

Lancashire County Council

Development Control Committee

Wednesday, 20th May, 2015 at 10.00 am in Cabinet 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 8 April 2015** (Pages 1 - 8)

The committee are asked to agree that the Minutes of the last meeting held on 8 April 2015 be confirmed and signed by the Chair.
4. **Fylde Borough: application number. LCC/2014/0084 Retention of the site compound and access track for a further three years to allow pressure testing and seismic monitoring of the Bowland Shale reservoir, followed by plugging and abandonment of the existing exploratory well and site restoration. Grange Road Shale Gas Exploration Site, Land on south side of Grange Road, Singleton.** (Pages 9 - 48)
5. **Wyre Borough: Application No. LCC/2014/0144 Retrospective planning application for the variation of conditions 3 and 9 of planning permission 02/11/0876 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, and to allow the doors of the waste transfer building to be open only while plant is operating but only for the ingress and egress of vehicles requiring access to the building. Lancashire Waste Recycling Limited, Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.** (Pages 49 - 70)

6. **Wyre Borough: Application No. LCC/2014/0145** (Pages 71 - 96)
Retrospective planning application for the variation of conditions 4, 12 and 17 of planning permission 02/11/0877 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, to allow the waste imported to the site for processing to have low levels of food contamination, and to allow the doors of the waste transfer building to be open while plant is operating only for the ingress and egress of vehicles requiring access to the building. Lancashire Waste Recycling Limited, Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton
7. **Wyre Borough: Application No. LCC/2014/0146** (Pages 97 - 112)
Retrospective application for the retention of an air filtration system consisting of a pre-filter unit, a shipping container to house a carbon filter unit, single storey extension to contain the air filtration fan assembly, steel ducting and 16.6 metre high steel vent stack on the east and south elevations of the waste transfer buildings, a single storey extension to provide a site substation plant room on the south elevation of the waste transfer building, the relocation of a weighbridge, the provision of a demountable unit for use as a reception/ office, three shipping containers for use as a canteen, showers and mess rooms, and the construction of a secure cycle. Lancashire Waste Recycling Ltd. Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.
8. **Chorley Borough: application number LCC/2015/0014** (Pages 113 - 132)
Extension to the area of phased extraction of sand and gravel and infilling with inert waste for restoration purposes, back to agriculture and conservation at Sandons Farm, Sandy Lane, Adlington, Chorley

9. **Lancaster City: Application No. LCC/2015/0025** (Pages 133 - 146)
Two storey, eight bedroom detached Children's Residential Home to replace the existing home at 234 Bowerham Road, together with a 7 space car park, private garden amenity space and separate vehicle and pedestrian accesses from Bowerham Road. Land adjacent to 234 Bowerham Road, Lancaster.
10. **Planning Applications determined by the Head of Service Planning and Environment in accordance with the County Council's Scheme of Delegation.** (Pages 147 - 150)
11. **West Lancashire Borough: Application No. LCC/2015/0026**
Retrospective change of use of land and buildings from general industrial use to the recycling of non-hazardous waste plastics, and an extension to the existing warehouse building for the storage of materials associated with the plastics recycling business and for the provision of an office block and staff welfare facilities. Mulberry Waste Limited, Unit 1, Station Yard Factory, Station Road, Rufford.
Report to follow.
12. **Urgent Business**
An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.
13. **Date of Next Meeting**
The next meeting of the Development Control Committee will be held on Tuesday 23 June 2015 at 10.00 a.m. in the Council Chamber at County Hall, Preston.

I Young
Director of Governance,
Finance and Public Services

County Hall
Preston

Agenda Item 3

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 8th April, 2015 at 10.00 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Present:

County Councillor Munsif Dad (Chair)

County Councillors

T Aldridge	M Johnstone
P Buckley	N Penney
M Devaney	P Rigby
M Green	K Sedgewick
P Hayhurst	K Snape
C Henig	B Yates
S Holgate	

1. Apologies for absence

Apologies for absence were received from County Councillor D Howarth.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor N Penney declared a non pecuniary interest in Items 6, 7 & 8 of the agenda as the Chair of the Board of Lancashire County Developments Limited who had been approached by the applicant for a business loan.

3. Minutes of the last meeting held on 25 February 2015

Resolved: That the Minutes of the last meeting held on 25 February 2015 be confirmed and signed by the Chair.

4. **South Ribble Borough: Application number. LCC/2015/0009 Change of use to inert waste transfer and storage, construction of concrete track and loop for vehicles and plant manoeuvring, site office cabin, welfare cabin and weighbridge. Land west of Tomlinson Road, Tomlinson Road Industrial Estate, Leyland.**

A report was presented on an application for the change of use to inert waste transfer and storage, construction of concrete track and loop for vehicles and plant manoeuvring, site office cabin, welfare cabin and weighbridge on land west of Tomlinson Road, Tomlinson Road Industrial Estate, Leyland.

The report included the views of South Ribble Borough Council, the County Council's Developer Support (Highways), the County Ecology Service, the Environment Agency and details of 5 letters of representation received.

Jonathan Haine, Development Management Officer, 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 photographs of the site from various aspects.

Following debate during which concerns were raised at the proposed hours of working and the potential for the stockpiling of materials, it was proposed that Condition 3 with regard to the hours of working be amended as follows:

3. No importation of waste, management of waste materials or export of waste or recycled materials shall take place outside the hours of:

08.00 to 17.30 hours, Mondays to Fridays (except Public Holidays)
08.00 to 12.00 hours on Saturdays

No importation of waste, management of waste materials or export of waste or recycled materials shall take place at any time on Sundays or Public Holidays.

The use of the screening plant shall only take place between the hours of 09.00 - 17.30 hours Mondays to Fridays and shall not be used at any time on Saturdays, Sundays and Public Holidays.

The reason to remain the same.

It was also proposed that an additional condition be imposed to prevent the stockpiling of materials above a height of 4 metres. The condition is included in the minutes for completeness as follows:

'No stockpile of waste or recycled material shall exceed a height of 4 metres.

Reason: In the interests of the visual amenities of the area and the minimisation of dust emissions and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and policy QD1 of the South Ribble Borough Local Plan'.

Resolved: That planning permission be granted subject to the conditions set out in the report to the committee, with an amendment to Condition 3 and the inclusion of an additional condition as set out above.

5. **Wyre Borough: Application number. LCC/2014/0166
Variation of condition 2 of planning permission 02/08/1116 to allow the importation of post IVC compost from commercial waste management facilities. Iron House Farm, Lancaster Road, Out**

Rawcliffe, Preston.

A report was presented on an application for the variation of condition 2 of planning permission 02/08/1116 to allow the importation of post IVC compost from commercial waste management facilities at Iron House Farm, Lancaster Road, Out Rawcliffe, Preston.

The report included the views of the Environment Agency and Lancashire County Council's Ecology Service.

Jonathan Haine, Development Management Officer, 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 photographs of the site.

It was reported orally that the applicant had written requesting that the application be deferred to allow him to address the issues raised by the Environment Agency.

The Committee was advised that the waste types proposed to be imported to the site could have potentially odorous characteristics and their manner of management in open windrows could make control of such impacts difficult. Given the proximity and direction to the nearest property, it was considered that the proposal raised a fundamental land use planning objection and that it conflicted with policy DM2 of the Lancashire Minerals and Waste Local Plan.

Resolved: That planning permission be **refused** for the following reason:

The development would give rise to bio aerosol and odour emissions and such impacts on the nearest residential property could not be mitigated to acceptable levels. The development would therefore have unacceptable impacts on residential amenity contrary to policy DM2 of the Lancashire Minerals and Waste Local Plan and policy SP14 of the Wyre Borough Local Plan.

- 6. Wyre Borough: Application number LCC/2014/0144
Retrospective planning application for the variation of conditions 3 and 9 of planning permission 02/11/0876 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, and to allow the doors of the waste transfer building to be open while plant is operating but only for the ingress and egress of vehicles requiring access to the building. Lancashire Waste Recycling Limited, Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.**

A report was presented on a retrospective planning application for the variation of conditions 3 and 9 of planning permission 02/11/0876 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, and to allow the doors of the waste transfer building to

be open while plant is operating but only for the ingress and egress of vehicles requiring access to the building at Lancashire Waste Recycling Limited, Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

The report included the views of Wyre Borough Council, Fleetwood Town Council, the County Council's Developer Support (Highways), the Environment Agency, the County Council's Specialist Adviser (Ecology), and details of 97 letters of representation received.

It was reported orally that a further letter had been received subsequent to the publication of the committee reports from NLP Ltd, planning consultants acting on behalf Bourne Leisure Ltd, owners of the Cala Gran Caravan Park. NLP Ltd who raised four issues:-

- NLP Ltd considered that the full scope of Bourne Leisure's objection had not been reported to members in the Committee report.
- Application LCC 2014/0145 – proposed condition 7 – the wording of this condition caused NLP significant concern as they felt it would result in a development that was significantly different from that which the applicant applied for and on which consultation had been undertaken. NLP consider that the wording of the proposed condition should be subject to consultation.
- Application LCC/2014/0146 Conditions 3 and 4. NLP consider that these are inadequate as they do not impose a noise level or a restriction in the event that noise levels cannot be reduced or a timescale to require reduction.
- Ownership certificates – NLP consider that there is an error in the ownership certification for applications 0144 and 0146 that results in the applications being invalid. The applicant is Mr Paul Mellor yet the land is owned by Lancashire Waste Recycling yet no notice has been served on that company.

NLP therefore considered that applications 0144 and 145 should not be determined on the 8th April as the applications were invalid and that application 0146 should similarly not be determined as the conditions were inadequate and they wished the opportunity to comment on revised conditions.

The Committee was advised that the objections raised by NLP on behalf of Bourne Leisure had been lengthy and had therefore been summarised in the report. However, it was considered that the main points of the objection had been covered.

In relation to condition 7, the use of the land would remain as a waste transfer station which was the current permitted use. The wording of condition 7 would not change the character of that use sufficiently to give rise to a development that was fundamentally different to require a further planning application.

Conditions 3 and 4 – The Borough Council Environmental Health Officer considered that the noise levels from the air extraction system could be reduced to acceptable levels and the applicant had a timescale for undertaking the necessary work. Condition 3 provided a timescale for undertaking the modifications and a prediction of the noise reductions that would result. Condition 4 required a further survey to monitor effectiveness and a schedule of works if the noise levels in condition 3 were not achieved.

Certification: Applications 0144 and 0145 were made in the name of Paul Mellor and no notice had been served on any other landowners. The applicant had subsequently confirmed that the site was – owned by the company Lancashire Waste Recycling Limited. The other director of the company had confirmed he was aware of the application and that he had no objection to it.

However, as the applicant did not serve the correct ownership certificate there had been a breach of the statutory requirements and s.327A of the Town and County Planning Act 1990 provides that a local planning authority must not entertain an application where there has been a breach of the requirements.

However, if planning permission were to be granted notwithstanding this breach, the permission would still be valid unless set aside by the High Court on review. In a case in 2012, (**Queen on the Application of O'Brien v West Lancashire Borough Council**), the High Court declined to set aside a planning permission in similar circumstances for the following reasons:

1. There was no evidence of bad faith and no intention to deceive;
2. Those challenging the permission were not owners of the land;
3. Those who had been directly affected by the breach (the other land owners) had made it clear they do not consider themselves as prejudiced because they never intended to make representations in relation to the grant of permission; and
4. The adjoining landowners were aware of the application and had made representations.

The committee was advised that all the above reasons applied here and it was clear that no prejudice had been caused to the other director of the company or to those third parties now objecting to the application. In the circumstances it was considered that should planning permission be granted, any challenge on this point would fail and the permission would be allowed to stand.

A summary of presentations to Committee Members on 7th April 2015 was provided.

1. A presentation was provided by Bourne Leisure opposing the applications. The presentation included the following information:
 - Bourne Leisure provided information on the scale of their company and the numbers of guests at the Cala Gran site which were in the region of 30,000 per year. It was stated that Cala Gran had not invested in the site due to the odour issues generated by Lancashire Waste Recycling. Information was also provided on the planning history of the site and continued breaches of condition at the site. It was stated that the issues at the site had lead to adverse comments being posted on Trip Advisor.
 - Information was also provided in relation to odour including a map to show the relationship between Cala Gran and the application site and also a wind rose showing prevailing wind direction. It was calculated that odours from the application site are blown towards Cala Gran for approximately 25% of the time. Information was also provided on measurement criteria for odour impacts and it was stated that the waste was around 2 weeks old by the time it reached the application site.
 - It was stated that Lancashire Waste Recycling was not operating in accordance with its permitted development and that 2 applications were to regularise breaches and the other application was retrospective. It was also stated that there appeared to be an issue with the validity of the applications. It was considered that the proposed condition on waste types conflicted with the Wheatcroft principles the applicant considered that they had been denied the opportunity to comment on this condition.
 - Bourne Leisure considered that the significance of the proposals had been understated in that it would allow for a large increase in hours and tonnages of waste delivered to the site. There were concerns that the air extraction system produced additional noise and the proposed conditions to control this noise were imprecise.
 - Bourne Leisure considered that the problems could not be pushed onto another objector to deal with and that applications 144 and 145 should be refused with 146 only being approved if conditions were strengthened.

2. There was also a presentation from Mr Bashir for Lancashire Waste Recycling. He said that Lancashire Waste Recycling is local company employing 30 staff.

The additional hours were needed to allow traffic to be programmed to avoid the busiest parts of the day and no more waste would be imported than at present.

It was acknowledged that there were some odour issues at first but there were other activities in the area which generated odour – a map was circulated showing the location of these.

Mr Bashir explained that a number of MPs had been to the site and were satisfied and that the company complied with environmental controls. He explained the types of waste that were processed and that they had invested £200,000 in odour abatement plant and new doors to control odour and noise.

In response to questions raised by members, further explanation was provided of the odour abatement systems that had been installed and the improvements that were programmed for further control noise and odour.

The committee was asked whether having considered the above advice, it wished to proceed to determine the application and the associated application LCC/2014/0145 at item 7 of the agenda.

Following a short debate, it was Moved and Seconded that:

"Applications LCC/2014/0144 and LCC/2014/0145 be not considered as the applications are invalid".

On being put to the vote the Motion was Carried. It was therefore:

Resolved: That applications LCC/2014/0144 and LCC/2014/0145 be not considered as the applications are invalid.

7. **Wyre Borough: Application number LCC/2014/0145**
Retrospective planning application for the variation of conditions 4, 12 and 17 of planning permission 02/11/0877 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, to allow the waste imported to the site for processing to have low levels of food contamination, and to allow the doors of the waste transfer building to be open while plant is operating only for the ingress and egress of vehicles requiring access to the building. Lancashire Waste Recycling Limited, Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

See the resolution above in relation to planning application LCC/2014/0144.

8. **Wyre Borough: Application number LCC/2014/0146**
Retrospective application for the retention of an air filtration system consisting of a pre-filter unit, a shipping container to house a carbon filter unit, single storey extension to contain the air filtration fan assembly, steel ducting and 16.6 metre high steel vent stack on the east and south elevations of the waste transfer buildings, a single storey extension to provide a site substation plant room on the south elevation of the waste transfer building, the relocation of a

weighbridge, the provision of a demountable unit for use as a reception/ office, three shipping containers for use as a canteen, showers and mess room, and the construction of a secure cycle stand. Lancashire Waste Recycling Ltd. Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

The Committee was asked to consider whether it wished to defer application LCC/2014/0146 so that the application could be considered at the same time as LCC/2014/0144 and LCC/2014/0145.

It was therefore Moved and Seconded:

"That consideration of application LCC/2014/0146 be deferred"

On being put to the vote the Motion was Carried. It was therefore:

Resolved: That consideration of application LCC/2014/0146 be deferred.

9. 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 25 February, 2015 eleven planning applications had been granted planning permission by the Executive Director for Environment in accordance with the County Council's Scheme of Delegation.

Resolved: That the report be noted.

10. Urgent Business

There were no items of urgent business.

11. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 20 May 2015.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston

Agenda Item 4

Development Control Committee
Meeting to be held on 20th May 2015

Electoral Division affected: Fylde West
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Fylde Borough: application number. LCC/2014/0084
Retention of the site compound and access track for a further three years to allow pressure testing and seismic monitoring of the Bowland Shale reservoir, followed by plugging and abandonment of the existing exploratory well and site restoration. Grange Road Shale Gas Exploration Site, Land on south side of Grange Road, Singleton.

Appendix 1 – Application Report to Development Control Committee 25/2/15.

Appendix 2 – Minute of Item 5 to the Development Control Committee meeting of 25/2/15

Appendix 3 – Development Plan Policies

Contact for further information:

Development Management Group 01772 531929.

DevCon@lancashire.gov.uk

Executive Summary

Application - Retention of the site compound and access track for a further three years to allow pressure testing and seismic monitoring of the Bowland Shale reservoir, followed by plugging and abandonment of the existing exploratory well and site restoration. Grange Road Shale Gas Exploration Site, Land on south side of Grange Road, Singleton.

The application was considered by the Development Control Committee at the meeting of 25th February 2015. The Committee resolved that it was minded to refuse the application for the following reason:

That the application be **refused** as it is contrary to policies SP2 of the Fylde Borough Local Plan, CS5 of the Lancashire Minerals and Waste Development Framework and DM2 of the Lancashire Minerals and Waste Local Plan.

It was also resolved that a further report setting out draft reasons for refusal be reported back to the Committee for confirmation of the reasons why the proposal is contrary to policies SP2, CS5 and DM2.

This report includes a summary of the presentations received as reported on the update sheet to the Committee and considers the policies referred to by the Committee.

Recommendation – Summary

Based upon the Committee's conclusion that the impacts of the proposal are considered so great as to render the proposal unacceptable, then the application be

refused for the following reason:

The proposal is contrary to Policy CS5 of the Lancashire Minerals and Waste Development Framework Core Strategy DPD (Managing our Waste and Natural Resources) and Policy DM2 of the Lancashire Minerals and Waste Local Plan (Site Allocation and Development Management Policies – Part One) in that the retention of the site in its current form and scale would adversely affect the landscape character of the area.

Background

This application was considered by the Development Control Committee at the meeting on the 25th February 2015. The Committee resolved to refuse the application having concluded that it is contrary to Policy SP2 of the Fylde Borough Local Plan, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan (Site Allocation and Development Management Policies – Part 1) and Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Framework DPD (Managing our Waste and Natural Resources).

It was also resolved that the details of the reason(s) for refusal would be reported back to the Development Control Committee for approval.

Applicant's Proposal

The details of the proposal are set out in the report to the Development Control Committee meeting of 25th February 2015 (**Appendix 1**).

Planning Policy

The following policies were considered to be the most relevant to the proposal (**Appendix 1**):

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17, 56 – 66, 87 – 90, 109, 120 – 125, 142, 144 and 147 are relevant with regard to the requirement for sustainable development, core planning principles, the requirement for good design, conserving and enhancing the natural environment and facilitating the sustainable use of minerals.

