, Jameson Road, Fleetwood.**

A report was presented on an application for the erection of an odour control unit, control kiosk, underground storage tank and associated connecting shaft, access road, ground re-profiling works, temporary construction access and compounds at Fleetwood Waste Water Treatment Works, Jameson Road, Fleetwood.

The report included the views of Wyre Borough Council, the LCC Developer Support (Highways) and the Environment Agency. The committee noted that no letters of representation had been received.

The Deputy Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown an illustration of the site layout and proposed landscape plan and a photograph of the access road to the site.

Members welcomed the proposals especially the proposed odour control unit which it was hoped would mitigate any odours emanating from the site.

Resolved: That subject to the applicant first entering into an amended Section 106 Agreement in relation to the landscaped ecological mitigation area, planning permission be **granted** subject to the conditions set out in the report to the committee.

**6. Ribble Valley Borough: Application ref 03/12/0940
Variation of condition 13 of planning permissions 03/96/0772, 03/96/0773 and 03/96/0774 to allow part of Lanehead Quarry to be deepened to minus 31 metres AOD (above ordnance datum).
Lanehead Quarry, Ribblesdale Cement Works, Clitheroe**

A report was presented on an application for the variation of condition 13 of planning permissions 03/96/0772, 03/96/0773 and 03/96/0774 to allow part of Lanehead Quarry to be deepened to minus 31 metres AOD (above ordnance datum). Lanehead Quarry, Ribblesdale Cement Works, Clitheroe.

The application was accompanied by an Environmental Statement that examined the impacts of the proposed quarry deepening on the water environment and the impacts on local amenity due to the increased duration of quarrying activities.

The report included the views of Ribble Valley Borough Council, Natural England, Network Rail, LCC's Developer Support (Highways), the Environment Agency and details of five letters of representation received.

The Deputy Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown a photograph of the site and illustrations showing the geology of the site, the groundwater impacts and a cross section of the site.

Officers responded to concerns raised by the members in relation to the proximity of nearby residential properties and the effects of blasting vibration on those properties. Officers also responded to concerns raised with regard to the impact of the proposals on the local highway network.

In response to further concerns raised by the Members, it was agreed that condition 28 to the planning permission be amended to ensure that the discharge pipeline to the Chatburn/Heys Brook was in place prior to the quarry being deepened below 17m AOD. It was agreed that the wording of such condition be delegated to the Executive Director for the Environment in consultation with the Chair and Deputy Chair of the Development Control Committee.

Resolved: That having taken into account the environmental information as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 submitted in connection with the application, planning permission be granted, subject to the conditions set out in the report to the committee and subject first to:

- i) the signing of a section 106 agreement relating to the implementation of a water monitoring and mitigation scheme; and
- ii) an amendment to the wording of Condition 28 to ensure that the discharge pipeline is in place prior to the quarry being deepened below 17m AOD. Such amendment to be delegated to the Executive Director of Environment in consultation with the Chair and Deputy Chair of the Development Control Committee.

**7. Fylde Borough: Application ref 05/12/0729
Variation of Condition 2 of planning permission 05/10/0634 to extend the time limits for the restoration of the site to 31 July 2014 and excluding any drilling or hydraulic fracturing. Annas Road Exploration Site, Annas Road, off Peel Road, Westby, Blackpool.**

County Councillor Rigby left the room during consideration of this item as he had declared a pecuniary interest.

A report was presented on an application for the variation of Condition 2 of planning permission 05/10/0634 to extend the time limits for the restoration of the site to 31 July 2014 and excluding any drilling or hydraulic fracturing at Annas Road Exploration Site, Annas Road, off Peel Road, Westby, Blackpool.

The report included the views of Fylde Borough Council, Weeton-with-Plumpton Parish Council, the LCC Developer Support (Highways), the LCC Specialist Advisor (Ecology), the Environment Agency, National Air Traffic Services Limited and Natural England. It was noted that no letters of representation had been received from local residents.

The Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown a site layout plan, a vehicle routing plan and a map showing biological heritages site designations together with photographs of the site from various aspects.

Resolved: That planning permission be **granted** subject to the conditions set out in the report to the committee.

**8. Fylde Borough: Application No. 05/13/0800
Variation of Condition 1 of planning permission 05/11/0431 to extend the period of time for the restoration of the site to 31 July 2014.
Preese Hall Exploration Site, Preese Hall Farm, Weeton, Kirkham, Preston.**

County Councillor Rigby left the room during consideration of this item as he had declared a pecuniary interest.

A report was presented on an application for the variation of Condition 1 of planning permission 05/11/0431 to extend the period of time for the restoration of the site to 31 July 2014 at Preese Hall Exploration Site, Preese Hall Farm, Weeton, Kirkham, Preston.

The report included the views of the LCC Developer Support (Highways), the Environment Agency and details of one representation received from Friends of the Earth (FOE) on behalf of two local pressure groups.

The Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown a site layout plan, a vehicle route plan and photographs of the site and access road.

It was reported orally that the Health and Safety Executive (HSE), the Environment Agency (EA) and the LCC Specialist Advisor (Ecology) had submitted additional comments in response to the representation from Friends of the Earth. These were set out in the Update Sheet circulated at the meeting. (Copy set out at Annex A to the Minute book).

The committee was advised that the additional comments made by the EA and the HSE demonstrated that there was sufficient regulation in place to ensure the well was abandoned in a way that was safe and prevented contamination and that the risks associated with such would be properly managed. On this basis it was considered reasonable for the County Council to defer to such regulations and be satisfied that the risks associated with such did not need to be addressed by an Environmental Impact Assessment.

To avoid impacts on the adjacent Lucas Flash Wood and areas of vegetation such as hedges, the following additional conditions were proposed requiring the implementation of protection measures and the restriction of vehicle movements and the storage of materials only to those areas within the red edge of the planning application.

'All hedges and trees forming part of the boundaries of the red edge of the application site shall be protected from any damage and maintained throughout the restoration of the site.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policies SP2 and EP12 of the Fylde Borough Local Plan.'

'Vehicle movements and the storage of materials shall be restricted only to those areas within the red edge of the planning application.

Reason: In the interests of local amenity and the local environment and to conform with Policies SP2 and EP12 of the Fylde Borough Local Plan.'

The following advice note was also proposed:

'Note: The developer should be aware of the possibility of encountering protected and priority species and of the correct procedure to follow in the event that any such species are found to be present during works including the possibility of the presence of amphibians in the open drainage ditch along the west side of the drilling platform.'

In response to questions raised by the Members, the Group Head confirmed that the HSE had confirmed that the Offshore Installations and Wells (Design and Construction etc) Regulations 1996 were applicable to both onshore and off-shore wells/installations. In terms of liability for any potential failure of plugged boreholes, it was confirmed that the plugging and abandonment of any well were matters for the HSE, the Department for Energy and Climate Change and the Environment Agency and their respective regulatory regimes.

Resolved: That planning permission be **granted** subject to the conditions set out above and the inclusion of the additional conditions and note as set out above.

**9. Burnley Borough: Application 12/13/0509
Retrospective application for change of use from B2 Industrial use
to a vehicle recycling centre, Green Lane Mill, Stockbridge Road,
Padiham, Burnley.**

A report was presented on a retrospective application for the change of use from B2 industrial use to a vehicle recycling centre at Green Lane Mill, Stockbridge Road, Padiham, Burnley.

The report included the views of Burnley Borough Council, the Environment Agency and details of one letter of representation received.

The Deputy Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown a photograph of the access road to the site.

Resolved: That planning permission be **granted** subject to the conditions set out in the report to the committee.