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

Policy NPPF 1 Presumption in favour of sustainable development
Policy DM2 Development Management

Fylde Borough Local Plan

Policy SP2 Development in Countryside Areas
Policy EP11 Building Design and Landscape Character
Policy EP15 European Wildlife Sites
Policy EP16 Development affecting SSSI's

Policy EP23 Pollution of Surface Water
Policy EP24 Pollution of Ground Water
Policy EP26 Air Pollution
Policy EP27 Noise Pollution
Policy EP28 Light Pollution

Consultations

A summary of the consultations and representations received is included in the officer report to the Development Control Committee on 25th February 2015 (**Appendix 1**).

The following summarised additional consultee response was reported on the Committee update sheet as follows:

LCC Ecology: If the applicant can demonstrate that the proposed schedule is compatible with avoiding disturbance during the wintering bird season then, and as indicated in Natural England's response (dated 11/02/15), Lancashire County Council would be able to screen the project for the likelihood of significant effects (Habitats Regulations Assessment) and should be able to conclude no likely significant effect on the European site either alone or in combination.

This has been discussed with Natural England, who confirm that where their response (dated 11/02/15) refers to development being carried out in strict accordance with the submitted details; this is a reference to the commitment to avoid undertaking disturbing works during winter, and not to allow spring commencement unless it is clear that spring commencement would be compatible with avoiding disturbance during the wintering bird season.

Representations

Representations received from Friends of the Earth on behalf of Singleton Against a Fracked Environment (SAFE) were summarised on the Committee update sheet as follows:

Friends of the Earth maintain the grant of planning permission would be unlawful in respect of ecological matters, that the officer report is flawed in respect of matters relating to noise, that there are unanswered questions regarding well integrity and ground water and that alternatives have not been properly considered. The matters raised were also included in the presentation made to Members of the Development Control Committee by SAFE and were summarised on the update sheet.

Presentations

SAFE made a presentation to Members of the Development Control Committee on Monday 23rd February a summary of which was reported on the update sheet as follows.

The first part of the presentation maintained that no EIA has been carried out and therefore assessments regarding Special Protection Area species (particularly pink footed geese and whooper swans) are inadequate and faulty; that the application to collect seismic data is linked to applications at Roseacre Wood and Preston New

Road which have not been determined and therefore this application is premature; and that the application is for a change of use in the initial application, that pressure monitoring is an appraisal activity which has the potential to lead to production and as such the site needs to be assessed with this in mind and if so would require EIA.

The second part of the presentation maintained the regulatory regime for developments of this nature is inadequate; that wells leak, fugitive emissions of gasses from the well can migrate through various routes to atmosphere and ground water; no cement bond logs were made for the well; nobody has a full understanding of the integrity of the well; the well should not be allowed to be abandoned until more details of it are understood; the application should be rejected as other regulators have confirmed they will not be monitoring abandoned wells.

Public Speaking

The committee received presentations from 14 speakers opposing the application, 1 speaker in support of the application and from the applicant. The issues raised are summarised as follows:

The speakers opposing the proposal reiterated many of the issues raised in the representations received and as part of the presentation made by SAFE. It was maintained that there were conflicts of officers views with the applications at Preston New Road and Roseacre Wood; that the proposal is contrary to policies SP2, SP5, CS5 and DM2; no alternatives had been considered; the application is premature and should be refused; no assessment against other projects in the area had been made to assess cumulative impacts; there would be impacts on protected species and the SPA for which there is too little information despite it being available; the long term impacts should be assessed at the appraisal stage; horizontal drilling from less sensitive locations should be considered; what long term monitoring of the well would be carried out; this would be a storage well to dispose of waste water; the well is split and there are too few details to ensure safety; Only one of the Royal Society's recommendations have been implemented; the applicant has not demonstrated high standards with reference to leakages and abandonment at Preese Hall; migration of gas and water contamination; there is no risk of supply of gas; this will perpetuate the reliance on hydrocarbons in the future will all the negative impacts

The speaker in support of the proposal was of the view that the application is for the use of an existing borehole for monitoring purposes and to provide seismological information that would not generate any issues and would not be noisy or dangerous.

The applicant maintained that the proposal would provide geological and seismological information to meet one of the Royal Society's recommendations; it would not involve fracking; no fluids would be used and no gas would be extracted; principle works would be carried out over a 2 week period; cement bond logs have been carried out; there would be limited views of the principle activities; there is good access with limited HGV usage; noise levels would be short term and low; ground water is protected by the well casings and a protective ground membrane; there would be no ecological impacts on the SPA as a result of project timing and the proposal accords with the policies of the development plan and should be supported.

Further details of the presentations are recorded in the minutes of the meeting an extract of which is appended to this report (**Appendix 2**).

Advice

After hearing the officer presentation and the public speakers opposing and supporting the proposal the Committee resolved:

- i) That the application be **refused** as it is contrary to policies SP2 of the Fylde Borough Local Plan, CS5 of the Lancashire Minerals and Waste Development Framework and DM2 of the Lancashire Minerals and Waste Local Plan.
- ii) That a further report setting out draft reasons for refusal be reported back to the committee for confirmation of the reasons why the proposal is contrary to policies SP2, CS5 and DM2.

The policies referred to in the resolution are set out in full in **Appendix 3**.

Policy CS5 of the Lancashire Minerals and Waste Development Framework was not listed in the policy section to the report although was referred to in the advice section to the report (**Appendix 1**).

Policy CS5 was referred to in presentations made objecting to the proposal; it was maintained that the application was in breach of this policy as it does not accord with the specified criteria.

The first part of the policy relates to transport and alternatives to roads. The second part of the policy refers to the development of criteria for the site identification process and for considering proposals brought forward outside the plan-making process to ensure they meet specified environmental criteria. These criteria have been developed as part of the Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies – Part One.

Policy CS5 is set out in full in **Appendix 3**. With regard to those criteria:

- (i) There is no evidence that the proposal would have an unacceptable impact on natural resources including water, air, soil or biodiversity. The borehole has been drilled to meet the requirements of the Health and Safety Executive. The proposal is for pressure testing of the well. No fracking is proposed and there would be no release of shale gas other than in the immediate area of the perforated casing. The site has been developed, soils are being stored for restoration purposes and the site is lined with a controlled drainage system to protect ground and surface water from contamination. Mitigation measures are proposed to ensure major works are carried out outside the wintering wildfowl season. There would not be any further impacts on biodiversity and Natural England and the county Ecologist has raised no objection subject to the employment of mitigation measures.
- (ii) The site does not fall within close proximity to or within any feature or landscape of historic and cultural importance.

- (iii) The proposal would not adversely contribute to fluvial flood risks or surface water flooding.
- (iv) It is proposed to retain the site as a hard secure surface for a further two year period after which it would be restored in a similar way to the sites at Preese Hall and Annas Road. Whilst there would be some extended visual impact it would still be temporary and in the long term would not adversely affect the character of Lancashire's landscapes. However, whilst temporary, the development would (in total) have existed for some 7 years and the Committee gave significant weight to criteria (iv) of the Policy; that "*proposals for mineral workings incorporate measures to conserve, enhance and protect the character of Lancashire's landscapes*"
- (v) The borehole has already been drilled. The development works proposed would be over two, two week periods with the plugging and abandoning of the well over a 4 week period. These works and the monitoring operations would not adversely affect the amenity, health, economic wellbeing and safety of the population. High operating standards on the site have been employed to date along with sensitive working practices, environmental management systems that have and would continue to minimise harm and nuisance to the environment and local communities throughout the life of the development and which could be controlled by condition.
- (vi) No essential infrastructure and services to the public would be affected.
- (vii) Restoration of the site could be controlled by condition in a similar way to those sites at Preese Hall and Annas Road that have been abandoned and successfully restored.

Given the weight that the Committee gave to the site being retained in its current state for a further temporary period with the resulting visual impact, the Committee could come to a view that the proposal is contrary to criteria (iv) of the policy.

Policy SP2 of the Fylde Borough Local Plan was referred to in the policy section of the report and the application was assessed against this policy (**Appendix 1**). The conclusion was that the proposal is not contrary to this policy.

Fylde Borough Council raised no objection to the proposal but requested that a scheme of appropriate restoration be carried out within the three year development period and that the County Council reconsider the need for the submission of an updated EIA. Conditions were proposed requiring restoration of the site and a 5 year period of aftercare on completion of the development. A screening opinion of the current application was carried out; it was concluded that the development does not constitute EIA development. Fylde Borough Council does not consider the proposal to be contrary to Policy SP2 of their local plan.

The Committee heard in representations that the application was in breach of this Policy as mineral extraction does not fall within any of the accepted categories in a countryside area.

The policy is aimed at controlling development in the countryside and sets out those development types that may be found acceptable, essentially those associated with agriculture, horticulture, forestry, tourism, re use of old buildings, redevelopment of existing sites and minor extensions to dwellings and other buildings. The policy does

not (and should not) refer to mineral developments. Mineral developments can only be carried out where the mineral occurs and are assessed against the policies of the Lancashire Minerals and Waste Development Framework and the Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies – Part One.

The proposal relates to the exploration of mineral reserves; minerals can only be worked where they occur and inevitably given the nature of such are usually undertaken in open countryside areas. However, it is not unusual for mineral operations to still have some adverse impacts and the acceptability of such must be weighed against the benefits of exploring, appraising and winning minerals in such areas. The principle of development in this location, albeit for a temporary period, has already been established. It is therefore a question of balance as to whether the impacts associated with the continued presence of the site for a further temporary period would be acceptable. Whilst some reference has been made to directional drilling from what may be considered more appropriate locations within or on the periphery of urban areas, this does not take into account the geological conditions and the likely passage of any drilled borehole through fault lines potentially giving rise to seismic movement and contamination pathways, issues that have been raised by other objectors and who are keen to prevent such risks. The borehole has been drilled on this site and there would be no further impacts associated with such.

It is therefore concluded that the retention of the site for a further temporary period would not be contrary to Policy SP2 of the Fylde Borough Local Plan and to refer to such in any reason for refusal would not be sustainable.

Policy DM2 of the Lancashire Minerals and Waste Local Plan is a central policy against which all minerals developments are considered. The policy supports minerals developments providing the minerals planning authority is satisfied that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels.

When assessing proposals the policy requires account to be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts can be controlled in accordance with current best practice and recognised standards.

In accordance with Policy CS5 and CS9 of the Core Strategy, developments will be supported for minerals or waste developments where it can be demonstrated to the satisfaction of the mineral and waste planning authority, by the provision of appropriate information, that the proposals will, where appropriate, make a positive contribution to the:

- Local and wider economy
- Historic environment
- Biodiversity, geodiversity and landscape character
- Residential amenity of those living nearby
- Reduction of carbon emissions
- Reduction in the length and number of journeys made

This will be achieved through for example:

- The quality of design, layout, form, scale and appearance of buildings
- The control of emissions from the proposal including dust, noise, light and water.
- Restoration within agreed time limits, to a beneficial after use and the management of landscaping and tree planting.
- The control of the numbers, frequency, timing and routing of transport related to the Development.

The Committee heard in presentations that the application was in breach of this Policy as the application had not demonstrated that all material, social economic and environmental impacts have been sufficiently addressed in order to reduce those impacts to an acceptable level.

The site has been present since 2010, planning permission having been initially granted for the drilling of a borehole and subsequent fracking. The borehole has been subsequently drilled but the site was not fracked and has been held in abeyance since. Given the nature of the proposed works it is considered that the retention of the site would not generate social, economic or environmental impacts that could not be eliminated or reduced to acceptable levels.

However, in light of representations received and the weight that the Committee attached to the site being retained in its current state for a further temporary period maintaining its current visual appearance and the visual impact associated with such, the Committee could come to a view that the proposal is contrary to the policy in that it would adversely affect the landscape character of the area.

Human Rights

The proposal raises issues relating to the protection of amenity and property under Article 1 of the 1st Protocol of the Human Rights Act 1998.

In view of the scale, location and nature of the proposed development it is considered that no Convention rights as set out in the Human Rights Act 1998 would be affected. However, if the application is to be refused, the rights of the applicant must also be considered.

Article 6 is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

Conclusion

It is considered that notwithstanding the resolution of the committee it would be unsustainable to refuse the application on the basis it is contrary to Policy SP2 of the Fylde Borough Local Plan. Given the weight the Committee attached to the criteria of policies CS5 and DM2, it could conclude that the retention of the site in its current form and scale for a further temporary period would be visually unacceptable and would adversely affect the landscape character of the area contrary to these policies:

Recommendation

If the Committee concludes that the impacts of the proposal are considered so great as to render the proposal unacceptable, then the application be refused for the following reason:

The proposal is contrary to Policy CS5 of the Lancashire Minerals and Waste Development Framework and Policy DM2 of the Lancashire Minerals and Waste Local Plan in that the retention of the site in its current form and scale would adversely affect the landscape character of the area.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2014/0084		Jonathan Haine/Environment/54130
05/12/0003		
05/10/0091		

Reason for Inclusion in Part II, if appropriate

N/A

Appendix 1

Development Control Committee

Meeting to be held on 25th February 2015

Electoral Division affected: Fylde West
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Fylde Borough: Application number LCC/2014/0084

Retention of the site compound and access track for a further three years to allow pressure testing and seismic monitoring of the Bowland Shale reservoir, followed by plugging and abandonment of the existing exploratory well and site restoration. Grange Road Shale Gas Exploration Site, Land on south side of Grange Road, Singleton.

Contact for further information:

Stuart Perigo, 01772 531948, Environment Directorate

DevCon@lancashire.gov.uk

Executive Summary

Application - Retention of the site compound and access track for a further three years to allow pressure testing and seismic monitoring of the Bowland Shale reservoir, followed by plugging and abandonment of the existing exploratory well and site restoration. Grange Road Shale Gas Exploration Site, Land on the south side of Grange Road, Singleton.

Recommendation – Summary

That planning permission be **granted** subject to conditions relating to time limits, working programme, highway matters, control of noise, hours of working, safeguarding of water, restoration and aftercare.

Applicant's Proposal

Planning permission is sought to retain the drilling platform and associated highways access at the Grange Road Shale Gas Exploration Site for a further three years to undertake pressure testing and seismic monitoring of the Bowland Shale rock formation. Following the testing, the well would be plugged and abandoned and the site restored back to agriculture.

The pressure testing procedure would involve perforating the well casing by the use of a small contained charge. The perforation would extend up to two metres beyond the well casing into the rock formation to allow any gas to flow from natural pathways/ fractures within the rock to the well. The section/s of the perforated well would then be isolated by the use of 'packers' to create a pressurised test zone which would then be monitored by equipment within the test zone for a period of approximately 2 years. The process would not involve the injection of fluids into the

well but existing fluids within the well would be re-circulated. After the testing period, the packers and monitoring equipment would be removed, the well plugged and abandoned and the exploration site restored. The seismic monitors would be installed at the same time as the pressure monitors but sealed in packers in separate but adjoining zones in the well.

The pressure testing and monitoring equipment would take 2 weeks to install followed by a monitoring period of approximately 78 weeks (a year and a half). The monitoring equipment would then be removed from the well, checked and the data downloaded. This process would take a maximum of 2 weeks. The monitors would then be re-installed into the well and shut in for a second monitoring period of approximately 56 weeks. After completion of the second pressure monitoring period, the well would be plugged and abandoned taking approximately 4 weeks. This would then be followed by a 12-14 week period to fully restore the site. This would equate to a 3 year total timeframe.

The applicant has stated that the monitoring equipment would (subject to planning permission being granted) be installed in early spring which would allow all site activities including abandonment and restoration works to be undertaken in the summer period.

Description and Location of Site

The site is an existing hydrocarbon exploration site located in a field on the south side of Grange Road approximately 460m to the west of its junction with the A585(T), 0.8 km to the north-west of the village of Singleton and 2.6km to the east of Poulton-le-Fylde. The surrounding area is flat and predominantly agricultural.

The surface area of the exploration site measures 0.99ha and consists of the drilling platform, site access and perimeter soil mounds and fencing. Access to the site is via an existing field access and associated track, which have been upgraded with a tarmac surface for the first 10m. The edge of the working platform is approximately 25m south of Grange Road, with a 3.5m high soil bund located between the road and the platform.

The nearest residential properties are approximately 450m away to the west and north.

The site does not directly affect any higher tier ecological or landscape designations but is approximately 1.2 km south east of the Wyre Estuary SSSI which in turn forms part of the Morecambe Bay Special Protection Area and Ramsar site.

Background

Planning permission for the temporary change of use of land from agriculture to a site for drilling an exploratory borehole and testing for hydrocarbons including the construction of a drilling platform and highways access was granted on the 21st April 2010 (ref. 05/10/0091). Condition 2 of the permission required the site development works, drilling operations and restoration to be completed within a period of eighteen

months from the commencement of the development, with the drilling operations to be completed within a period of three months from the date of their commencement.

An application to extend the time periods for the completion of well testing and restoration was submitted on 20th December 2011 (ref. 05/12/0003). The application proposed that the well testing operations by fracking and site restoration be completed by 20th July 2013. This application has now been withdrawn as it has been superseded by the present proposals.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17, 56 – 66, 87 – 90, 109, 120 – 125, 142, 144 and 147 are relevant with regard to the requirement for sustainable development, core planning principles, the requirement for good design, conserving and enhancing the natural environment and facilitating the sustainable use of minerals.

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

Policy NPPF 1 Presumption in favour of sustainable development
Policy DM2 Development Management

Fylde Borough Local Plan

Policy SP2 Development in Countryside Areas
Policy EP11 Building Design and Landscape Character
Policy EP15 European Wildlife Sites
Policy EP16 Development affecting SSSI's
Policy EP23 Pollution of Surface Water
Policy EP24 Pollution of Ground Water
Policy EP26 Air Pollution
Policy EP27 Noise Pollution
Policy EP28 Light Pollution

Consultations

Fylde Borough Council: No objection but requests that a scheme of appropriate restoration is carried out within the three year development period and that the County Council reconsider the need for the resubmission of an updated EIA.

Natural England (NE): Initially were of the view that the application did not contain sufficient information to determine the impacts on European wildlife sites. In response to further information from the applicant, NE has confirmed that the proposal is unlikely to have a significant effect on the Morecambe Bay Special Protection Area and Ramsar site and can therefore be screened out from any further assessment.

Environment Agency: No objection subject to a condition being imposed regarding well abandonment, including groundwater monitoring, to ensure there would be no discharge of pollutants to groundwater.

Singleton Parish Council: No objection but wish the operations to be conducted as safely as possible.

Health and Safety Executive: No objection.

Department for Energy and Climate Change: No objection. The applicant has a PEDL licence to explore for hydrocarbons. The activities for which permission is sought include well abandonment. DECC will give consent for well abandonment before which they will review the well data in the event that future access is required.

Representations: The application has been advertised in the press and site notice posted on the site. The nearest residential properties have been notified by letter.