**10. South Ribble Borough: application 07/13/0660/1
Compliance with condition 4, site layout, condition 6, contractors
compound, condition 7 noise, condition 10, traffic light layout and
condition 12 landscaping of permissions 07/13/0660 and 03/13/0852.
Land at A59/Samlesbury Enterprise Zone, Samlesbury**

The committee was reminded that at their last meeting they had granted planning permission for the creation of a new signalised junction on the A59 and access road to form an entrance to Samlesbury Enterprise Zone subject to the submission of details for the purposes of conditions 4, 6, 7, 10 and 12 to the planning permission.

By application dated 7 February 2014 details were submitted for the purposes of these conditions. The details included:

Condition 4 – a series of plans showing general arrangements of the road scheme,; site clearance plans; drainage plan; typical cross sections; construction plans; road marking plan; road signs plans; sign schedule; traffic signals; and details of road lighting and illuminated traffic sign cabling works.

Condition 6 – details of the contractor's compound, its construction, illumination, parking and restoration and plans identifying vehicle routing during the construction phase of the development to ensure vehicles avoid the use of Branch Road.

Condition 7 – a noise survey and associated calculations and results concluding that there would be no discernable increase in noise levels at Sykes Holt and

Carter Fold that would be sufficient to necessitate additional noise mitigation measures.

Condition 10 – details of traffic tight loop system and turning reservations to ensure the safe egress and ingress to Sykes Holt.

Condition 12 – details of landscape and ecology specification.

The Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown photographs of the site and an illustration of the site layout, the contractor's compound, the traffic light loop indicator system, proposed vehicle routing and proposed landscaping.

The Group Head reported orally that the submitted details for the lighting of the contractor's compound for the purposes for condition 6 were acceptable and could be approved.

Officers responded to concerns raised with regard to a recent noise survey that had been undertaken to assess the predicted increase in noise levels at the two properties, Sykes Holt and Carter Fold. Following debate it was agreed that the Executive Director for Environment be asked to undertake further noise monitoring following the construction of the junction should complaints relating to noise be received from the two properties concerned.

Councillor Schofield pointed out that noise levels at the properties could be mitigated further by replacing the current fencing to the frontage of the properties with solid fencing.

The committee welcomed the proposed footpath improvements and proposed signage for contractor's vehicles on Branch Road.

Resolved: That the details submitted for the purposes of conditions 4, 6, 7, 10 and 12 to planning permission 07/13/0660 and 03/13/0852 be approved.

**11. Pendle Borough: Application 13/13/0571
Two new access points to rear building elevation to Leonard Street
and existing wall to be removed to form a level play area at Gisburn
Road Primary School, Gisburn Road, Barnoldswick**

A report was presented on an application for the two new access points to the rear building elevation to Leonard Street and existing wall to be removed to form a level play area at Gisburn Road Primary School, Gisburn Road, Barnoldswick

The report included the views of Pendle Borough Council, the LCC Developer Support (Highways), the LCC Archaeology Service and details of three letters of representation received.

The Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown photographs of the access roads to the site.

Resolved: That planning permission be **granted** subject to the conditions set out in the report to the committee.

**12. Hyndburn Borough Council: Application Number: LCC/2014/0004
New single storey extension to provide additional nursery and office accommodation including the relocation and extension to the existing canopy. Fairfield Children's Centre, Fairfield Street, Accrington**

A report was presented on an application for a new single storey extension to provide additional nursery and office accommodation including the relocation and extension to the existing canopy at Fairfield Children's Centre, Fairfield Street, Accrington.

The report included the views of the LCC Developer Support (Highways) and details of thirteen letters of representation received.

The Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown an illustration of the proposed extension and photographs of the site, the entrance to the Centre and Fairfield Street.

The Group Head reported orally that a further representation had been received showing three photographs, two photographs taken during mid-week showing parked cars on Fairfield Street and the third photograph taken on a Saturday with no parked cars.