Three hundred and one representations have been received objecting to the proposal for the following summarised reasons:-

- The application site and adjacent areas are used by over wintering birds associated with the Wyre Estuary; the proposed development would impact on those birds and the application does not contain sufficient information to allow the impacts to be assessed.
- A full assessment of the impacts of the development should be undertaken through the EIA process. At present there is insufficient understanding about the impacts of the proposal.
- The site is located close to the Preese Hall site where fluids were injected into a fault. The exact location of the fault is not known and the precautionary principle should be adopted until such time as better information has been collected.
- The site has now been active for 7 years and a full assessment of the cumulative impacts has never been carried out.
- What would happen to the fluids that are currently contained within the well.
- There are risks to the nearby ethylene pipeline
- The planning conditions on the previous permission were breached.
- The application does not consider cumulative impacts.
- There is no information on how the site is drained, how leakage of pollutants, gas or fluid will be monitored post restoration or any risk assessment of unpredictable build up of gas or fluid build up.
- There should be priority given to renewable energy projects and not to schemes to further exploit fossil fuels.
- The proposal does not comply with the policies of the Lancashire Minerals and Waste Core Strategy.
- There should be no repeated time extensions to existing sites.
- The development along with other shale gas activities will result in damage to highways and transport of toxic chemicals along the public highway with consequent risks for public safety.
- What would be the impacts of the gas flare?

- There would be contamination of drinking water supplies.

The representations include a letter from REAF (Ribble Estuary Against Fylde Fracking) who object to the application on the basis that it should be subject to Environmental Impact Assessment, that the testing procedures would result in migration of gas and pollutants into the environment, that the site is located close to the Wyre Estuary SPA and a number of Great Crested Newt ponds and that full information as to the nature of these impacts should therefore be known prior to considering the application.

Approximately 220 of the representations are cyclostyle letters that object to the application for the following summarised reasons:

- The perforation of the well may lead to well failure and the application should therefore be subject to Environmental Impact Assessment.
- The proposed development could result in fluids being injected into a fault which would cause earth tremors similar to those experienced at the nearby Preese Hall site.
- The proposed development along with other shale gas proposals should be considered together as there is a danger of industrialisation and loss of habitat and environmental quality.

Advice

Planning permission (ref 5/10/0093) was granted on 21st April 2010 for the drilling of an exploratory borehole and testing for hydrocarbons on land south of Grange Road. The development provided for the drilling of a borehole into the Bowland Shale horizon together with associated hydraulic fracturing operations to assess the potential for the shale to release gas. The borehole was completed in May 2011 but no hydraulic fracturing was carried out due to the moratorium that was imposed on such operations at that time by the Department for Energy and Climate Change.

A further application (ref 5/12/0003) was then submitted seeking additional time to complete the development including the hydraulic fracturing of the well and testing the flow of shale gas. However, the applicant has now confirmed that it is no longer the intention to fracture this well and has withdrawn this application. The applicant now wishes to retain the well site for a further temporary period of three years to allow it to be used for pressure monitoring and to provide background seismic information.

The purpose of the pressure testing is to understand initial reservoir pressures within the Bowland Shale so as to predict future well performance and the recoverability of the shale gas reserves. The application is also to undertake seismic monitoring to obtain background data that is needed to establish the natural levels of seismicity in the area to be better able to understand and differentiate between seismic events that are naturally occurring and those that are man-made as a consequence of shale gas exploration. The application does not provide for any fracturing of the well or other fracturing of the shale beyond that required to perforate the well casing and a short distance into the shale beyond.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is necessary to take into consideration the relevant policies of the Development Plan and the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process.

Government policy supports the exploration, testing (appraisal) and production of economic onshore hydrocarbon reserves. This application relates to the first two phases; exploration and testing (appraisal). The site would then be restored. The National Planning Practice Guidance in relation to minerals seeks to ensure that minerals sites are reclaimed to a high standard through the imposition of appropriate conditions.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan documents (LMWDF), the Joint Lancashire Minerals and Waste Local (LMWLP) and the Fylde Borough Local Plan.

Policy CS5 of the LMWDF seeks to ensure, amongst other criteria, that our natural resources including water, air, soil and biodiversity are protected from harm and opportunities are taken to enhance them; workings will not adversely contribute to surface water flooding; proposals for mineral workings incorporate measures to conserve, enhance and protect the character of Lancashire's landscapes; the amenity, health, economic well-being and safety of the population are protected by the introduction of high operating standards, sensitive working practices and environmental management systems that minimise harm and nuisance to the environment and local communities throughout the life of the development, and the sensitive environmental restoration and aftercare of sites take place, appropriate to the landscape character of the locality and the delivery of national and local biodiversity action plans.

Policy DM2 of the LMWLP supports developments for mineral operations (including hydrocarbons) 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 will be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts can be controlled in accordance with current best practice and recognised standards. Impacts and issues to be considered are the quality of design, layout, form, scale and appearance of buildings; the control of emissions from the proposal including dust, noise, odour, light and water; the control of the numbers, frequency, timing and routing transport related to the development and, the restoration within agreed time limits, to a beneficial after use and the management of landscaping.

The site is located within a countryside area as designated in the Fylde Borough Local Plan. Policy SP2 requires that development within countryside area will not be permitted except where it relates to that essentially required for agriculture, horticulture or forestry of other uses appropriate to a rural area and 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 development is related to the exploration and exploitation of mineral reserves and since such reserves can only be worked where they are found must inevitably be undertaken in countryside areas. The development is therefore considered acceptable in terms of policy SP2 of the Fylde Local Plan.

Policy EP10 of the Fylde Local Plan states that the distinct character and important habitats of the Fylde will be protected. Policy EP11 requires that new development in rural areas should be sited in keeping with the distinctive landscape character types and that development must be of a high standard of design and that matters of scale, features and building materials should reflect the local vernacular style.

Policy EP15 states that development proposals which may affect a European wildlife site will be the subject of the most vigorous examination and that development proposals not directly connected with the management of the site and which would affect the integrity of the site will not be permitted unless it can be demonstrated that there is no satisfactory alternative or that there are imperative reasons of overriding public interest for the development. Policy EP16 provides a similar level of protection for SSSI's

Policy EP19 requires that proposals which would have an adverse impact upon protected wildlife species will not be permitted

Policy EP23 and EP24 requires that proposals that would have an adverse impact on surface or ground water resources will not be permitted and that where development is permitted, the resources will be protected through appropriate planning conditions.

Policies EP26 and EP27 relates to air and noise pollution and require that development that would give rise to unacceptable noise or air quality impacts will not be permitted.

General Amenity and Visual Impact Issues

The drilling compound and well has now been present on this site since 2010. The site compound is surrounded by fencing with a soil mound on its northern side which provides some screening of the site from Grange Road. The proposed development would involve the retention of the existing hardcore compound perimeter fencing and soil mound for a further three year period. The installation of the monitoring equipment including the perforation of the existing well casing would require various infrastructure, including a work over rig, temporary office and welfare facilities, a mud tank and service rig. Whilst some of this equipment, in particular the work over rig, would be of substantial scale, it would only be required for two weeks at the commencement of the development and for a further two weeks during the mid-point equipment check and during well abandonment and therefore the major visual impacts of the development would be of a short term temporary nature. The other visual impacts relate to the retention of the site compound for a further three year period. Whilst the overall compound is visible from certain viewpoints including from local footpaths and from some locations on Grange Road, the landscape of the area

is generally flat which limits the visual impacts of the compound surface and surrounding fencing. The proposed development would not increase the difficulties of restoring the site adequately and provided that any permission is subject to the same restoration conditions as those attached to planning permission 5/10/0093, it is considered that the site can be adequately restored to its previous use as an agricultural field.

The applicant estimates that active operations on the site would be take place for 25 days over the total 3 year testing period (not including the restoration works). The 25 day timescale would consist of two periods each lasting approximately two weeks over which a rig and other infrastructure would be present on the site. These operations would be likely to generate some noise and traffic but such impacts would be considerably reduced compared to when the drilling of the original borehole took place. Given their relatively small scale, distance of the site from residential properties and short duration, it is considered that the noise levels from the testing and monitoring activities would not be unacceptable. The active operations relating to the installation of testing and monitoring equipment would be undertaken during normal working hours and which can be the subject of a planning condition. Some noise would also result from the restoration operations but such impacts would occur in any event as a result of the implementation of the restoration requirements contained in the existing planning permission. Provided that conditions are also imposed regarding silencing of plant and the retention of the existing earth screening mounds, the development is considered acceptable in terms of noise and local amenity and complies with policy DM2 of the Lancashire Minerals and Waste Local Plan.

Highways

The main traffic impacts of the development would occur during the mobilisation of the plant required to install and remove the monitoring equipment. These operations would generate a maximum of 20 HGV trips per day with 12 light vehicles associated with site personnel. Over the monitoring period there would be a requirement for personnel to visit the site on an occasional basis. The other main traffic impacts would relate to the restoration of the site including the removal of the aggregate surfacing materials for the compound and other equipment. However, these vehicle movements would have to take place in any event in order to comply with the restoration conditions of the existing planning permission.

The site is located only a short distance from the A585 and the road junction with Grange Road is of a relatively high standard with good visibility. This access was used when the site was first developed and therefore it is considered that the highway network could accommodate the levels of traffic now proposed without causing detriment to highway safety or capacity. Provided that conditions are imposed regarding wheel cleaning during the restoration operations, it is considered that the development is acceptable in terms of highway issues.

Nature Conservation interests

In relation to nature conservation interests, the site is located in an area of agricultural land used for arable / grazing purposes. In addition there are a number of ponds in the area which may be of value for Great Crested Newts.

The site has already been constructed and the proposal does not involve the size of the compound being extended or require the removal of any further vegetation or landscape features. The development is of a temporary nature after which the site can be restored to its previous use as agricultural grazing / arable land. Great Crested Newt surveys were undertaken as part of the original planning application for this site and no such species were recorded at that time. Given that the proposed operations would all take place within the boundaries of the existing exploration compound which is contained, there would be no possibility of Great Crested Newts being affected even in the event that their distribution has changed since the original surveys were undertaken.

However, the site is located relatively close to the Wyre Estuary SPA and therefore due to this proximity, the area around the site may be of value as supporting habitat to the SPA particularly to the various over wintering bird species for which the SPA is designated. Some of these bird species use areas of the surrounding agricultural land as grazing and foraging habitat and development which affects the ability of the birds to use this supporting habitat can therefore impact upon the special interest features of the SPA. The noise, general disturbance arising from the installation of testing and monitoring equipment together with the retention of site compound for a longer period would have the potential to affect such species by reason of disturbance or physical loss of grazing habitat.

Natural England initially raised objection to the application due to an absence of information to demonstrate the value of the site and surrounding areas to birds interests associated with the SPA. Without such information Natural England considered it would not possible to determine that the proposals would not have a likely significant effect on the interest features for which the SPA is designated. Natural England therefore requested the applicant to submit data showing the value of the site and surrounding areas to bird life prior to them developing the exploration site. Whilst the applicant has been able to source some data from organisations such as the Fylde Bird Club, the information is not comprehensive and does not demonstrate to the required degree of confidence that the site and surrounding areas are not of value to the protected bird species. The Habitats Regulations which apply to development affecting European Wildlife sites and their qualifying features requires that projects may only be authorised where authorities have made certain that there will be no adverse impact on the integrity of such sites and where no reasonable scientific doubt remains as to the absence of such effects.

The ecological issues on this site relate to the possible use of surrounding land by over wintering wildfowl associated with the SPA. These constraints can be overcome by timing of works likely to generate noise and disturbance such that they are undertaken at times of the year outside of the over wintering periods. Such controls could be imposed through conditions to any planning permission. However, the legal framework within the Environmental Impact Assessment Regulations and Habitats Directive requires that the assessment as to whether development would have a likely significant effect cannot have regard to whether it would simply be possible to

impose conditions to remove the likelihood of such an effect; the mitigation measures must be part of the development itself so that there is some certainty as to the likely impacts of the development when assessed at the screening stage.

To address this legal requirement, the applicant has therefore provided further information in support of the application regarding the phasing of the proposed works to demonstrate how the activities can be managed to avoid the overwintering period. The applicant proposes to install the monitoring equipment in early spring following which there would be a 78 week monitoring period, then a 2 week mid-point equipment check followed by a further 56 week monitoring period followed by a further 11 weeks for well abandonment and site restoration. Such a timescale would allow the intrusive works including site restoration to be undertaken outside of the overwintering period. As there would still be some activity on the well site during the overwintering period (small numbers of personnel visiting the site to check equipment), the applicant is also proposing to erect fine mesh netting on the existing security fencing to obscure site activities together with a number of other good practice measures.

The proposal would involve the site compound being present for a further 3 year period which by itself could result in the ongoing loss of bird habitat. However, the site is located immediately adjacent to Grange Road and therefore has historically been subject to disturbance through passing road traffic which will have restricted its use by birds associated with the SPA.

On the basis of the further information submitted by the applicant, Natural England consider that the project is unlikely to have a significant effect on the Morecambe Bay Special Protection Area and Ramsar site and therefore can be screened out from any requirement for further assessment. Therefore subject to conditions being imposed in relation to the mitigation measures being implemented, the development is considered acceptable in terms of ecology and complies with Policy DM2 of the LMWLP and policies EP15 and EP16 of the Fylde Borough Local Plan.

Pollution of surface and ground water resources

The site construction involved laying an impermeable membrane over the whole compound area to prevent any accidental spillage and rainwater from entering the underlying soils, groundwater and nearby water courses. The working platform is bound by an open ditch, for the purpose of pollution prevention control, on all sides except for the northern side where the majority is piped and covered to allow access on to the platform.

The well has been drilled to a particular design to avoid affecting any ground water resources through which it passed. To prevent surface water pollution, conditions are proposed for the provision for the collection, treatment and disposal of all water entering or arising on the site, that all foul drainage shall be discharged to either a public sewer or to a sealed watertight tank and that any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls. Subject to the imposition of such conditions, the development is considered to be acceptable in relation to pollution control matters and would accord with Paragraphs 109, 120 – 121 and 123 – 125 of the NPPF.

The pressure monitoring procedure would first involve re-circulating the existing fluid (sodium chloride brine) within the well to ensure that there is sufficient pressure within the well to prevent it from collapsing. If pressure within the well is required to be increased, then more fluids in the form of clean water or brine fluid would be added to the well. The suspension fluid is not required to undertake the pressure monitoring although the fluid would remain in the well throughout the monitoring period.

The process of pressure monitoring does not involve the use of fracking fluids and does not require the pressurising of the well to create fractures in the surrounding rock. There would therefore be no increased risk of gas migrating to and contaminating ground water.

The well is designed to prevent, on a permanent basis, the transfer of any gas from the underground rock formations via the well and so avoid fugitive gas emissions to the air and the contamination and pollution of ground and surface waters.

Paragraph 122 of the NPPF requires that planning authorities should not seek to control processes or emissions where these are subject to approval under separate pollution control regimes and that LPA's should assume that these regimes will operate effectively. In this case, the impacts and techniques of well abandonment are regulated through other legislation and it is considered that the planning system should focus on ensuring that the site is restored in a manner that allows the former agricultural activities on this site to resume.

The Environment Agency have requested that a condition be imposed relating to the details of the well abandonment schedule including groundwater monitoring to be undertaken in order to ensure there will be no discharge of pollutants into groundwater bearing strata during the well abandonment process. The details of the well abandonment process would normally be controlled by DECC and the HSE under their relevant regimes. However a condition can be imposed to address this issue in order to ensure that the abandonment of the borehole including any cementing and capping works do not give rise to a risk of pollution from any fluids that might be retained in the well.

Seismic activity

A number of representations have commented upon the seismic (earthquake) impacts that arose from the shale gas exploration operations that were undertaken at the nearby Preese Hall site and are concerned that similar impacts would be created by the current proposals. However, the proposed pressure monitoring process would not create fractures in the surrounding rock in the same manner as those generated by full hydraulic fracturing operations. It is therefore very unlikely that the proposed testing would result in any form of earth movement that would result in ground vibrations other than those which may be experienced with the perforation of the well casing with a small charge and which would be minor.

Representations

A number of representations have been received from individuals and groups objecting to the proposal and which are set out above.

The concerns about the proximity of the proposal to ecological designations are understandable as is the potential risks of pollution to such. However, it is considered that the development contains mitigation measures to minimise the impacts on ecology and particularly wintering wild fowl and which could be reinforced through conditions. An assessment of the impact on ecology has been carried out and which concludes the proposal would not have any adverse impact and which is acceptable to Natural England.

In relation to impacts on water resources, only water and brine will continue to be used in the well and which is acceptable. No fracking is proposed and there is no flaring, flow testing exploitation of shale gas, merely pressure testing to establish the presence and pressure of any gas. There would be no risk of unacceptable earth tremors given there would be no fracking. Minor amounts of vibration may be generated associated with the perforation of the well but it is highly unlikely that such vibration would be experienced at the surface. Health and safety procedures on the site are a matter for the HSE.

The site is close to an existing ethylene pipeline but the site would not encroach closer to the pipeline nor would the proposed activities have any greater impacts on the pipeline over those that have previously taken place at this site. It should be noted that the HSE have not raised objection to the application in relation to pipeline impacts.

With regards to Environmental Impact Assessment, the proposal would be for a further temporary period and would not generate significant environmental effects of a level to require EIA including when considered alongside other existing and proposed shale gas or other developments in the vicinity of the site.

Conclusion

The proposed pressure monitoring and testing of the rock formations within the borehole at this site is part of a hydrocarbon exploration activity which is generally supported by Government policy. The development is for a temporary period of three years following which the site can be restored to its former agricultural use. The development would not have any significant unacceptable impacts in terms of seismic activity, traffic, noise, visual impacts or pollution. The development incorporates mitigation measures to ensure that there would be no impacts on ecological interests associated with the nearby European protected wildlife sites. On that basis the development is considered to comply with the policies of the NPPF and those of the development plan.

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

Recommendation

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

Time Limits

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

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

2. The testing and monitoring operations authorised by this permission shall cease and the site be restored in accordance with condition 18 by not later than 3 years from the date of this permission.

Reason: Imposed pursuant to schedule 5 of the Town and Country Planning Act 1990 and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

Working Programme

3. 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 23rd May 2014 as amended by the letter from Arup Ltd dated 30th January 2015.
 - b) Submitted Plans and documents:
 - Figure 1
 - Figure 2
 - Figure 3
 - Drawing showing stratigraphy in Grange Road borehole
 - 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 SP2, EP15, EP16, EP19, EP23, EP24, EP26 and EP27 of the Fylde Borough Local Plan.

4. No works involving the installation, removal or maintenance of the pressure and seismic monitoring equipment or well abandonment and site restoration operations shall take place except between 31st March and 31st October in any year. Outside of those times, visits to the site shall be limited to those occurrences described in the letter from Arup Ltd dated 30th January 2015.