The Head Teacher of the Children's Centre, Liz Klavins, addressed the committee and spoke in support of the application. She explained that the school was not seeking to increase the number of children attending the Centre but to reorganise the delivery of service to provide nursery school places split over two sessions, morning and afternoon. This would lead to a small reduction in pupil numbers and possibly two full time staff. It was also proposed to decrease the number of weeks the nursery would open from 52 to 38 in line with school term time. It was acknowledged that the parking situation on the surrounding residential streets was unsatisfactory however; some of the vehicles were associated with the industrial factory across the road from the school and nearby community building and church. It was hoped that changing from a day care provider to a term time provider would help improve the traffic situation.

County Councillor Dad informed the committee that as the local member for the area, he had raised concerns with regard to the traffic situation and had worked with the school and local businesses to bring about some improvements including the imposition of a 20 mph speed limit on Fairfield Street.

Resolved: That planning permission be **granted** subject to the conditions set out in the report to the committee.

**13. Preston City: application no. LCC/2014/0012
Detached 30 pupil classroom at Queens Drive Community Primary,
Black Bull Lane, Fulwood, Preston**

A report was presented on an application for the construction of a detached 30 pupil classroom at Queens Drive Community Primary, Black Bull Lane, Fulwood, Preston.

The report included the views of the Environment Agency and United Utilities.

The Group Head, Development Management, reported orally that since the publication of the committee report, the views of Preston City Council, the LCC – Developer Support (Highways) and one letter of representation which included a petition of 20 signatures had been received. Details of the representations together with the officer's response were set out in the Update Sheet and circulated at the meeting (copy set out in the Minute Book at Annex A).

The Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown an illustration of the proposed building in situ and a photograph of the site.

Resolved: That planning permission be **granted** subject to the conditions set out in the report to the committee.

**14. West Lancashire Borough: application LCC/2014/0015
Extension to car park to create an additional 11 car parking spaces
and the erection of 4x6m high lighting columns at Whiteledge
Centre, Spencer Lane, Skelmersdale**

A report was presented on an application for the extension to a car park to create an additional 9 car parking spaces and an additional 2 disabled parking spaces and the erection of 4x6m high lighting columns at Whiteledge Centre, Spencer Lane, Skelmersdale.

The report included the views of the LCC Lighting Engineer and details of one letter of representation received.

The Deputy Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown a site layout plan and a photograph of the access road to the site.

Resolved: That planning permission be **granted** subject to the conditions set out in the report to the committee.

**15. Rossendale Borough: application LCC/2014/0016
30 pupil classroom extension and additional tarmac area at
Britannia Community Primary, Rochdale Road, Bacup**

A report was presented on an application for a 30 pupil classroom extension and additional tarmac area at Britannia Community Primary, Rochdale Road, Bacup.

The Group Head, Development Management, presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown an illustration of the proposed extension and photographs showing the location of both the extension and tarmac area.

The Group Head reported orally that Rossendale Borough Council had raised no objection to the proposal.

Resolved: That planning permission be granted subject to the conditions set out in the report to the committee.

16. Planning Applications determined by the Executive Director for Environment 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 15 January, 2014 fourteen planning applications had been granted planning permission by the Executive Director for Environment in accordance with the Council's Scheme of Delegation.

Resolved: That the report be noted.

17. Urgent Business

There were no items of urgent business.

18. Date of Next Meeting

Resolved: That the next meeting of the committee be held on Wednesday 9 April 2014 at 10.00 am.

Update sheet attached at Annex A.

I M Fisher
County Secretary and Solicitor

County Hall
Preston

Annex A

Development Control Committee Update – 26th February 2014

Item 4 - Application 01/13/1267 – Lancaster Waste Water Treatment Works

Lancaster City Council – the EHO recommends that further information should be provided regarding noise emissions from kiosks and transformers and the likely impact on the nearest residential properties.

Advice

Condition 4 requires that equipment shall be fitted with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

Item 8 – Application 05/13/0800 – Preese Hall

Health and Safety Executive – Additional comments in response to Friends of the Earth representation.

"Third, the well is deformed following the earthquakes which occurred at the site April - May 2011"

The lower part of the production casing was deformed during the fracing operations on the well. The deformed casing was at a greater depth than higher perforated and fraced zones and played no further part in the integrity of the well.

This well has, subsequent to the deformation of the casing, been long term suspended with cement from 7000ft to 8500ft which was pressure tested and a bridge plug at 4000ft. This is in excess of the minimum requirements of Oil and Gas UK Guidelines on the suspension and abandonment of wells. The well has been monitored post suspension for any pressures and none have been found indicative of a good hydraulic seal between formations and the production casing.

For the abandonment of the well the Well Operator will submit a notification to the Executive with details of the abandonment programme. The notification, as required by the "Borehole sites and operations regulations 1995" will need to comply with the "Wells aspects of the offshore installations and wells regulations 1996" and also the minimum requirements as set out in the Oil and Gas UK Guidelines for the suspension and abandonment of wells.

The notification will be inspected by a Well Operations Inspector of the Executive and will also be examined by the Well Operators Independent Well Examiner

It should be noted that in the letter reference is made to "well head integrity" being lost. This is not the case - both the well head and borehole have been tested and demonstrate full pressure integrity.

Notifications and material changes to notifications have been submitted by the Well Operator in compliance with the Borehole sites and operations regulations 1995. [It should be noted that the legal requirement for submission of notifications is a minimum of 21 days prior to start of the operations and they do not have to be submitted at the time of a planning application].

Each Notification and material change has been inspected by a Well Operations Inspector. A notification for the full abandonment has recently been submitted by the Well operator which will be inspected by a Well Operations Inspector for compliance with the "Wells aspects of the offshore installations and wells regulations 1996" and also the minimum requirements as set out in the Oil and Gas UK Guidelines for the suspension and abandonment of wells.

The EA make their own assessment of protection of ground water through their own legislation at the design stage of the borehole. This assessment is augmented by the inspection of the well notification of the borehole design by the Executives Well Operations Inspector and also by the Independent well Examiners examination of the design documents. These assessments were made at the initial design of the borehole and the design passed as suitable for ground water protection. There is a duty on the Well Operator to take into account the final abandonment of the well at the design stage of the borehole

Uncertainty about the plan

As stated above the Well Operator need legally only submit a compliance notification with the Borehole sites and operations regulations for well abandonment a minimum of 21 days prior to start of operations and not with the planning application. The Well Operator has included an outline programme I would suggest to be proactive with the planning authorities. The final well abandonment will be inspected by a Well Operations Inspector of the Executive

Environment Agency – Additional comments in response to Friends of the Earth representation.

Consideration of Risk to Groundwater through Well abandonment

The Environment Agency is the competent authority in England for protecting groundwater and implementing the requirements of the Groundwater Directive 2006/118.

Before any gas or oil operation starts in England, operators must submit details of their plans to the Environment Agency (EA). The plans must contain a hydro-geological assessment, including details of the presence of groundwater or surface water, details of borehole construction, monitoring plan, fracturing fluids.

The Environment Agency assesses the proposal's risks and decides whether to issue a permit to protect groundwater under the Environmental Permitting (England and Wales) Regulations 2010 (Groundwater Activity Permit). If groundwater could be contaminated, either directly by drilling fluids, frack fluids or indirectly by a substance disturbed by the borehole or fracking, then we may find the risk to the environment unacceptable and not grant a permit. A permit may be issued if the risk is, or can be limited, by, for example, the geology, the design of the well, monitoring or limiting the concentration of chemicals.

All operators must comply with a comprehensive set of health and safety regulations on well design, construction, operation and monitoring to minimise the risk of leaks regulated by the Health & Safety Executive. Like all oil and gas operations, drilling must be done in accordance with best industry practice and standards established in consultation with the Department of Energy and climate change.