The mitigation measures for ecology described in the letter from Arup Ltd dated 30th January 2015 shall be employed at all times during works undertaken during the over wintering period.

Reason : To ensure the protection of ecological interests and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policies EP15 and EP16 of the Fylde Borough Local Plan.

5. No topsoils or subsoils shall be exported from the site. All such soils shall be retained for use in the restoration of the site and shall be stored in mounds retained in a fully grassed weed free condition throughout the duration of their storage.

Reason: To ensure the proper removal and storage of soils to ensure satisfactory restoration and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Hours of Working

6. No delivery or removal of materials, plant or equipment, site development or well abandonment or restoration works shall take place except between the hours of:

07.30 to 18.30 hours Mondays to Fridays (except public holidays)
07.30 to 13.00 hours on Saturdays (except Public Holidays)

No delivery or removal of materials, plant or equipment, site development or well abandonment or site restoration works shall take place at any time on Sundays or public holidays.

This condition shall not apply to operations requiring the installation of a work over rig including installation and removal of monitoring equipment and perforation of the casing or to the carrying out of essential repairs to plant and equipment used on the site.

Reason: In the interests of the amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

Highway Matters

7. Heavy goods vehicle traffic to and from the site shall follow the route provided in accordance with the submitted Transport Assessment throughout the lifespan of the development.

Works and routing signage shall be provided in accordance with the submitted Transport Assessment throughout the lifespan of the development.

Reason: In the interests of highway safety and local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

8. All vehicles associated with the development, operational or restoration phase of the development shall park in the site. No vehicles associated with the development shall park on Grange Road.

Reason : In the interests of highway safety and local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

9. All vehicles shall enter or leave the site in a forward direction.

Reason : In the interests of highway safety and local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

10. Measures shall be taken at all times during the site construction, operational and restoration phases of the development to ensure that no mud, dust or other deleterious material is tracked onto the public highway by vehicles leaving the site.

Reason : In the interests of highway safety and local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

Control of Noise

11. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped 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.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy EP27 of the Fylde Borough Local Plan.

12. Noise from site operations between the hours of 23.00 – 07.00 shall not exceed a level of 42dB(A) Laeq free field when measured at the boundary of the following properties at a point closest to the noise source.

- a) Pointer House, Fleetwood Road
- b) Singleton Grange, Grange Road.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the

Floodlighting

13. Flood lighting shall only be utilised at the site during the works necessary to install and remove the pressure and seismic monitoring equipment and those works associated with the perforation of the borehole. At such times the floodlighting of the site shall be managed so that it is the minimum necessary to illuminate the working area and shall be orientated to minimise light spill to locations outside of the site boundary.

Reason: To minimise light pollution from site activities and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

Safeguarding of Watercourses and Drainage

14. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

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

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

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

16. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has first been approved, in writing, by the County Planning Authority.

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

17. Prior to the commencement of the abandonment of the well and the ground water monitoring boreholes, full details of the proposed abandonment

schedule, including any ground water monitoring, must be submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

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

Restoration

18. Site restoration shall take place in accordance with the following:-

- a) All plant, buildings, hardstandings, aggregates/ hardcore, lining systems and fencing shall be removed from the land.
- b) The upper layers of the subsoil material shall be subsoiled (rooted) to a depth of 600mm with a heavy-duty subsoiler (winged) prior to the replacement of topsoils to ensure the removal of material injurious to plant life and any rock, stone, boulder or other material capable of preventing or impeding normal agricultural land drainage operations, including mole ploughing and subsoiling.
- c) Following the treatment of the subsoil, topsoil shall be placed over the site to a minimum depth of 150mm and shall be ripped, cultivated and left in a state that will enable the land to be brought to a standard reasonably fit for agricultural use.
- d) Measures to relieve compaction or improve drainage
- e) The access from Grange Road shall be removed and reinstated to an agricultural access including the reinstatement of any roadside hedge.

Reason: To secure the proper restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Aftercare

19. Within 3 months of the certification in writing by the County Planning Authority of the completion of restoration, as defined in this permission, a scheme and programme for the aftercare of the site for a period of five years to promote the agricultural afteruse of the site shall be submitted to the County Planning Authority for approval in writing.

The scheme and programme shall contain details of the following:

- a) Maintenance and management of the restored site to promote its agricultural use.

- b) Weed control where necessary.
- c) Measures to relieve compaction or improve drainage.
- d) Management of any tree or hedge planting including replacement of failed plants, maintenance of protection measures and weed control.
- e) An annual inspection to be undertaken in conjunction with representatives of the County Planning Authority to assess the aftercare works that are required in the following year.

Reason: To secure the proper restoration and aftercare of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Definitions

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration in accordance with condition 18 have been completed satisfactorily.

Notes

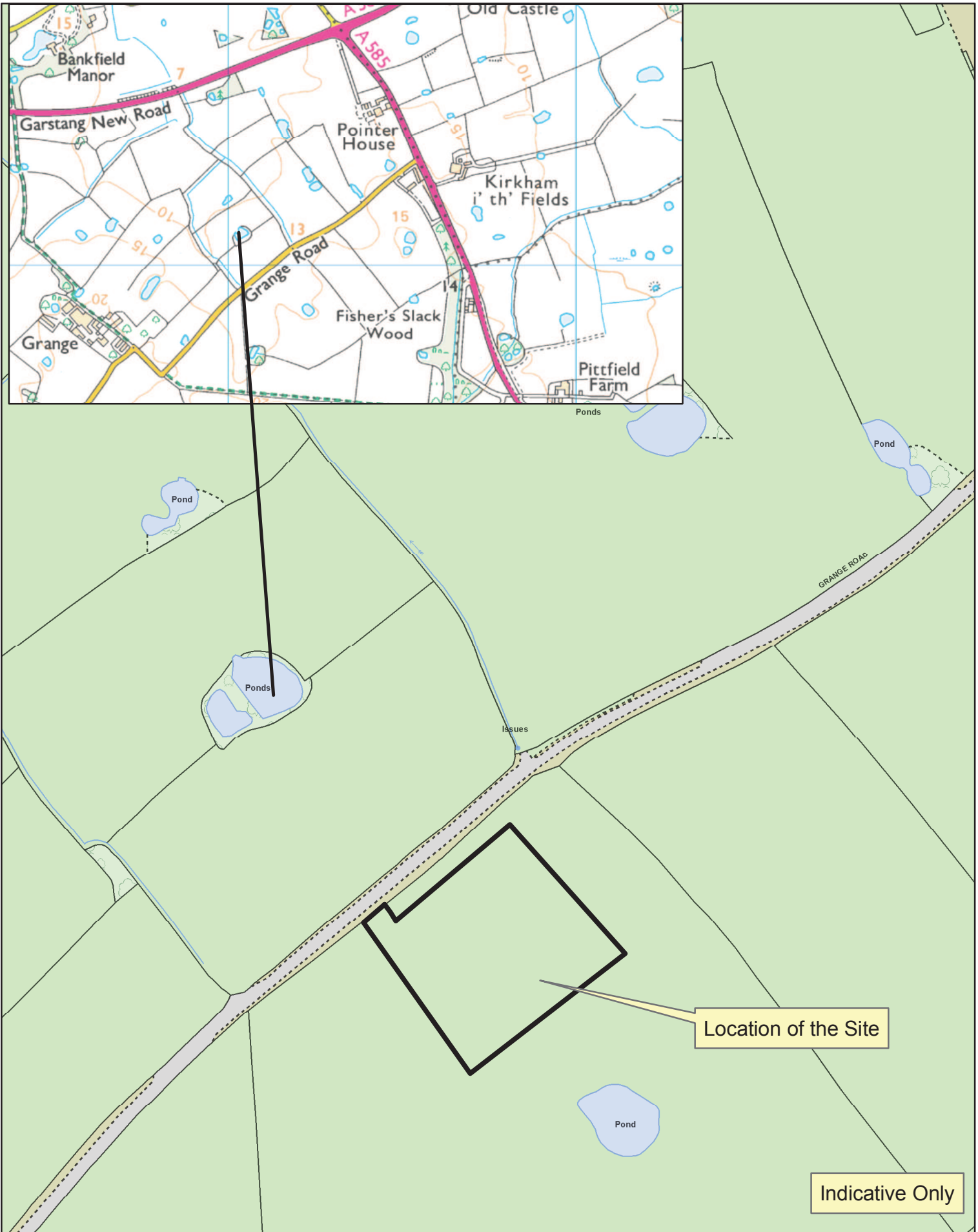
The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

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

Paper	Date	Contact/Directorate/Ext
LCC/20140084		Jonathan Haine/Environment/54130
05/12/0003		
05/10/0091		

Reason for Inclusion in Part II, if appropriate

N/A



APPLICATION LCC/2014/0084 PERMISSION IS SOUGHT FOR A THREE YEAR PERIOD TO RETAIN THE EXISTING SITE COMPOUND AND ACCESS TRACK, INSTALL SEISMIC AND PRESSURE MONITORS WITHIN THE EXISTING WELL; UNDERTAKE SEISMIC AND PRESSURE MONITORING; PLUGGING AND ABANDONMENT OF THE EXISTING EXPLORATORY WELL AND RESTORATION OF THE SITE. GRANGE ROAD EXPLORATION SITE, OFF GRANGE ROAD, SINGLETON, POULTON LE FYLDE

Appendix 2

Minute of Item 5 to the Development Control Committee meeting of 25 February 2015

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

A report was presented on an application for the retention of the site compound and access track for a further three years to allow pressure testing and seismic monitoring of the Bowland Shale reservoir, followed by plugging and abandonment of the existing exploratory well and site restoration at Grange Road Shale Gas Exploration Site, land on the south side of Grange Road, Singleton.

The report included the views of Fylde Borough Council, Natural England, the Environment Agency, Singleton Parish Council, the Health and Safety Executive, the Department for Energy and Climate Change and details of three hundred and one letters of representation received including approximately 220 cyclostyle letters. The Committee visited the site on the 23 February 2015.

The Head of 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 photographs of the site from various aspects.

The Head of Development Management reported orally that the County Council's Ecology officer was of the view that if the applicant could demonstrate that the proposed schedule was compatible with avoiding disturbance during the wintering bird season then, and as indicated in Natural England's response (dated 11/02/15), the County Council would be able to screen the project for the likelihood of significant effects (Habitats Regulations Assessment) and should be able to conclude no likely significant effect on the European site either alone or in combination.

This had been discussed with Natural England, who confirmed that where their response (dated 11/02/15) referred to development being carried out in strict accordance with the submitted details; this was a reference to the commitment to avoid undertaking disturbing works during winter (bullet point 1), and NOT to spring commencement and completion within a three year period (bullet point 2) unless it is clear that spring commencement would be compatible with avoiding disturbance during the wintering bird season.

It was also reported that representations had been received from Friends of the Earth on behalf of Singleton Against a Fracked Environment (SAFE). They maintained that:

- The grant of planning permission would be unlawful in respect of ecological matters;
- The officer report was flawed in respect of matters relating to noise;

- There were unanswered questions regarding well integrity and ground water;
- That alternatives have not been properly considered.

The matters raised were also included in the presentation made by SAFE and summarised below.

A presentation was received from SAFE on Monday 23rd February. The committee was informed that:

- No Environmental Impact Assessment (EIA) had been carried out and therefore assessments regarding Special Protection Area species (particularly pink footed geese and whooper swans) were inadequate and faulty;
- The application to collect seismic data was linked to applications at Roseacre Wood and Preston New Road which had not been determined and therefore this application was premature;
- The application was for a change of use in the initial application;
- Pressure monitoring was an appraisal activity which had the potential to lead to production and as such the site needed to be assessed with this in mind and if so would require EIA.
- The regulatory regime for developments of this nature was inadequate;
- Wells leak, fugitive emissions of gasses from the well could migrate through various routes to atmosphere and ground water; no cement bond logs were made for the well; nobody had a full understanding of the integrity of the well; the well should not be allowed to be abandoned until more details of it were understood; and
- The application should be rejected as other regulators had confirmed they would not be monitoring abandoned wells.

In response to the matters raised by SAFE via Friends of the Earth and in their presentation, the committee was advised that:

Ecology - The applicant had provided confirmation of the project design in terms of timing of the proposed works that would ensure avoidance of the winter wildfowl season other than for monitoring.

With regard to Friends of the Earths comments on behalf of SAFE - a screening opinion had concluded that the proposed development was not EIA development and that by the applicant not undertaking key works on the site as part of the project design during the winter wild fowl season, this would be sufficient to minimise effects; that those effects would be negligible due to the location of the site; and there was no uncertainty about the efficiency of the proposed mitigation. It was considered unnecessary to have the results of wintering bird surveys to come to any other view; the conclusions drawn were to the satisfaction of Natural England. There was therefore no requirement for an appropriate assessment prior to the determination of the application. It would be unreasonable to compare this site and Beconsall regarding the impacts on wintering wildfowl or mitigation measures proposed. The two sites were very different and must be assessed on their own merits.

Noise - It was not accepted that the report was flawed in its assessment of noise or that it should reflect the recommendations to the applications for Preston New Road

and Roseacre Wood. The circumstances were very different both in terms of proximity of the nearest properties to the site and the nature and duration of the proposed key works. Nevertheless, a proposed amendment to conditions 6 and 12 was proposed.

Well Integrity and ground water– Should planning permission be granted then the well operator would be required to submit a well notification of the operations that would be conducted to the Executive (compliance with the Borehole Site and Operation Regulations 1995 –BSOR).

The notification would be inspected by a Well Operations Inspector. The Inspector would expect the detailed programme of work to include a demonstration of the continued pressure containing envelope of the well – this would include, amongst others, a pressure test prior to entering the pressure containing envelope of the well (compliance with the Offshore Installation and Wells (Design and Construction etc.) Regulations 1996 – DCR).

The proposed operations for "pressure testing" consisted of the recording of downhole pressures for further analysis and the path for recording these pressures was by the perforation of the casing at the points of interest (shale sections).

Ground water - The Environment Agency had reviewed their previous comments and concluded there was no longer a requirement for the submission of details of the well abandonment schedule and that this would not be necessary or relevant to planning, having regard to paragraph 206 of the National Planning Policy Framework. They therefore no longer requested the inclusion of a condition requiring such. The Agency had developed a Regulatory Position LIT9054 which applied to oil and gas wells which were drilled before 1 October 2013 where the only new activity that would require a mining waste permit was the management of extractive waste, not involving a waste facility, generated by well abandonment. This set out the requirements that must be complied with in full to benefit from the position that a permit for a mining waste operation was not required. It was limited to the management of waste generated by well abandonment provided the management of this waste did not involve a waste facility. Temporary storage of waste on site as part of collection and transportation only did not, in their view, amount to a waste facility. Any such wastes must be removed from site at the earliest opportunity.

If the abandonment process could lead to a discharge occurring then a groundwater activity permit may be required in line with Schedule 22 to the Environmental Permitting Regulations 2010. The company would be contacted directly about this. The Environmental Permitting (England & Wales) Regulations 2010 (Regulation 38(1)) makes it an offence to cause or knowingly permit a groundwater activity (discharge of a pollutant that might lead to its direct or indirect input into groundwater) except under and to the extent authorised by an environmental permit or an exemption as provided for in the Regulations. Any testing activities associated with the proposed development that generate waste may constitute mining waste operations and require a Permit under the Environmental Permitting (England and Wales) Regulations 2010.

Local plan/alternatives - It was not accepted that the application had been incorrectly assessed against the policies of the development plan or that alternatives the subject of other applications, should be taken into account. The application must be

considered on its merits and in any event was a very different monitoring practice and at greater depth in target formations than those proposed and associated with Preston New Road and Roseacre Wood sites, neither of which in any event had the benefit of planning permission at this stage.

It was proposed to delete condition 1 to avoid conflict with condition 2.

The noise generative operations were proposed over a short period of time but would have to be carried out on a 24 hour basis. It was considered that the proposed limit of 42dB (A) Laeq free field between the hours of 22.00 and 0700 would reflect the NPPF and would be acceptable, particularly given the short duration of the operations and the distances of the site from the nearest properties. It was therefore proposed to amend condition 6 and 12 to exclude the restriction on operations and amend the hours.

In view of advice from the Environment Agency, it was proposed to delete condition 17.

Fourteen members of the public addressed the committee including local residents and representatives from Ribble Estuary Against Fracking (REAF) and Residents Action on Fylde Fracking (RAFF). They reiterated the concerns set out above and on pages 38 and 39 of the committee report in relation to noise, well integrity and ground water, the degradation of habitats, the lack of enforcement, the lack of information regarding the location of faults in that area, the requirement for an EIA and the impacts on Special Protection Area (SPA) species. They also reiterated that the application was premature with regard to the collection of seismic data and that the mitigation measures and the regulatory regime were inadequate. In addition, it was maintained that:

- The application fell short of satisfying the requirements of policy CS5 of the Lancashire Minerals and Waste Development Framework as it did not ensure that natural resources including water, air, soil and biodiversity were protected from harm and failed to conserve, enhance and protect the character of Lancashire's landscapes.
- The application was contrary to policy DM2 of the Lancashire Minerals and Waste Local Plan in that it did not demonstrate that all material, social economic or environmental impacts had been sufficiently addressed in order to reduce those impacts to an acceptable level.
- The application was in breach of Policy SP2 of the Fylde Borough Local Plan as mineral extraction does not fall within the accepted category in an agricultural area.
- The application failed to take account of the cumulative impacts of other developments nearby namely the Highways Agency road works and the extension to the County Council's Highways Depot on Grange Road.
- The long term suitability of the site should be taken into account at this appraisal stage.
- There was no information as to whether the applicant had assessed alternative locations for the surface works in areas approved for this type of activity.

- There was no information about who would assume responsibility for the long term monitoring of the well and its integrity.
- The monitoring is not required in addition to that proposed for Preston New Road and Roseacre Wood.
- The well is split into two wells below ground, no details have been provided and the information supporting the application is unreliable.
- The site was intended to be temporary. This application would allow the site to be present for 7-8years beyond which further planning permissions may be sought for more permanent development.
- Members of the public also raised questions with regard to the disposal of the waste water and fluid following the abandonment process; whether the boreholes would be used for the storage of nuclear waste and if the charge proposed to be used to perforate the well would contain depleted uranium.
- Three individuals addressed the committee and spoke in support of the application. Two individuals spoke on behalf of the applicant and informed the committee that:
 - The pressure testing would provide sub-surface geological reservoir information of the Bowland Shale and the seismic monitoring would provide valuable information on the baseline seismicity.
 - There will be no need for any additional drilling. The existing well would not be hydraulically fractured.
 - Following the monitoring programme the well would be sealed with cement plugs and abandoned in accordance with the oil and gas UK guidelines and the site returned to the greenfield condition.
 - No fluid would be injected into or produced from the shale, and no gas would be produced or flow from the well.
 - The site was already established and had an impermeable membrane to provide containment for any spilled liquid and surface water run-off.
 - The integrity of the well was fully understood and a total of five cement bond logs were carried out during the drilling of the well.
 - There were limited views of the site available, given the topography and existing tree screening.
 - Any lighting on site would be kept to a minimum and directed in a way which minimised spillage beyond the site. Visual impacts therefore minimal
 - The site had good access and visibility, with the A585 only a short distance away.
 - Experience showed that the monitoring activity itself was a very low noise activity. It would not be audible in the immediate locality of the site.
 - Groundwater would be protected from the contents of the well during monitoring operations by a combination of steel casings and cemented annulae, which were put in place as part of the original well construction. The impermeable membrane would also protect groundwater.
 - The risk of any adverse impact from the well testing process on groundwater and local water courses was highly unlikely.
 - There would be minimal potential impact on the ecology and over-wintering birds. The ecological assessment and this proposed approach had been agreed with LCC's ecologist and Natural England.
 - The proposal would not generate significant environmental effects and given the low level of impact it does not require an EIA.