A determination for the need for Cuadrilla to apply for a Groundwater Activity Permit was carried out in June 2010. It was determined that no groundwater activity was going to be taking place and therefore no Groundwater Activity permit would be required. This was concluded on the basis that the Bowland Shale strata does not contain groundwater and is not in connection with any strata containing groundwater, and that the borehole is designed to ensure that there is no interconnection between any groundwater bearing strata or with surface features.

The Environment Agency also reviewed the chemicals used by Cuadrilla in its 'fracking' fluid to ensure they were classed as non-hazardous under the Groundwater Directive 2006. Our decision was peer-reviewed by the Joint Agencies Groundwater Directive Advisory Group (JAGDAG). The Joint Agencies Groundwater Directive Advisory Group (JAGDAG) reviews assessments made by the agencies. JAGDAG comprises the Environment Agency (EA), the Scottish Environment Protection Agency (SEPA), the Northern Ireland Environment Agency (NIEA), the Environmental Protection Agency Ireland (EPA), Health Protection Agency (HPA), Department of Environment, Food and Rural Affairs (Defra), Welsh Assembly Government (WAG) and industry representatives. Assessments are then subject to public consultation, and may be subject to further review by the respective governments, before a final determination is made. Hazardous substances must be prevented from entering groundwater and the input of non-hazardous pollutants must be limited to ensure that groundwater does not become polluted. JAGDAG's role is to advise on the determination of the status of substances

For the site, at this time it was determined that sufficient information had been supplied to satisfy the requirement to notify the Environment Agency of the intent to drill a borehole to explore for mineral under s.199 notification of the Water Resources Act, and that no further notification would be required. It was not considered necessary to issue a conservation notice under s.199(2) to protect groundwater or a Groundwater Activity Permit. The Environment Agency only issue conservation notices when specific actions are required to be carried out by the operator.

The Environment Agency subsequently reviewed the impact of the seismic activity on the well at Preese Hall in that occurred in 2011 and do not consider that there

was any increased risk of pollution to groundwater. We are satisfied that the assessment carried out to determine that the site did not require a Groundwater Activity Permit remained valid. Our assessment concluded that there continued to be no requirement to permit the hydraulic fracturing operations under requirements of the Groundwater Directive 2006/118.

The seismic activity caused a deformation of the borehole close to the base of the well around 8500ft below the ground and was the subject of an independent report that Cuadrilla commissioned for the Department of Energy and Climate Change (DEC) ' Geomechanical study of Bowland Shale Seismicity' dated November 2011. The location, at greater depth than the higher perforated and hydraulically fractured zones and degree of the deformation makes it clear that the wellbore integrity was not compromised.

When operations finish, the operator is responsible for safe abandonment of the well and for restoring the well-site to its previous state or a suitable condition for re-use. The procedures for abandoning a well ensure that all the fluids it contains are permanently sealed. This is done by inserting cement plugs to seal the well, removing some of the steel casing and fitting a steel cap, in compliance with the Oil & Gas UK guidelines for the suspension and abandonment of wells regulated by the Health and Safety Executive.

As part of this process the Environment Agency has written to Cuadrilla requiring that additional information should be provided to the Environment Agency to identify any fluids remaining either within the vertical well bore or within the rocks from the fracturing process, together with a risk assessment to confirm that that any such fluids do not present a risk to any groundwater. The details submitted should include the potential processes which could result in fluids discharging into a groundwater bearing strata. We would hope to receive this information at least 28 days prior to work commencing on site.

On the basis of this information the Environment Agency will assess the proposal's risks and decides whether to issue a permit to protect groundwater under the Environmental Permitting (England and Wales) Regulations 2010. If groundwater could be contaminated, either directly by drilling fluids, frack fluids or indirectly by a substance disturbed by the borehole or fracking, then we may find the risk to the environment unacceptable and not allow the abandonment of the well to proceed. A permit may be issued if the risk can be limited by, for example, the design of the process or monitoring.

Mining Wastes

The Environment Agency is the competent authority in England for protecting implementing the requirements of the Mining waste Directive 2006/118.

In December 2011 the Environment Agency received guidance from the European Commission to consider the flow back fluid from Hydraulic Fracturing under the Mining Waste Directive. We made UKOOG (United Kingdom On Shore Operators Group for Oil and Gas) aware that future oil and gas exploratory sites would require an application for a mining waste permit under EPR 2010.

The management of extractive waste from drilling and stimulating onshore oil and gas wells will require an environmental permit. Permits will be issued under the Environmental Permitting (England and Wales) Regulations 2010 for a mining waste operation, namely the management of extractive waste whether or not it involves a waste facility. Any new permits will include the extractive waste generated from the well abandonment phase.

The Environment Agency's regulatory position statement (LIT9054) Onshore oil and gas well decommissioning and abandonment for wells drilled prior to 1 October 2013 sets out our position where oil or gas wells were drilled before 1 October 2013 and the only new activity which would require a permit for a mining waste operation is the management of extractive waste, not involving a waste facility, generated by well abandonment.

This means that the Environment Agency would not require an environmental permit under the 2010 regulations to be in place to manage the wastes arising from well abandonment at Anna's Road and Presse Hall sites, provided certain conditions have been met.

1. The Health and Safety Executive is satisfied that the following regulations are complied with in full;

- The Borehole Sites and Operations Regulations 1995; and
- The land-based requirements of the Offshore Installations and Wells (Design & Construction etc)

Regulations 1996; and under which an operator is required to appoint an independent well examiner for well abandonment (and well suspension) designs and operations.

2. The following guidance is complied with in full;

UK Onshore Operators Group (UKOOG) entitled "UK Onshore Shale Gas Well Guidance"

<http://www.ukoog.org.uk/elements/pdfs/ShaleGasWellGuidelines.pdf>; and Environment Agency, Good Practice for Decommissioning Redundant Boreholes and Wells October 2012. (LIT 6478 / 657_12) http://a0768b4a8a31e106d8b0-50dc802554eb38a24458b98ff72d550b.r19.cf3.rackcdn.com/LIT_6478_8cbe6f.pdf

3. The Petroleum Exploration and Development Licence issued by DECC is complied with in full:

4. The activities do not include the management of extractive waste involving a waste facility: and

5. The requirements of Article 4 of the Mining Waste Directive are complied with namely, that extractive waste is managed without endangering human health and

without using processes or methods which could harm the environment, and in particular without risk to water, air, soil and fauna and flora, without causing a nuisance through noise or odour and without adversely affecting the landscape or places of special interest.

Waste that is removed from site will need to comply with normal regulatory requirements, including duty of care and must be transported to a suitably permitted waste management facility.

Our position is qualified in that if any of the requirements above are not complied with in full or there is a risk of pollution, we have made it clear that we will take enforcement action in line with our Enforcement and Sanctions guidance. This can be found on the 'How we regulate you' page in the Business & Industry section of our web site at.

<http://www.environmentagency.gov.uk/business/regulation/default.aspx>

This position relates only to the need for a permit to authorise a mining waste operation limited to the management of extractive waste not involving a waste facility. It does not extend to any other form of regulated facility as defined in the 2010 regulations. For example compliance with the groundwater directive as we have set out above.

We have written to Cuadrilla and asked them how they intend to provide evidence to demonstrate the requirements of the position statement have been met.

In summary

The Environment Agency is the competent authority for the legal implementation of the Groundwater and Mining Waste Directives. The Environment Agency would not anticipate that the Planning Committee could or would want to make a decision on their implementation.

LCC Specialist Advisor (Ecology) – No objection but advise that appropriate working methods should be adopted to prevent any impact on both nesting birds within the site or the adjacent woodland and upon any amphibians within the site.