- The development complies with the NPPF as the benefits of the proposal outweigh the minor environmental impacts.
- In response to concerns raised by the Committee with regard to the proposed noise levels, the officer advised that the well had already been drilled and that as far as he was aware, no complaints had been received at that time. The proposed works were expected to take two weeks and he was satisfied this would not result in an unacceptable loss of amenity.

The officer also responded to further concerns raised by the committee with regard to the impact on the SPA species and the long term well integrity monitoring regime following the plugging and abandonment of the well.

Following lengthy debate and further questions to the officer, it was Moved and Seconded that:

"The application be deferred to investigate whether noise levels at the nearest residential properties could be reduced below 42db".

On being put to the vote the Motion was Lost.

Following which it was Moved and Seconded that the application be approved.
On being put to the vote the Motion was Lost whereupon it was:

Resolved:

- i) That the application be **refused** as it is contrary to policies SP2 of the Fylde Borough Local Plan, CS5 of the Lancashire Minerals and Waste Development Framework and DM2 of the Lancashire Minerals and Waste Local Plan.
- ii) That a further report setting out draft reasons for refusal be reported back to the committee for confirmation of the reasons why the proposal is contrary to policies SP2, CS5 and DM2.

Development Plan Policies

Support text and Policy SP2 of the Fylde Borough Local Plan:

Development in Countryside Areas

- 2.16 A fundamental element of the urban concentration strategy is the need to strictly control development in the open countryside. Policies of restraint in rural areas will, on the one hand, encourage development and investment in existing settlements and, on the other hand, will help to protect the intrinsic value and rural character of the countryside.
- 2.17 This approach is commensurate with the objective of sustainable development, the Government's policies of safeguarding the countryside for its own sake and protecting non-renewable and natural resources.
- 2.18 However, whilst acknowledging the duty placed on local planning authorities to protect the character of the countryside, certain forms of development are necessary to support rural life and maintain or enhance the rural economy. Policy [SP2](#) defines the categories of development which are acceptable in the open countryside in appropriate circumstances.
- 2.19 Most development allowed in the open countryside will be for agricultural, horticultural or forestry purposes where this is necessary for the efficient and effective running of the enterprise. The Council consults the Land Agency Manager of Lancashire County Council's Property Consultancy in respect of most agricultural development proposals to establish whether there is a genuine need for development. Applications for agricultural workers dwellings are considered in relation to Policy [SP10](#).
- 2.20 Some forms of tourism development can be appropriate within the rural areas. These include small-scale tourist accommodation, caravan sites and very exceptionally larger scale tourism development. The Council's policies in respect of these matters are included in [Chapter 6](#).
- 2.21 The re-use of substantial brick or stone buildings, which are structurally sound, may be an appropriate way of preserving an important local feature in the landscape or providing for a rural use which otherwise may have required a new building.
- 2.22 Where large developed sites already exist within open countryside, it is appropriate to allow their re-use or redevelopment for purposes that are appropriate in a countryside setting and which would not prejudice the rural character of the area. Policy [SP7](#) gives further guidance on this issue.
- 2.23 Minor extensions to existing dwellings and other non-residential buildings are also acceptable in principle, providing they do not prejudice the character of the countryside and are appropriately designed.

2.24 Whilst Policy SP2 below deals with the principle of development in Countryside Areas, the Council recognises the importance of obtaining high standards of design reflecting, where appropriate, local building styles and traditions and the character of the landscape. Policy [EP11](#) covers the issue of quality of development.

POLICY SP2

IN COUNTRYSIDE AREAS, DEVELOPMENT WILL NOT BE PERMITTED EXCEPT WHERE PROPOSALS PROPERLY FALL WITHIN ONE OF THE FOLLOWING CATEGORIES:-

- 1. THAT ESSENTIALLY REQUIRED FOR THE PURPOSES OF AGRICULTURE, HORTICULTURE OR FORESTRY; OR OTHER USES APPROPRIATE TO A RURAL AREA, INCLUDING THOSE PROVIDED FOR IN OTHER POLICIES OF THE PLAN WHICH WOULD HELP TO DIVERSIFY THE RURAL ECONOMY AND WHICH ACCORD WITH POLICY [SP9](#);*
- 2. THE REHABILITATION AND RE-USE OF PERMANENT AND SUBSTANTIAL BUILDINGS WHICH ARE STRUCTURALLY SOUND, IN LINE WITH POLICIES [SP5](#) AND [SP6](#);*
- 3. THE RE-USE, REFURBISHMENT OR REDEVELOPMENT OF LARGE DEVELOPED SITES IN LINE WITH POLICY [SP7](#);*
- 4. MINOR EXTENSIONS TO EXISTING RESIDENTIAL AND OTHER BUILDINGS.*
- 5. 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.*

Policy CS5 of the Lancashire Minerals and Waste Development Framework

Alternatives to the bulk transportation of minerals by road will be encouraged. Existing or potential transport, storage, handling or reprocessing facilities will be safeguarded where they offer the potential for the use of rail, water or other means to transport minerals.

Criteria will be developed for the site identification process, and also for considering other proposals brought forward outside the plan-making process, to ensure that:

- i) our natural resources including water, air, soil and biodiversity are protected from harm and opportunities are taken to enhance them;*
- ii) features and landscapes of historic and cultural importance and their settings are protected from harm and opportunities are taken to enhance them;*
- iii) workings will not adversely contribute to fluvial flood risks or surface water flooding;*
- iv) proposals for mineral workings incorporate measures to conserve, enhance and protect the character of Lancashire's landscapes;*
- v) the amenity, health, economic well-being and safety of the population are protected by the introduction of high operating standards, sensitive working practices and environmental management systems that minimise harm and*

nuisance to the environment and local communities throughout the life of the development;

- vi) essential infrastructure and services to the public will be protected;*
- vii) sensitive environmental restoration and aftercare of sites takes place, appropriate to the landscape character of the locality and the delivery of national and local biodiversity action plans. Where appropriate, this will include improvements to public access to the former workings to realise their amenity value.*

Concurrent mineral working will be encouraged where it will maximise the recovery of the materials worked, including secondary materials. Waste materials will be used positively wherever appropriate and will not constitute a nuisance before a suitable use can be found.

Policy DM2 of the Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies – Part One:

Development for minerals or waste management operations will be supported where it can be demonstrated to the satisfaction of the mineral and waste planning authority, by the provision of appropriate information, 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 will be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts can be controlled in accordance with current best practice and recognised standards.

In accordance with Policy CS5 and CS9 of the Core Strategy developments will be supported for minerals or waste developments where it can be demonstrated to the satisfaction of the mineral and waste planning authority, by the provision of appropriate information, that the proposals will, where appropriate, make a positive contribution to the:

- Local and wider economy*
- Historic environment*
- Biodiversity, geodiversity and landscape character*
- Residential amenity of those living nearby*
- Reduction of carbon emissions*
- Reduction in the length and number of journeys made*

This will be achieved through for example:

- The quality of design, layout, form, scale and appearance of buildings*
- The control of emissions from the proposal including dust, noise, light and water.*
- Restoration within agreed time limits, to a beneficial afteruse and the management of landscaping and tree planting.*
- The control of the numbers, frequency, timing and routing of transport related to the Development*

Agenda Item 5

Development Control Committee
Meeting to be held on 20th May 2015

Electoral Division affected: Thornton Cleveleys North
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Wyre Borough: Application No. LCC/2014/0144
Retrospective planning application for the variation of conditions 3 and 9 of planning permission 02/11/0876 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, and to allow the doors of the waste transfer building to be open only while plant is operating but only for the ingress and egress of vehicles requiring access to the building.

Lancashire Waste Recycling Limited, Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

Contact for further information:
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Executive Summary

Application - Retrospective planning application for the variation of conditions 3 and 9 of planning permission 02/11/0876 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, and to allow the doors of the waste transfer building to be open only while plant is operating but only for the ingress and egress of vehicles requiring access to the building.

Lancashire Waste Recycling Limited, Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

Recommendation – Summary

That subject to the applicant first entering into a Section 106 Agreement to ensure all heavy goods vehicles other than those servicing the local area and those transporting waste materials from the site to Jameson Road landfill site access and egress the site via Fleetwood Road and Bourne Way, planning permission be **granted** for the variation of conditions 3 and 9 of planning permission 02/11/0876 subject to conditions controlling working programme, hours of operation, colour of building, use of building, site operations, noise, dust and highway matters.

Background

This application was presented to the meeting of the Development Control Committee on 8th April 2015. However, at that meeting, applications LCC/2014/0144 LCC/2014/0145 were not determined as it was considered that both applications

were invalid due to an error in the submitted ownership certificates. Consideration of both applications was therefore deferred. However, amended certificates for applications LCC/2014/0144 and LCC/2014/0145 have now been submitted which addresses the validation issue and therefore allows both applications to proceed to determination.

Applicant's Proposal

Planning permission 02/11/0876 was granted in October 2012 for the erection of a building to enclose a materials recovery plant associated with a waste transfer use previously approved under permission 02/11/0184.

Condition 3 of permission 02/11/0876 prohibits the delivery or removal of materials or waste transfer and recycling operations outside the hours of 0800 to 1800 hours, Mondays to Fridays (except Public Holidays), and 0800 to 1300 hours on Saturdays (except Public Holidays), with no delivery or removal of materials or waste transfer and recycling operations to take place at any time on Sundays or Public Holidays.

Condition 9 of permission 2/11/0876 stipulates that no material recovery plant or any other plant or machinery shall be operated within the building unless the doors to the building are closed.

Planning permission is now sought for the following:

- To vary condition 3 to extend the hours of waste transfer and recycling operations to between 07.00 – 19.00 Mondays to Fridays (except Public Holidays) with the delivery and removal of waste and processed materials only to take place between the hours of 13.00 – 17.00 on Saturdays and 10.00 – 15.00 hrs on Sundays and Public Holidays.
- To vary condition 9 to allow the doors of the waste transfer building to be kept open while the waste processing plant is operating but only whilst vehicles are entering and leaving the building.

A screening opinion of this proposal has been undertaken and it was concluded that the proposed development is not Environmental Impact Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Description and Location of Site

The site is operated by Lancashire Waste Recycling Limited (LWR) and is located on the north side of Burn Hall Industrial Estate 1.3km to the south-east of Fleetwood. The site is a flat area of land covering an area of 1.21 ha. Access to the industrial estate is from the B5268 Fleetwood Road and then to the site via Venture Road within the industrial estate. Enterprise Way within the industrial estate is located along part of the western boundary.

The site entrance is on the west side of the site. A weighbridge and demountable units are near the site entrance with the 'L' shaped waste transfer building located along the southern boundary and south-east corner of the site. On the north side of the building are two vehicle entrances; one measuring 5m by 5m high that is north facing, and one measuring 4.5m by 5m high that is west facing. An air filtration system is on the east elevation of the waste transfer building. The majority of the site between the waste transfer buildings and the northern boundary has a reinforced concrete surface with some surfacing of the area not yet complete. The area between the west side of the waste transfer building and the part western boundary along Enterprise Way is a mixture of bare, hardcored and tarmaced ground. Wooden acoustic fencing 2.5m high is located along the northern boundary of the site with 2m high steel palisade fencing along the other boundaries.

The Cala Gran Caravan Park is located 20 metres to the north of the site boundary. The north-east boundary of the site borders the 'Burglars Alley Field' BHS which is an open field to the north. The Thornton Waste Technology Park is on the east side of the site. Northern Express Glass, a manufacturer of glass for windows and doors, and Wyre Tyres, a vehicle repair garage, are located adjacent to the southern boundary. Shakespeare Monofilaments, a manufacturer of man-made fibres, is to the southwest on the west side of Enterprise Way. Land between Fleetwood Road and the north-west side of the site is cleared and derelict. The closest residential properties are situated approximately 45 metres to the north-west of the site boundary on Springfield Terrace fronting Fleetwood Road. The whole of the site except for a small area by the eastern boundary falls within Flood Risk Zone 2.

Members visited the site on 18th May 2015.

Background

Planning permission (ref.02/11/0184) for a change of use from general industrial to a waste transfer station for commercial waste including the demolition and modification of existing buildings, the erection of a waste transfer building, materials recovery facility plant, perimeter fencing, landscaping and hardsurfacing was granted on 28 October 2011. This permission was subject to a Section 106 Agreement relating to vehicle routing.

Planning permission (ref. 02/11/0876) for the erection of a building to enclose the material recovery plant previously approved in permission 02/11/0184 was granted on 24 October 2012. This permission was subject to a Section 106 Agreement relating to vehicle routing.

Planning permission (ref. 02/11/0877) for the variation of conditions 2b, 3, 5, 12, 13 and 27 of planning permission 02/11/0184 to increase the dimensions of the waste transfer building from 40m by 30m to 50m by 31m and decrease its height from 16.3m to 12.9m was granted on 24 October 2012. This permission was subject to a Section 106 Agreement relating to vehicle routing.

A retrospective planning application (ref. LCC/2014/0145) for the variation of conditions 4, 12 and 17 of planning permission 02/11/0877 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and

processed materials, to allow the waste imported to the site for processing to have low levels of food contamination, and to allow the doors of the waste transfer building to be open only for the ingress and egress of vehicles requiring access to the building while plant is operating, is reported elsewhere on this agenda.

A retrospective planning application (ref. LCC/2014/0146) for the retention of an air filtration system to filter and expel the air and odours from inside the waste transfer buildings, the erection of a single storey substation plant room extension, the relocation of a weighbridge, the provision of a demountable unit for use as a reception/ office, and the provision of three metal shipping containers for use as a canteen, showers and mess room, is reported elsewhere on this agenda.

Planning Policy

National Planning Policy Framework (NPPF): Paragraphs 11 – 14, 17 - 19, 56 – 66, 103, 104, 122, 123 and 124 are relevant with regard to the presumption in favour of sustainable development, core planning principles, building a strong competitive economy, the requirement for good design, flood risk, permitting regimes operated by pollution control authorities, noise and odour.

National Planning Practice Guidance

National Planning Policy for Waste

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

Policy NPPF 1 Presumption in favour of sustainable development
Policy DM2 Development Management

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD

Policy CS7 Managing Waste as a resource
Policy CS8 Identifying Capacity for managing our waste
Policy CS9 Achieving Sustainable Waste Management

Wyre Borough Local Plan

Policy SP14 Standards of Design and Amenity
Policy ENV13 Development and Flood Risk
Policy EMP8 Existing Industrial Areas

Wyre Borough Council Fleetwood – Thornton Area Action Plan (AAP)

Policy 1 Environmental Quality and Protection
Policy 3 Industry and Business

Consultations

Wyre Borough Council – The Borough Council initially raised objection to the application as it was considered that insufficient information had been submitted to demonstrate that the variation and removal of conditions as proposed would not have a detrimental impact on the amenity of neighbours. However, in response to further noise monitoring data, the Borough Council's Environmental Health Officer states that although there is a difference in recorded background noise levels, conditions in line with BS4142 relating to the difference between the source and background level would overcome this uncertainty. The EHO states that the change in noise levels when the doors are open compared to when they are closed is not perceivable and that the proposed extension of hours for the operation of the plant is still within daytime hours. It is therefore considered that the noise levels are acceptable subject to conditions being applied relating to the difference between the rating level and background noise level.

Fleetwood Town Council – Object due to the working hours, noise, odours and pollution of a watercourse.

LCC Developer Support (Highways) – No observations received.

Environment Agency – No objection in principle although there are concerns about the operation of the doors. Assessments have been carried out on the suitability of the fast acting doors which were installed with the intention of containing odour within the building. EA investigations raised a number of concerns:

- The extraction system is designed to maintain a slight negative pressure, even when the roller shutter doors are open, which is intended to contain any odorous air within the building. In practice this was not the case.
- During a visit the EA detected odour outside the building near to one of the fast acting doors as the contaminated air was being drawn out of the building due to low air changes in the building.
- The EA observed the operation of the automatic doors and found during a delivery that the doors seemed to be operated manually by staff.
- The time period for the opening and closing of the fast acting doors to allow for vehicular access ranged from 47 seconds to 1 minute 47 seconds.
- After observing the door closing, it then unexpectedly reopened on its own. This was explained to be the automatic motion sensor inside the building which opens the door when any movement is detected near the door.

The applicant has taken some measures to address this, but they do not fully address the escape of odour when the doors are opened, which is still to be resolved. Improvements that have been made include the changes to the motion sensor from 90 seconds to an activation time of 30 seconds. In addition, the site has moved operations likely to activate the motion sensor away from the door to prevent it being accidentally activated.

In light of these findings, until the site can increase the extraction rates to create sufficient negative pressure the removal of condition 9 would not be advisable as it would increase the risk of odour release off site. We understand this is a retrospective application as the current planning condition 9 would prevent any machinery being operated every time the door is opened and therefore require the

company to shutdown and start up machinery on average 30 times a day, which is not practicable. With this in mind, it may seem more appropriate to make an amendment to condition 9 that the doors are only to be opened for the ingress and egress of vehicles requiring access to the building, and not a full relaxation of the condition which was presumably in place to minimise the initial risk of noise and odour emissions from the building. The proposed improvements to the air filtration/extraction system (that are the subject of Application LCC/2014/0146, also on this agenda) would include operating 24 hours and so increasing extraction rates overall from the waste transfer building. This would help to prevent the escape of odours from the open doors of the waste transfer building.

The EA state that they will continue to work with LWR through the regulatory regime to address these issues. The submitted Odour Management Plan Version 10.4.1 is acceptable. The application is not considered to be a risk from a flooding perspective.

LCC Specialist Advisor (Ecology) – No observations received.

Representations – The application has been advertised by press and site notice and neighbouring residents have been notified by letter. 95 representations of objection, including one from Eric Ollerenshaw MP, and 2 representations of support have been received to the application.