Advice

The additional comments made by the EA and the HSE demonstrate that there is sufficient regulation in place to ensure the well is abandoned in a way that is safe and prevents contamination and that the risks associated with such are properly managed. On this basis it is considered reasonable for the County Council to defer to such regulations and be satisfied that the risks associated with such do not need to be addressed by an EIA.

To avoid impacts on the adjacent Lucas Flash Wood and areas of vegetation such as hedges, additional conditions are proposed requiring the implementation of protection measures and the restriction of vehicle movements and the storage of materials only to those areas within the red edge of the planning application. An

advice note is also proposed regarding the need for site workers to be made aware of the possibility of encountering protected and priority species and of the correct procedure to follow in the event that any such species are found to be present during works such as, for example, the movement of any amphibians found in the open drainage ditch along the west side of the drilling platform.

Additional conditions:

'All hedges and trees forming part of the boundaries of the red edge of the application site shall be protected from any damage and maintained throughout the restoration of the site.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policies SP2 and EP12 of the Fylde Borough Local Plan.'

'Vehicle movements and the storage of materials shall be restricted only to those areas within the red edge of the planning application.

Reason: In the interests of local amenity and the local environment and to conform with Policies SP2 and EP12 of the Fylde Borough Local Plan.'

Note: The developer should be aware of the possibility of encountering protected and priority species and of the correct procedure to follow in the event that any such species are found to be present during works including the possibility of the presence of amphibians in the open drainage ditch along the west side of the drilling platform.

Item 10 – Application 07/13/0660/1 – Samlesbury junction

LCC – Lighting – proposed lighting is acceptable and can be approved

Advice

The submitted details for the lighting of the compound for the purposes of condition 6 are acceptable and can be approved.

Item –13 Application LCC/2014/0012 – Queens Drive Community Primary

Preston City Council – No objection

LCC –Developer Support (Highways) - No objection as long as the loss of the play area is not to future detriment of existing car parking spaces. If in future a replacement play area is required, this should not be to the detriment of the number of car parking spaces provided within the site.

One letter of representation which includes a petition of 20 signatures has been received raising the following summarised points:

- The proposal would be unacceptable on the surrounding roads and would not comply with Policy ST2 of the Preston Local Plan 2012-2026 and Policy T19 of the adopted Preston Local Plan 2004
- The proposal would have a detrimental effect on highway safety, parking and increase in litter.
- There would be an increase in traffic congestion, greater danger to life through inappropriate parking and more tension in the community.
- There has been a history of endless complaints about the volume, unsafe driving and parking obstruction to the schools as well as the police and at the PACT meetings.
- Bats have been spotted in my garden every night together with a newt with orange/black spots.
- The proposal would have an impact upon the Conservation Area particularly by virtue of noise.

Advice

Policy ST2 General Transport Considerations of the Preston Local Plan 2012-2026 carries limited weight as the Plan has not been formally adopted. Policy T19 General Transport Considerations of the Adopted Preston Local Plan 2004 is a saved policy and provides a framework to consider the full impact of development on all highway users. It is acknowledged that there would be an increase of 2 staff members and that similar to most schools across the County there are issues with car parking at dropping off and picking up times. LCC Highways has advised that they have no objection to the proposal and it is therefore considered that the proposal would not have a detrimental impact upon the existing traffic conditions and meets the aims of Policy T19 of the adopted Preston Local Plan.

As no trees would be felled and the free standing school building would be constructed on an existing hard playground, the proposal would not impact upon protected species.

The Harris Conservation Area forms the southern boundary of the school site but the application site is approximately 68m to the north of the Conservation Area with part of the existing school buildings and school car park in between. As the development is small scale and at an existing school site it is considered that any noise would not unduly impact upon the Conservation Area.

Item - 12 Application LCC/2014/0004 – Fairfield Nursery

Representation received showing three photographs, two photographs taken during mid-week showing parked cars on Fairfield Street and the third photograph taken on a Saturday with no parked cars.

Item - 15 Application LCC/2014/0016 – Britannia Community Primary School

Rossendale Council- No objection