The objections can be summarised as follows:-

- The proposal has exacerbated the constant bad smell in the area due to operations at the waste plant and longer working hours. The smell can be very bad depending on the wind direction. This will interfere with the private lives of and be to the detriment of the local residents in the wider community.
- The erection of the air filtration system (vent stack) has not resolved the problem of smells/ odours emitted from the site.
- The proposal has increased traffic in the local area. The A585 cannot cope with the traffic attempting to use it. The poor road conditions and increased journey times must deter new business from investing in the area.
- Stinking waste should not be delivered through highly populated areas.
- Concerns that the proposal will affect the routing agreement for Heavy Goods Vehicles associated with the site.
- There has been an increase in intrusive noise levels from the site. The noise generally consists of a vehicle movement in the background and an occasional bang from the movement of equipment. 'White noise' reversing sounders can be heard from vehicles on the site as they occur on a regular basis and pulse on and off in operation.
- There has been an increase in flies and scavenging gulls in the local area as a consequence of activities at the site, particularly during the summer months.
- This area has already taken the brunt of processing/ treating waste produced from other areas in the form of the Waste Technology Park. The area should not be allowed to become the dumping for more waste from other areas.
- LCC have not consulted enough neighbouring properties about the application by letter as they should have done.

- Wyre Borough Council's Environmental Health Officer has not been consulted on this application.

One of the representations has been made on behalf of the operators of the Cala Gran Caravan Park who raise the following issues:-

- The quality of the information submitted with the application is not of sufficient detail to enable LCC to make an informed decision on the proposal; the supporting statement makes reference to policy documents that either do not exist or have been superseded, and there is limited information available with inaccurate submitted drawings.
- The Acoustic Assessment and Noise Management Plan submitted with the application are inadequate to draw any valid conclusion that the noise impact created by the facility can be reduced to levels to prevent adverse impacts.
- The Odour Management Plan submitted with the application lacks sufficient detail and is inappropriate for its intended use to demonstrate that the harm can be eliminated or reduced to an acceptable level.
- The application is one to which the Environmental Impact Assessment (EIA) Regulations apply because it falls within Paragraph 11(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 being an 'Installation for the disposal of waste'. However, no screening opinion has been undertaken by LCC to assess if the development is EIA development. If they had, then LCC would have considered and concluded that the environmental amenity impacts of the development such as noise, odour, light pollution, additional vehicle movements, air pollution and dust, would be of such potential harm and significance that the submission of an EIA would be required.
- The site affects the environment from issues arising mainly from odour and noise pollution, but also from vibration and dust pollution, to the detriment of the health and wellbeing of users of Cala Gran Caravan Park, nearby residents and tenants on Burn Hall Industrial Estate. There are some days when the doors of caravans, homes and businesses cannot be opened because of the smell from the site. Noise from the site wakes up nearby residents and park users early in the morning.
- Cala Gran is a significant local employer and has an important role to play in the tourism economy of Wyre Borough. Complaints by visitors to Cala Gran arising from LWR's operations have been continuous and are having a detrimental effect on the caravan park. If this continues, then holiday makers and caravan owners will stop visiting the area resulting in lost rates and loss of trade in the local community that no town can afford.
- Full and extensive odour assessments, noise assessments and traffic assessments have been undertaken and submitted on behalf of Cala Gran Caravan Park that conclude that LWR's operations have caused detrimental impacts.
- The Environment Agency's Compliance Assessment Reports from August 2013 to October 2014 clearly demonstrate that the site is causing harm noise and odour. It is becoming increasingly evident that the regulatory regimes are not able to control the impacts to an acceptable level.

- Cala Gran and other businesses that may be affected by the development were not notified by letter as to the application, while other businesses were consulted, which is very inconsistent.
- Agents for Cala Gran also consider that there is an error in the ownership certificates that accompany the application.

The objection from Eric Ollerenshaw MP is on the grounds that the proposal will have a detrimental impact on its residential neighbours and is therefore contrary to the provisions of the NPPF. In addition, there have been numerous complaints about odour and noise with regards to this plant and I feel that lifting the current planning restrictions will only add to this.

The 2 letters of support from local residents are as follows:

- One who lives 1km from the site and experiences negligible nuisance or disturbance from the operations.
- One who lives 0.5km from the site who is of the opinion that Lancashire Waste Recycling are not responsible for the problems of noise and odour for which they are blamed. Global Renewables appears to be the problem. LWR have provided a tour when the automatic doors opened and closed as the wagons delivered the plastic waste. No smell or noise could be detected when the doors were open even though the plant was fully working. The plant produces a great product that is used to replace the burning of coal to heat the kiln of a cement factory on a continual basis and so reducing the amount of carbon released into the atmosphere.

Prior to the 8th April Committee, presentations to Members of the Committee were made by Bourne Leisure (operators of the Cala Gran Caravan Park and the applicant (Lancashire Waste Recycling), the content of which can be summarised as follows.

Presentation by Bourne Leisure

- Bourne Leisure provided information on the scale of their company and the numbers of guests at the Cala Gran site which are in the region of 30,000 per year. It was stated that Cala Gran had not invested in the site due to the odour issues generated by Lancashire Waste Recycling. Information was also provided on the planning history of the site and continued breaches of condition at the site. It was stated that the issues at the site had led to adverse comments being posted on Trip Advisor.
- Information was also provided in relation to odour including a map to show the relationship between Cala Gran and the application site and also a wind rose showing prevailing wind direction. It had been calculated that odours from the application site were blown towards Cala Gran for approximately 25% of the time. Information was also provided on measurement criteria for odour impacts and it was stated that the waste is around 2 weeks old by the time it reaches the application site.

- It was stated that LWR is not operating in accordance with its permitted development and that 2 applications are to regularise breaches and the other application is retrospective. It was also stated that there appeared to be an issue with the validity of the applications. It was considered that the proposed condition on waste types conflicts with the Wheatcroft principles the applicant considered that they have been denied opportunity to comment on this condition.
- Bourne Leisure consider that the significance of the proposals has been understated in that it would allow for a large increase in hours and tonnages of waste delivered to the site. There were concerns that the air extraction system produced additional noise and the proposed conditions to control this noise were imprecise.
- Bourne Leisure consider that the problems cannot be pushed onto another regulator to deal with and that applications 144 and 145 should be refused with 146 only being approved if conditions are strengthened.

Presentation by Lancashire Waste Recycling

LWR is local company employing 30 staff and the additional hours are needed to allow traffic to be programmed to avoid the busiest parts of the day and no more waste would be imported that at present.

It was acknowledged that there were some odour issues at first but there were other activities in the area which generate odour – a map was circulated showing the location of these.

The applicant explained that a number of MP's had been to the site and were satisfied and that they were in compliance with environmental controls. He explained the types of waste that were processed and that they had invested £200,000 in odour abatement plant and new doors to control odour and noise.

Advice

At the meeting of the Development Control Committee on the 8th April 2015, the determination of this planning application was deferred due to the application being deemed invalid as the submitted ownership certificates had not been correctly completed. The applicant has subsequently supplied amended ownership certificates to serve notice on the co-owner of the site and the statutory period for representations to the amended certificates has now expired. The validation issue has now been satisfactorily addressed and the application can now be determined.

Planning permission 02/11/0876 for the erection of a building to enclose the material recovery plant previously approved in permission 02/11/0184 was granted on 24 October 2012.

Condition 3 of the permission relates to the hours of working and prevents the delivery or removal of materials or waste transfer and recycling operations outside the hours of 0800 to 1800 hours, Mondays to Fridays (except Public Holidays), and 0800 to 1300 hours on Saturdays (except Public Holidays), with no delivery or

removal of materials or waste transfer and recycling operations to take place at any time on Sundays or Public Holidays.

Condition 9 of the permission stipulates that no material recovery plant or any other plant or machinery shall be operated within the building unless the doors of the building are closed.

Planning permission is now sought to vary condition 3 to extend the hours of waste transfer and recycling operations to between 07.00 – 19.00 Mondays to Fridays (except Public Holidays), with the delivery and removal of waste and processed materials only to take place between the hours of 13.00 – 17.00 on Saturdays and 10.00 – 15.00 hrs on Sundays and Public Holidays.

Planning permission is also sought to vary condition 9 so as to allow the doors of the waste transfer building to be open while the plant inside is operating but only to allow the ingress and egress of vehicles.

The site was originally granted planning permission to operate as a waste transfer station for inert construction and industrial waste. However, when the site was developed at the end of 2011, it was established as a facility for converting dry unrecyclable plastics, paper and textiles into a fuel which can be used as a kiln fuel in the manufacture of cement. The waste is shredded to produce a fine 'flock' type material that can be blown in to the kiln.

The majority of waste (70-80%) received at the site is currently from the adjacent Thornton Waste Technology Park where it has been sorted from the general household waste stream by screening in a trommel to remove fines and hand and mechanical sorting to remove metals and other non combustible items. As much of the waste will be food packaging, it may contain, or have on its surface, traces of organic matter. The remaining 20-30% of waste that LWR receive is sourced from local recycling facilities that may also be 'contaminated' with organic matter. The Environment Agency have advised that, in the period October 2013 – September 2014, the LWR site accepted 62,701 tonnes of waste.

Given the change in the nature of the operation and the waste types accepted, legal advice from counsel was obtained as to whether a material change of use had occurred. The advice concluded that the current operations to process waste to produce a fuel is an industrial process and does not constitute a material change of use from the originally approved operation as a waste transfer station for inert construction and industrial waste. It is therefore considered that the operations now undertaken can be properly carried out under the provisions of the existing planning permissions for the site.

The applicant contends that the variation to condition 3 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials on Mondays to Fridays is required to allow greater flexibility in the processing of waste to a shredded product and receipt /export of material and hence less would be stockpiled within the building. The delivery and removal of waste and processed materials on Saturday afternoons and Sundays is again to allow for greater flexibility in the hours that the unprocessed waste can be delivered

to the site and also in the hours that the processed waste can be taken from the site, so as to meet the requirements of both the providers of the unprocessed waste and of the customers of the processed waste.

The variation of condition 9 to allow operation of the waste processing plant whilst the doors of the waste transfer building are open to only allow the ingress and egress of vehicles requiring access to the building would negate the need for processing machinery to be shut down every time the doors are opened. The doors have to be opened on average 30 times a day and if the plant has to be shut down on every occasion the operator would lose a substantial proportion of operating time and could not produce the volumes of processed waste that their customers require.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is necessary to take into consideration the relevant policies of the Development Plan and the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Core Strategy and Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD and the Wyre Borough Local Plan and Thornton / Fleetwood Area Action Plan. National Planning Policy encourages recycling and the re-use of waste to reduce reliance on land filling.

The NPPF seeks to ensure that the planning system does everything it can to support and secure economic growth in order to create jobs and prosperity and plan for a low carbon future, whilst at the same time ensuring the environmental impacts of development are acceptable. Policy CS7 of the Core Strategy DPD seeks to manage our waste as a resource, while Policy CS8 of the Core Strategy DPD seeks to ensure an adequate provision of suitable waste facilities across the county to ensure that our waste can be managed as a resource. The shredding operations to produce a fuel for commercial use assists in the diversion of waste from landfill and moves waste up the waste hierarchy as it enables the recovery of energy from waste and also reduces the reliance on fossil fuels to power kilns. The proposal therefore complies with the principle of National Planning Policy and with Policies CS7 and CS8 of the Core Strategy DPD

Policy 1 of the Wyre Borough Thornton / Fleetwood AAP includes a number of criteria for environmental quality and protection including a requirement that new development should contribute towards an attractive and high quality urban and natural environment, be of a high design quality and should not increase flood risk. Policy 3 of the AAP allocates a number of areas for industry and business including employment development for B2 uses (general industrial) in Burn Hall Industrial Estate. Policy SP14 of the Wyre Borough Local Plan seeks to achieve high standards of design and amenity for all types of development. Policy EMP8 seeks to retain land in industrial areas for industrial/ employment uses and to resist development for alternative uses.

The proposal raises issues relating to noise, odour, flood risk, water pollution and traffic.

The combination of the extended hours of operation and the operation of the processing plant while the doors are open has the potential to create impacts of noise and odour on surrounding business in Burn Hall Industrial Estate, but particularly on the residential uses at Springfield Terrace and Cala Gran Caravan Park, that are both close to the northern boundary of the site. Noise can arise from the plant operating within the building while odour can arise from the organic matter on the waste received at the site and that is stored within the building.

In relation to the change to the hours of operation, the variation sought to condition 3 would permit an additional hour at either end of the working day on Monday to Friday, an additional four hours on Saturday afternoons for loading / unloading of vehicles and movements of HGV's only and for the site to be open on Sundays and bank holidays between 10.00 – 15.00 hours on Sundays for the same purpose. The site would continue to operate on a Saturday morning as per the extant permission 02/11/0876. However, the changes requested to the permitted hours are relatively minor with no night time working being proposed. Given the location of the application site, it is only the residents of Springfield Terrace and caravan units in Cala Gran Caravan Park that would be potentially affected by such an extension in working hours.

The current planning permission for this site requires that the doors to the building remain closed whilst the processing plant is in operation. The operator wishes to modify this condition to allow the plant to operate whilst the doors are open but only to permit vehicles to enter and leave the building. Given this mode of operation, the doors would not be open continuously and the majority of time would remain in the closed position. To ensure this is the case, the operator has installed a sensor system that automatically triggers the opening of the doors in response to the presence of a vehicle and then to close the doors shortly after. Notwithstanding this system, the opening of the doors would, however, allow for the intermittent migration of noise from the operating plant and possibly of odour from the waste within the waste transfer building.

The original planning permission for this site incorporated a number of conditions in relation to noise attenuation to address concerns that were raised in relation to noise. In particular noise attenuation fencing to a height of 2.5 metres has been erected on the full northern boundary of the site. The waste transfer buildings were also subject to a condition requiring their construction to contribute towards noise attenuation. The buildings were constructed in concrete blockwork and metal cladding in order to improve noise attenuation. It should be noted that the applicant's original proposals for this site in planning application 02/11/0184 involved the recycling of commercial and industrial waste including the crushing and screening of inert waste materials outside the building.

In relation to noise, the applicant has submitted a Noise Management Plan, an Acoustic Assessment and an Additional Supporting Statement. The Supporting Statement advises that the noise from plant activities at the site have been shown to

be constant throughout the production process. With the doors closed and open, the noise levels attributable only to the production process have been recorded as a maximum of 48.8dB and 50.6dB, respectively, when measured at two points on the boundary of Cala Gran Caravan Park to the north of the application site. In relation to noise standards in the NPPF, the hours of 0700 – 1900 are normal working hours. The submitted noise assessment concludes that the noise levels associated with the production process while the doors are both open and closed are clearly within currently permitted noise limits.

The Borough Council Environmental Health Officer has concluded that noise levels at the site boundary are very similar irrespective of whether the doors are open or closed and therefore the proposed variation of condition 9, if permitted, would make very little difference to noise levels at the nearest properties including the caravan park. It is also important to note that the doors would only be open for a total of approximately 1 hour during each 12 hour day and therefore the impact on average noise levels has to be viewed in that context. He also notes, there would be approximately 2 HGV movements per hour for the extended operating hours and that although the noise from these vehicles would be audible at the site boundary, each HGV movement would only be for a short time period and therefore would not have a marked impact on average noise levels during the extended hours. The levels of noise created by the extended hours of working and the operation of the processing plant while the doors are open would therefore be acceptable to surrounding land uses.

Permission 02/11/0876 has noise conditions attached to require that all plant, equipment and machinery are equipped with effective silencing equipment or sound proofing equipment. The existing permission also contains conditions regarding maximum noise levels. It is considered that a similar condition should also be imposed on any permission. Any such condition should reflect the advice of the EHO that any condition should reflect BS4142 to provide for the rating noise levels from the site to not exceed 5Db(A) above the background level when measured at the boundaries of the nearby Springfield Terrace and Cala Gran Caravan Park. Such rating noise levels would include the noise from the waste processing activities as well as any noise emitted including during the night time period from the odour control system.

Many objections to this application are concerned that the operations on this site are giving rise to odour impacts that are affecting local amenity. Agents acting on behalf of the Cala Gran Caravan Park have made representations that the applicant is already in breach of existing planning conditions to the detriment of local residents and users of the caravan park. They are concerned about the impacts of noise, vibration and odour. In particular it is stated that odour issues have been raised by customers staying at the caravan park and that such impacts are a disincentive for repeat and new business which threatens the commercial viability of the holiday park. Whilst it is acknowledged that this site has given rise to some odour issues in the locale, there are also a number of existing uses adjacent to or near the caravan park that have the potential to give rise to odour issues. These include the Thornton Waste Technology Park (150 metres south east of the caravan park), the Jameson Road Landfill Site (500 metres north east of the park) and the Fleetwood Waste Water Treatment Works (500 metres north of the park). Due to odour issues

experienced from the Waste Technology Park, the County Council regularly undertakes odour assessments in this area which includes an analysis of the types of smell detected and wind direction and other climatic conditions. Whilst, there are occurrences where odours detected do appear to be from the application site, there are also times when any odours must be originating from other premises due either to wind direction or the nature of the odour. It is therefore considered that the application site is not the only generator of any odour impacts that are detected by local residents including those on the caravan park.

The odour issues at this site commenced when the applicant first began to import waste from the adjacent waste technology park. In response to these issues the Environment Agency required the operator to prepare an odour management plan. This odour management plan provided for the installation of the vent stack and air extraction system that is the subject of application LCC/2014/146. The EA have no objection to the applications but are of the view that the air extraction system and doors are not currently operating as effectively as possible. However, they consider that these issues can be dealt with under their own regulatory regime. It is recognised that odour can and does arise from the organic matter on the waste received at the site and that some odour does migrate from the building when the doors are opened. With this in mind, the applicant has taken some measures to address this such as changes to the motion sensor so that the period of time that the doors remain open has reduced from 90 seconds to 30 seconds, and moving operations likely to activate the motion sensor away from the door to prevent it being accidentally re-activated. Therefore it is considered that measures are in place to address the noise and odour impacts arising from this operation. However, it is considered that a condition should be imposed requiring details of the motion sensors to be submitted and that such equipment be maintained and operated in accordance with the approved details at all times. This would ensure that the equipment necessary to operate the doors is always maintained in a way that minimises the period when the doors are open thereby minimising the potential for odour and noise to be released and maximising the benefits of the air extraction system.

Paragraph 122 of the NPPF requires that planning authorities should not seek to control processes or emissions where these are subject to approval under separate pollution control regimes and that LPA's should assume that these regimes will operate effectively. In this case, the EA have advised that the operation of the air extraction system and vent stack is a matter that they can address through their regulatory regime.

It is important to recognise that the handling of these waste types can already be undertaken under the existing planning permission. The odour potential occurs as a result of the presence of these waste types on the site but such impacts would occur irrespective of whether the plant is running or not. The relaxation of condition 9 in the manner proposed would therefore not increase the potential for odours to be released from the building.

If there were to be an unacceptable odour then the EA would have the power to take the necessary enforcement action to remedy the problem. It is therefore considered that the EA's regulatory regime is sufficient to tackle and remedy any such issues and that there is no fundamental land use planning objection to the development in terms of odour emissions and impacts on the nearest sensitive development.

Subject to the imposition of conditions limiting noise levels, it is considered that the extension to the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, and to allow the doors of the waste transfer building to be open while plant is operating but only for the ingress and egress of vehicles requiring access to the building would conform with Policy DM2 of the LMWLP, Policy CS9 of the Core Strategy DPD, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the AAP

The site lies within Flood Risk Zone 2, except for an area by the eastern boundary. However, as the proposal is related to activities within an existing waste transfer building, there would be no increase in the risk of flooding or implications for the ground or surface water. The Environment Agency has not raised any objection to the proposal and therefore it is considered it accords with Policy ENV13 of the Wyre Borough Local Plan and Policy 1 of the AAP.

The proposal to extend the hours of working may generate additional traffic movements. However, any such increase is expected to be small and the site would continue to be accessed using the existing access and egress to the industrial estate from Fleetwood Road and then via Venture Road within the industrial estate. The current permission 02/11/0876 is subject to a Section 106 Agreement to ensure that all heavy goods vehicles other than those servicing the local area and those transporting waste materials from the site to Jameson Road landfill site, shall adhere to a routing agreement to require all HGV's access and egress the site via Fleetwood Road and Bourne Way. Subject to any new permission being subject to the same routing controls, the proposal is acceptable on highway grounds.

The existing permission 02/11/0876 includes a number of conditions relating to the colour of the industrial building, use of building, site operations, dust and highway matters. It is considered the same conditions should be attached to any new permission. Subject to the imposition of these conditions, the noise and odour impacts associated with the proposal are considered to be acceptable, and the proposal complies with the requirements of the NPPF and the policies of the Development Plan and can be supported.

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

Recommendation

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

Working Programme

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

- a) Planning permission 02/11/0876 as amended by the Planning Application LCC/2014/0144 received by the County Planning Authority on 08th October 2014, email received by the County Planning Authority from Mellor Holdings on 07th November 2014 and email received by the County Planning Authority from Mellor Holdings on 11th February 2015.

- b) Submitted Plans received by the County Planning Authority on 08th October 2014:

Site Location Plan

Submitted documents received by the County Planning Authority from Mellor Holdings on 19th December 2014:

Noise Management Plan
Noise/ Acoustic Assessment
Odour Management Plan

Submitted document received by the County Planning Authority from Martin Environmental Solutions on 09th March 2015:

Additional Supporting Statement in relation to planning applications LCC/2014/144, LCC/2014/145 and LCC/2014/146

- 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 Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policies CS7, CS8 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies SP14, ENV13 and EMP8 of the Wyre Borough Local Plan and Policies 1 and 3 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Hours of Working

2. No waste transfer and recycling operations shall take place outside the hours of:

0700 to 1900 hours, Mondays to Fridays (except Public Holidays)
0800 to 1300 hours on Saturdays (except Public Holidays)

Notwithstanding the above hours of operation, waste and processed materials shall also be able to be imported / exported to the site between the hours of:

13.00 to 17.00 on Saturdays and 10.00 to 15.00 hrs on Sundays and Public Holidays.

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 the site.

Reason: 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 - Site Allocation and Development Management Policies - Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Building Materials

3. The external elevations of the building shall be maintained silver grey (colour code RAL 9006) and the roof shall be maintained goose wing grey (BS 10 A 05) throughout the duration of the development..

Reason : In the interests of the visual amenities of the area and to conform with Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

4. The building shall only be used in association with the waste transfer station approved by planning permission LCC/2014/0145.

Reason : In the interests of local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 3 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan

Site Operations

5. A copy of this permission and all the documents referred to in condition 1 shall be available for inspection at the site office at all times throughout the development.

Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions and approved documents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

Control of Noise

6. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped 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.

Reason: 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 - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

7. Within one month of the date of this planning permission a scheme and programme detailing the measures that are employed to control the operation of the doors to the building shall be submitted to the County Planning Authority for approval in writing. The measures contained in the scheme and programme shall ensure that the doors are opened for the minimum time that is necessary for vehicles to enter and leave the building and are not triggered by other operations undertaken within the building.

Thereafter the approved measures shall be employed in full working order at all times during the operation of the site.

Reason: 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 - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

8. The rating level of the noise emitted from the site shall not exceed the existing background noise level by more than 5dB(A)(1hour). The noise levels shall be determined at 12 Springfield Terrace NGR 332 448 or the southern boundary of the Cala Gran Caravan Park, Fleetwood Road between NGR's 332 447 and 332 448. The measurements and assessments shall be made in accordance with BS 4142:2014

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

Dust

9. The measures for dust suppression contained in the scheme and programme dated 5 November 2012 and supporting document titled 'Acoustic and Dust Suppression Assessment' dated May 2012. submitted to the County Planning Authority pursuant to condition 11 of planning permission 02/011/0876 shall be employed at all times.

Reason: 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 - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Highway Matters

10. Measures shall be taken at all times during the development to ensure that no mud, dust or other deleterious material is carried onto the public highway by vehicles leaving the site.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

11. All vehicles transporting waste or recycled materials from the site shall be securely sheeted.

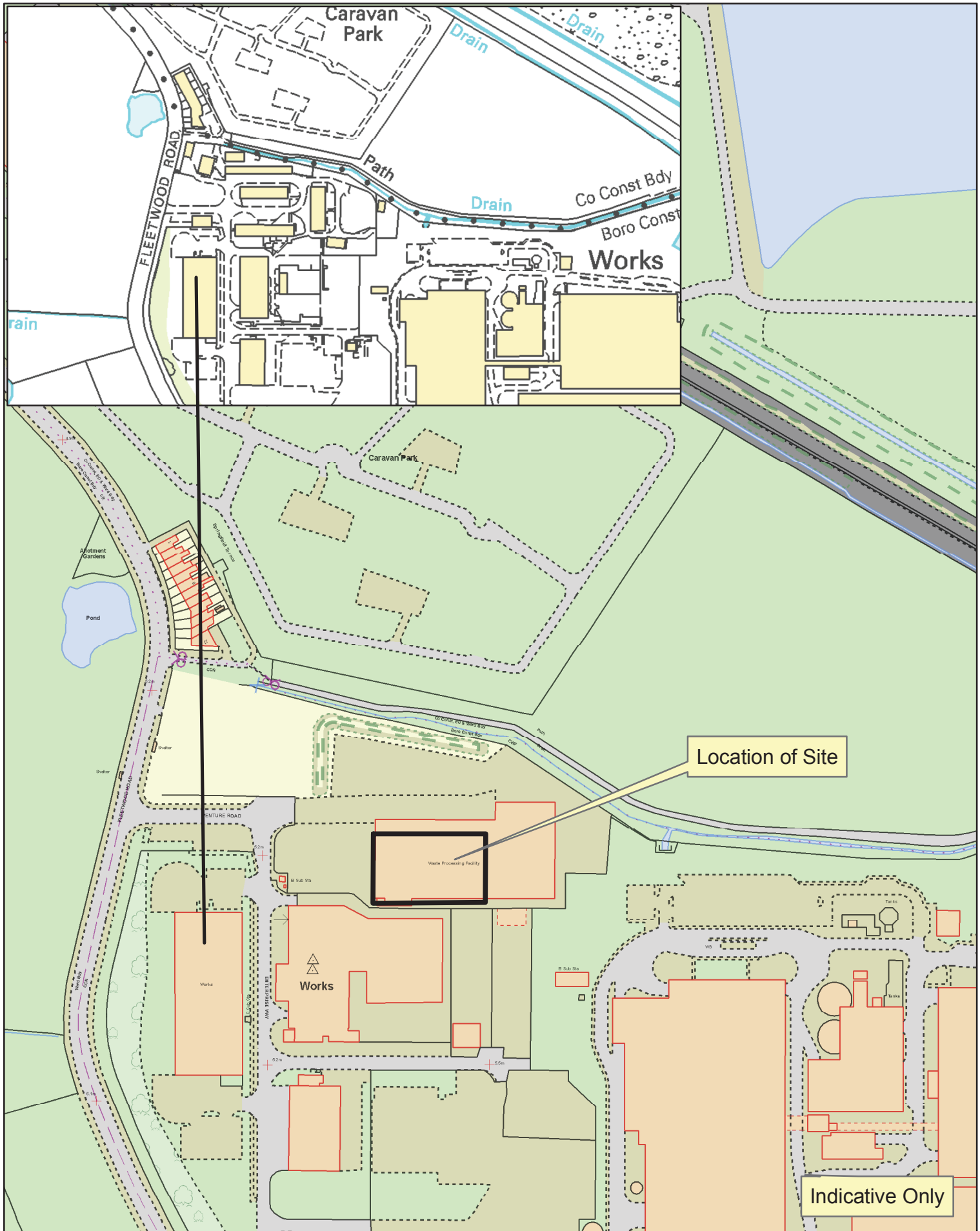
Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

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

Paper	Date	Contact/Directorate/Ext
LCC/2014/0144	08 October 2014	Rob Jones/Environment/534128

Reason for Inclusion in Part II, if appropriate

N/A



APPLICATION LCC/2014/0144 VARIATION OF CONDITION 3 OF PERMISSION 02/11/0876 TO CHANGE WORKING HOURS TO 7AM TO 7PM MONDAY TO FRIDAYS EXCEPT PUBLIC HOLIDAYS, 8AM TO 1PM SATURDAYS, 1PM TO 5PM SATURDAYS VEHICLE MOVEMENTS ONLY AND 10AM TO 3PM ON SUNDAYS AND PUBLIC HOLIDAYS VEHICLE MOVEMENTS ONLY ALSO DELETION OF CONDITION 9 OF PERMISSION 02/11/0876 TO ALLOW DOORS TO BE KEPT OPEN WHILST SITE IS OPERATING. UNIT 8 BURN HALL INDUSTRIAL ESTATE, VENTURE ROAD, THORNTON

Development Control Committee
Meeting to be held on 20th May 2015

Electoral Division affected: Thornton Cleveleys North
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Wyre Borough: Application No. LCC/2014/0145

Retrospective planning application for the variation of conditions 4, 12 and 17 of planning permission 02/11/0877 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, to allow the waste imported to the site for processing to have low levels of food contamination, and to allow the doors of the waste transfer building to be open while plant is operating only for the ingress and egress of vehicles requiring access to the building.

Lancashire Waste Recycling Limited, Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

Contact for further information:

Rob Jones, 01772 534128, Development Management Group

DevCon@lancashire.gov.uk

Executive Summary

Application - Retrospective planning application for the variation of conditions 4, 12 and 17 of planning permission 02/11/0877 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, to allow the waste imported to the site for processing to have low levels of food contamination, and to allow the doors of the waste transfer building to be open while plant is operating only for the ingress and egress of vehicles requiring access to the building.

Lancashire Waste Recycling Limited, Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

Recommendation – Summary

That subject to the applicant first entering into a Section 106 Agreement to ensure that all heavy goods vehicles other than those servicing the local area and those transporting waste materials from the site to Jameson Road landfill site, shall access and egress the site via Fleetwood Road and Bourne Way, retrospective planning permission be **granted** for the variation of conditions 4, 12 and 17 of planning permission 02/11/0877 subject to revised conditions controlling working programme, hours of operation, colour, use and design of the industrial building, site operations, noise, dust, litter, floodlighting, highway matters, safeguarding of watercourses and drainage, landscaping and ecology.

Background

This application was presented to the meeting of the Development Control Committee on 8th April 2015. However, at that meeting, applications LCC/2014/0144 LCC/2014/0145 were not determined as it was considered that both applications were invalid due to an error in the submitted ownership certificates. Consideration of both application was therefore deferred. However, amended certificates for applications LCC/2014/0144 and LCC/2014/0145 have now been submitted which addresses the validation issue and therefore allows both applications to proceed to determination.

Applicant's Proposal

Planning permission was originally granted on this site in 2011 (permission ref 02/11/0184) for the development of a waste transfer station for the sorting and processing of non hazardous commercial and industrial wastes. This permission was subsequently varied in October 2012 by planning permission 02/11/0877 to increase the size of the waste transfer building from 40m by 30m to 50m by 31m and decrease in height from 16.3m to 12.9m.

Condition 4 of permission 02/11/0877 restricts the delivery or removal of materials or waste transfer and recycling operations to between the hours of 0800 to 1800 hours, Mondays to Fridays (except Public Holidays), and 0800 to 1300 hours on Saturdays (except Public Holidays), with no delivery or removal of materials or waste transfer and recycling operations to take place at any time on Sundays or Public Holidays.

Condition 12 of the permission restricts the waste types managed at the site to non-hazardous commercial and industrial not including food wastes.

Condition 17 of the permission stipulates that the trommel in the waste transfer building shall only be used when the doors of the waste transfer building are closed.

Planning permission is now sought for the following:

- To vary condition 4 to extend the hours of waste transfer and recycling operations to between 07.00 – 19.00 Mondays to Fridays (except Public Holidays with only the delivery and removal of waste and processed materials to take place between the hours of 13.00 – 17.00 on Saturdays and 10.00 – 15.00 hrs on Sundays and Public Holidays.
- To vary condition 12 to allow the waste imported to the site for processing to have low levels of food contamination.
- To vary condition 17 to allow the doors of the waste transfer building to be kept open while the plant and equipment within the building is operating.

A screening opinion of this proposal has been undertaken and it was concluded that the proposed development is not Environmental Impact Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Description and Location of Site

The site is operated by Lancashire Waste Recycling Limited (LWR) and is located on the north side of Burn Hall Industrial Estate 1.3km to the south-east of Fleetwood. The site is a flat area of land measuring 1.21 ha. Access to the industrial estate is from the B5268 Fleetwood Road and then to the site via Venture Road within the industrial estate. Enterprise Way within the industrial estate is located along part of the western boundary.

The site entrance is on the west side of the site. A weighbridge and demountable units are near the site entrance with the 'L' shaped waste transfer building located along the southern boundary and south-east corner of the site. On the north side of the building are two vehicle entrances; one measuring 5m by 5m high that is north facing, and one measuring 4.5m by 5m high that is west facing. An air filtration system is on the east elevation of the waste transfer building and by the site boundary. The majority of the site between the waste transfer buildings and the northern boundary has a reinforced concrete surface with some surfacing of the area not yet complete. The area between the west side of the waste transfer building and the part western boundary along Enterprise Way is a mixture of bare, hardcored and tarmaced ground. Wooden acoustic fencing 2.5m high is located along the northern boundary of the site with 2m high steel palisade fencing along the other boundaries.

The Cala Gran Caravan Park is located 20 metres to the north of the site boundary. The north-east boundary of the site borders the 'Burglars Alley Field' BHS which is an open field to the north. The Thornton Waste Technology Park is on the east side of the site. Northern Express Glass, a manufacturer of glass for windows and doors, and Wyre Tyres, a vehicle repair garage, are located adjacent to the southern boundary. Shakespeare Monofilaments, a manufacturer of man-made fibres, is to the southwest on the west side of Enterprise Way. Land between Fleetwood Road and the north-west side of the site is cleared and derelict. The closest residential properties are situated approximately 45 metres to the north-west of the site boundary on Springfield Terrace fronting Fleetwood Road. The whole of the site except for a small area by the eastern boundary falls within Flood Risk Zone 2.

Members visited the site on 18th May 2015.

Background

Planning permission (ref.02/11/0184) for a change of use from general industrial to a waste transfer station for commercial waste including the demolition and modification of existing buildings, the erection of a waste transfer building, materials recovery facility plant, perimeter fencing, landscaping and hard surfacing was granted on 28 October 2011. This permission was subject to a Section 106 Agreement relating to vehicle routing.

Planning permission (ref. 02/11/0876) for the erection of a building to enclose the material recovery plant previously approved in permission 02/11/0184 was granted on 24 October 2012. This permission was subject to a Section 106 Agreement relating to vehicle routing.

Planning permission (ref. 02/11/0877) for the variation of conditions 2b, 3, 5, 12, 13 and 27 of planning permission 02/11/0184 to increase the dimensions of the waste transfer building from 40m by 30m to 50m by 31m and decrease in height from 16.3m to 12.9m was granted on 24 October 2012. This permission was subject to a Section 106 Agreement relating to vehicle routing.

A retrospective planning application (ref. LCC/2014/0144) for the variation of conditions 3 and 9 of planning permission 02/11/0876 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, and to allow the doors of the waste transfer building to be open only for the ingress and egress of vehicles requiring access to the building while plant is operating, is reported elsewhere on this agenda.

A retrospective planning application (ref. LCC/2014/0146) for the retention of an air filtration system to filter and expel the air and odours from inside the waste transfer buildings, the erection of a single storey substation plant room extension, the relocation of a weighbridge, the provision of a demountable unit for use as a reception/ office, and the provision of three metal shipping containers for use as a canteen, showers and mess room is reported elsewhere on this agenda.

Planning Policy

National Planning Policy Framework (NPPF): Paragraphs 11 – 14, 17 - 19, 56 – 66, 103, 104, 122, 123 and 124 are relevant with regard to the presumption in favour of sustainable development, core planning principles, building a strong competitive economy, the requirement for good design, flood risk, permitting regimes operated by pollution control authorities, noise and odour.

National Planning Practice Guidance

National Planning Policy for Waste

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

Policy NPPF 1 Presumption in favour of sustainable development
Policy DM2 Development Management

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD

Policy CS7 Managing Waste as a resource
Policy CS8 Identifying Capacity for managing our waste
Policy CS9 Achieving Sustainable Waste Management

Wyre Borough Local Plan

Policy SP14 Standards of Design and Amenity
Policy ENV13 Development and Flood Risk
Policy EMP8 Existing Industrial Areas

Wyre Borough Council Fleetwood – Thornton Area Action Plan (AAP)

Policy 1 Environmental Quality and Protection

Policy 3 Industry and Business

Consultations

Wyre Borough Council – The Borough Council initially raised objection to the application as it was considered that insufficient information had been submitted to demonstrate that the variation and removal of conditions as proposed would not have a detrimental impact on the amenity of neighbours. However, in response to further noise monitoring data, the Borough Council's Environmental Health Officer states that although there is a difference in recorded background noise levels, conditions in line with BS4142 relating to the difference between the source and background level would overcome this uncertainty. The EHO states that the change in noise levels when the doors are open compared to when they are closed is not perceivable and that the proposed extension of hours for the operation of the plant is still within daytime hours. It is therefore considered that the noise levels are acceptable subject to conditions being applied relating to the difference between the rating level and background noise level.

Fleetwood Town Council – Object due to the working hours, noise, odours and pollution of a watercourse.

LCC Developer Support (Highways) – No observations received.

Environment Agency – No objection in principle although there are concerns about the operation of the doors. Assessments have been carried out on the suitability of the fast acting doors which were installed with the intention of containing odour within the building. EA investigations raised a number of concerns:

- The extraction system is designed to maintain a slight negative pressure, even when the roller shutter doors are open, which is intended to contain any odorous air within the building. In practice this was not the case.
- During a visit the EA detected odour outside the building near to one of the fast acting doors as the contaminated air was being drawn out of the building due to low air changes in the building.
- The EA observed the operation of the automatic doors and found during a delivery that the doors seemed to be operated manually by staff.
- The time period for the opening and closing of the fast acting doors to allow for vehicular access ranged from 47 seconds to 1 minute 47 seconds.
- After observing the door closing, it then unexpectedly reopened on its own. This was explained to be the automatic motion sensor inside the building which opens the door when any movement is detected near the door.

The applicant has taken some measures to address this, but they do not fully address the escape of odour when the doors are opened, which is still to be resolved. Improvements that have been made include the changes to the motion sensor from 90 seconds to an activation time of 30 seconds. In addition, the site has moved operations likely to activate the motion sensor away from the door to prevent it being accidentally activated.

In light of these findings, until the site can increase the extraction rates to create sufficient negative pressure the removal of condition 17 would not be advisable as it would increase the risk of odour release off site. We understand this is a retrospective application as the current planning condition 17 would prevent any machinery being operated every time the door is opened and therefore require the company to shut down and start up machinery on average 30 times a day, which is not practicable. With this in mind, it may seem more appropriate to make an amendment to condition 17 that the doors are only to be opened for the ingress and egress of vehicles requiring access to the building, and not a full relaxation of the condition which was presumably in place to minimise the initial risk of noise and odour emissions from the building. The proposed improvements to the air filtration/extraction system (that are the subject of Application LCC/2014/0146, also on this agenda) would include operating 24 hours and so increasing extraction rates overall from the waste transfer building. This would help to prevent the escape of odours from the open doors of the waste transfer building.

We will continue to work with LWR through our regulatory regime to address these issues. The submitted Odour Management Plan Version 10.4.1 is acceptable. The application is considered to be a low flood risk from a flooding perspective.

LCC Specialist Advisor (Ecology) – No observations received.

Representations – The application has been advertised by press and site notice and neighbouring residents have been notified by letter. 77 representations of objection, including one from Eric Ollerenshaw MP, and 2 representations of support have been received to the application.

The objections can be summarised as follows:-

- The proposal has exacerbated the constant bad smell in the area due to operations at the waste plant and longer working hours. The smell can be very bad depending on the wind direction. This will interfere with the private lives of and be to the detriment of the local residents in the wider community.
- The erection of the air filtration system (vent stack) has not resolved the problem of smells/ odours emitted from the site.
- The proposal has increased traffic in the local area. The A585 cannot cope with the traffic attempting to use it. The poor road conditions and increased journey times must deter new business from investing in the area.
- Stinking waste should not be delivered through highly populated areas.
- Concerns that the proposal will affect the routing agreement for Heavy Goods Vehicles associated with the site.
- There has been an increase in intrusive noise levels from the site. The noise generally consists of a vehicle movement in the background and an occasional bang from the movement of equipment. 'White noise' reversing sounders can be heard from vehicles on the site as they occur on a regular basis and pulse on and off in operation.
- There has been an increase in flies and scavenging gulls in the local area as a consequence of activities at the site, particularly during the summer months.

- This area has already taken the brunt of processing/ treating waste produced from other areas in the form of the Waste Technology Park. The area should not be allowed to become the dumping for more waste from other areas.
- LCC have not consulted enough neighbouring properties about the application by letter as they should have done.
- Wyre Borough Council's Environmental Health Officer has not been consulted on this application.

One of the representations has been made on behalf of the operators of the Cala Gran Caravan Park who raise the following issues:-

- The quality of the information submitted with the application is not of sufficient detail to enable LCC to make an informed decision on the proposal; the supporting statement makes reference to policy documents that either do not exist or have been superseded, and there is limited information available with inaccurate submitted drawings.
- The Acoustic Assessment and Noise Management Plan submitted with the application are inadequate to draw any valid conclusion that the noise impact created by the facility can be reduced to levels to prevent adverse impacts.
- The Odour Management Plan submitted with the application lacks sufficient detail and is inappropriate for its intended use to demonstrate that the harm can be eliminated or reduced to an acceptable level.
- The application is one to which the Environmental Impact Assessment (EIA) Regulations apply because it falls within Paragraph 11(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 being an 'Installation for the disposal of waste'. However, no screening opinion has been undertaken by LCC to assess if the development is EIA development. If they had, then LCC would have considered and concluded that the environmental amenity impacts of the development such as noise, odour, light pollution, additional vehicle movements, air pollution and dust, would be of such potential harm and significance that the submission of an EIA would be required.
- The site affects the environment from issues arising mainly from odour and noise pollution, but also from vibration and dust pollution, to the detriment of the health and wellbeing of users of Cala Gran Caravan Park, nearby residents and tenants on Burn Hall Industrial Estate. There are some days when the doors of caravans, homes and businesses cannot be opened because of the smell from the site. Noise from the site wakes up nearby residents and park users early in the morning.
- Cala Gran is a significant local employer and has an important role to play in the tourism economy of Wyre Borough. Complaints by visitors to Cala Gran arising from LWR's operations have been continuous and are having a detrimental effect on the caravan park. If this continues, then holiday makers and caravan owners will stop visiting the area resulting in lost rates and loss of trade in the local community that no town can afford.
- Full and extensive odour assessments, noise assessments and traffic assessments have been undertaken and submitted on behalf of Cala Gran Caravan Park that conclude that LWR's operations have caused detrimental impacts.

- The Environment Agency's Compliance Assessment Reports from August 2013 to October 2014 clearly demonstrate that the site is causing harm noise and odour. It is becoming increasingly evident that the regulatory regimes are not able to control the impacts to an acceptable level.
- Cala Gran and other businesses that may be affected by the development were not notified by letter as to the application, while other businesses were consulted, which is very inconsistent.
- The suggested wording of Condition 7 causes significant concern as it would result in a development that is significantly different from that which the applicant applied for and on which consultation has been undertaken. The wording of the proposed condition should be subject to consultation.

The objection from Eric Ollerenshaw MP is on the grounds that the proposal will have a detrimental impact on its residential neighbours and is therefore contrary to the provisions of the NPPF. In addition, there have been numerous complaints about odour and noise with regards to this plant and I feel that lifting the current planning restrictions will only add to this.

The 2 letters of support from local residents are as follows:

- One who lives 1km from the site and experiences negligible nuisance or disturbance from the operations.
- One who lives 0.5km from the site who is of the opinion that Lancashire Waste Recycling are not responsible for the problems of noise and odour for which they are blamed. Global Renewables appears to be the problem. LWR have provided a tour when the automatic doors opened and closed as the wagons delivered the plastic waste. No smell or noise could be detected when the doors were open even though the plant was fully working. The plant produces a great product that is used to replace the burning of coal to heat the kiln of a cement factory on a continual basis and so reducing the amount of carbon released into the atmosphere.

Prior to the 8th April Committee, presentations to Members of the Committee were made by Bourne Leisure (operators of the Cala Gran Caravan Park and the applicant (Lancashire Waste Recycling), the content of which can be summarised as follows.

Presentation by Bourne Leisure

- Bourne Leisure provided information on the scale of their company and the numbers of guests at the Cala Gran site which are in the region of 30,000 per year. It was stated that Cala Gran had not invested in the site due to the odour issues generated by Lancashire Waste Recycling. Information was also provided on the planning history of the site and continued breaches of condition at the site. It was stated that the issues at the site had led to adverse comments being posted on Trip Advisor.
- Information was also provided in relation to odour including a map to show the relationship between Cala Gran and the application site and also a wind rose showing prevailing wind direction. It had been

calculated that odours from the application site were blown towards Cala Gran for approximately 25% of the time. Information was also provided on measurement criteria for odour impacts and it was stated that the waste is around 2 weeks old by the time it reaches the application site.

- It was stated that LWR is not operating in accordance with its permitted development and that 2 applications are to regularise breaches and the other application is retrospective. It was also stated that there appeared to be an issue with the validity of the applications. It was considered that the proposed condition on waste types conflicts with the Wheatcroft principles and the applicant considered that they have been denied opportunity to comment on this condition.
- Bourne Leisure consider that the significance of the proposals has been understated in that it would allow for a large increase in hours and tonnages of waste delivered to the site. There were concerns that the air extraction system produced additional noise and the proposed conditions to control this noise were imprecise.
- Bourne Leisure consider that the problems cannot be pushed onto another objector to deal with and that applications 144 and 145 should be refused with 146 only being approved if conditions are strengthened.

Presentation by Lancashire Waste Recycling

LWR is local company employing 30 staff and the additional hours are needed to allow traffic to be programmed to avoid the busiest parts of the day and no more waste would be imported that at present.

It was acknowledged that there were some odour issues at first but there were other activities in the area which generate odour – a map was circulated showing the location of these.

The applicant explained that a number of MP's had been to the site and were satisfied and that they were in compliance with environmental controls. He explained the types of waste that were processed and that they had invested £200,000 in odour abatement plant and new doors to control odour and noise.

Advice

At the meeting of the Development Control Committee on the 8th April 2015, the determination of this planning application was deferred due to the application being deemed invalid as the submitted ownership certificate had not been correctly completed. The applicant has subsequently supplied amended ownership certificates to serve notice on the co-owner of the site. The statutory period for representations to the amended certificate has now expired. The validation issue has now been satisfactorily addressed and the application can now be determined.

Planning permission 02/11/0877 for the variation of conditions 2b, 3, 5, 12, 13 and 27 of planning permission 02/11/0184 so as to increase the size of the waste transfer

building from 40m by 30m to 50m by 31m and decrease in height from 16.3m to 12.9m was granted in October 2012.

Condition 4 of the permission relates to the hours of working and restricts the delivery or removal of materials or waste transfer and recycling operations to between 0800 to 1800 hours, Mondays to Fridays (except Public Holidays), and 0800 to 1300 hours on Saturdays (except Public Holidays), with no delivery or removal of materials or waste transfer and recycling operations to take place at any time on Sundays or Public Holidays.

Condition 12 of the permission restricts the waste types non-hazardous commercial and industrial waste not including any food waste.

Condition 17 of the permission stipulates that the trommel in the waste transfer building shall only be used when the doors of the waste transfer building are closed.

Planning permission is now sought for the following:

- To vary condition 4 to extend the hours of waste transfer and recycling operations to between 07.00 – 19.00 Mondays to Fridays (except Public Holidays), with the delivery and removal of waste and processed materials only to take place between the hours of 13.00 – 17.00 on Saturdays and 10.00 – 15.00 hrs on Sundays and Public Holidays.
- To vary condition 12 to allow the waste imported to the site for processing to have low levels of food contamination.
- To vary condition 17 so as to allow the doors of the waste transfer building to be open whilst the processing plant within the building is but only as necessary to allow vehicles to enter and leave the building.

The site was originally granted planning permission to operate as a waste transfer station for inert construction and industrial waste. However, when the site was developed at the end of 2011, it was established as a facility for converting dry unrecyclable plastics, paper and textiles into a fuel which can be used as a kiln fuel in the manufacture of cement. The waste is shredded to produce a fine 'flock' type material that can be blown in to the kiln.

The majority of waste (70-80%) received at the site is currently from the adjacent Thornton Waste Technology Park where it has been sorted from the general household waste stream by screening in a trommel to remove fines and hand and mechanical sorting to remove metals and other non combustible items. As much of the waste will be food packaging, it may contain, or have on its surface, traces of organic matter. The remaining 20-30% of waste that LWR receive is sourced from local recycling facilities that may also be 'contaminated' with organic matter. The Environment Agency have advised that, in the period October 2013 – September 2014, the LWR site accepted 62,701 tonnes of waste.

Given the change in the nature of the operation and the waste types accepted, legal advice from counsel was obtained as to whether a material change of use had

occurred. The advice concluded that the current operations to process waste to produce a fuel is an industrial process and does not constitute a material change of use from the originally approved operation as a waste transfer station for inert construction and industrial waste. It is therefore considered that the operations currently undertaken can be properly carried out under the provisions of the existing planning permissions for the site.

The applicant contends that the variation to condition 4 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials on Mondays to Fridays is required to allow greater flexibility in the processing of waste to a shredded product and receipt /export of material and hence less would be stockpiled within the building. The delivery and removal of waste and processed materials on Saturday afternoons and Sundays is again to allow for greater flexibility in the hours that the unprocessed waste can be delivered to the site and also in the hours that the processed waste can be taken from the site, so as to meet the requirements of both the providers of the unprocessed waste and of the customers of the processed waste.

The variation of condition 17 to allow operation of the trommel whilst the doors of the waste transfer building are open to only allow the ingress and egress of vehicles requiring access to the building would negate the need for processing machinery to be shut down every time the doors are opened. The doors have to be opened on average 30 times a day and if the plant has to be shut down on every occasion the operator would lose a substantial proportion of operating time and could not produce the volumes of processed waste that their customers require.

The applicant maintains that the variation to condition 12 to allow importation of waste that has low levels of food contamination is required as without such flexibility, he would not be able to source enough waste to make the operations viable.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is necessary to take into consideration the relevant policies of the Development Plan and the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Core Strategy and Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD and the Wyre Borough Local Plan and Thornton / Fleetwood Area Action Plan. National Planning Policy encourages recycling and the re-use of waste to reduce reliance on land filling.

The NPPF seeks to ensure that the planning system does everything it can to support and secure economic growth in order to create jobs and prosperity and plan for a low carbon future, whilst at the same time ensuring the environmental impacts of development are acceptable. Policy CS7 of the Core Strategy DPD seeks to manage our waste as a resource, while Policy CS8 of the Core Strategy DPD seeks

to ensure an adequate provision of suitable waste facilities across the county to ensure that our waste can be managed as a resource. The shredding operations to produce a fuel for commercial use assists in the diversion of waste from landfill and moves waste up the waste hierarchy as it enables the recovery of energy from waste and also reduces the reliance on fossil fuels to power kilns. The proposal therefore complies with the principle of National Planning Policy and with Policies CS7 and CS8 of the Core Strategy DPD

Policy 1 of the Wyre Borough Thornton / Fleetwood AAP includes a number of criteria for environmental quality and protection including a requirement that new development should contribute towards an attractive and high quality urban and natural environment, be of a high design quality and should not increase flood risk. Policy 3 of the AAP allocates a number of areas for industry and business including employment development for B2 uses (general industrial) in Burn Hall Industrial Estate. Policy SP14 of the Wyre Borough Local Plan seeks to achieve high standards of design and amenity for all types of development. Policy EMP8 seeks to retain land in industrial areas for industrial/ employment uses and to resist development for alternative uses.

The proposal raises issues relating to noise, odour, flood risk, water pollution and traffic.

The combination of the extended hours of operation and the operation of the processing plant whilst the doors are open has the potential to create impacts of noise and odour on surrounding business in Burn Hall Industrial Estate, but particularly on the residential uses at Springfield Terrace and Cala Gran Caravan Park, that are both close to the northern boundary of the site. Noise can arise from the plant operating within the building while odour can arise from the organic matter on the waste received at the site and that is stored within the building.

In relation to the change to the hours of operation, the variation sought to condition 4 would permit an additional hour at either end of the working day on Monday to Friday, an additional four hours on Saturday afternoons for loading / unloading of vehicles and movements of HGV's only and for the site to be open on Sundays and bank holidays between 10.00 – 15.00 hours on Sundays for the same purpose. The site would continue to operate on a Saturday morning as per the extant permission 02/11/0877. However, the changes requested to the permitted hours are relatively minor with no night time working being proposed. Given the location of the application site, it is only the residents of Springfield Terrace and caravan units in Cala Gran Caravan Park that would be potentially affected by such an extension in working hours.

The current planning permission for this site requires that the doors to the building remain closed whilst the trommel is in operation. The operator wishes to modify this condition to allow the plant to operate whilst the doors are open but only to permit vehicles to enter and leave the building. Given this mode of operation, the doors would not be open continuously and the majority of time would remain in the closed position. To ensure this is the case, the operator has installed a sensor system that automatically triggers the opening of the doors in response to the presence of a vehicle and then to close the doors shortly after. Notwithstanding this system, the

opening of the doors would, however, allow for the intermittent migration of noise from the operating plant and possibly of odour from the waste within the waste transfer building.

The original planning permission for this site incorporated a number of conditions in relation to noise attenuation to address concerns that were raised in relation to noise. In particular noise attenuation fencing to a height of 2.5 metres has been erected on the full northern boundary of the site. The waste transfer buildings were also subject to a condition requiring their construction to contribute towards noise attenuation. The buildings were constructed in concrete blockwork and metal cladding in order to improve noise attenuation. It should be noted that the applicant's original proposals for this site in planning application 02/11/0184 involved the recycling of commercial and industrial waste including the crushing and screening of inert waste materials outside the building.

In relation to noise, the applicant has submitted a Noise Management Plan, an Acoustic Assessment and an Additional Supporting Statement. The Supporting Statement advises that the noise from plant activities at the site have been shown to be constant throughout the production process. With the doors closed and open, the noise levels attributable only to the production process have been recorded as a maximum of 48.8dB and 50.6dB, respectively, when measured at two points on the boundary of Cala Gran Caravan Park to the north of the application site. In relation to noise standards in the NPPF, the hours of 0700 – 1900 are normal working hours. The submitted noise assessment concludes that the noise levels associated with the production process while the doors are both open and closed are clearly within currently permitted noise limits.

The Borough Council Environmental Health Officer has concluded that noise levels at the site boundary are very similar irrespective of whether the doors are open or closed and therefore the proposed variation of condition 17, if permitted, would make very little difference to noise levels at the nearest properties including the caravan park. It is also important to note that the doors would only be open for a total of approximately 1 hour during each 12 hour day and therefore the impact on average noise levels has to be viewed in that context. He also notes, there would be approximately 2 HGV movements per hour for the extended operating hours and that although the noise from these vehicles would be audible at the site boundary, each HGV movement would only be for a short time period and therefore would not have a marked impact on average noise levels during the extended hours. The levels of noise created by the extended hours of working and the operation of the processing plant while the doors are open would therefore be acceptable to surrounding land uses.

Permission 02/11/0877 has noise conditions attached to require that all plant, equipment and machinery are equipped with effective silencing equipment or sound proofing equipment. The existing permission also contains conditions regarding maximum noise levels. It is considered that a similar condition should also be imposed on any permission. Any such condition should reflect the advice of the EHO that any condition should reflect BS4142 to provide for the rating noise levels from the site to not exceed 5Db(A) above the background level when measured at the boundaries of the nearby Springfield Terrace and Cala Gran Caravan Park. Such

rating noise levels would include the noise from the waste processing activities as well as any noise emitted including during the night time period from the odour control system.

Many objections to this application are concerned that the operations on this site are giving rise to odour impacts that are affecting local amenity. Agents acting on behalf of the Cala Gran Caravan Park have made representations that the applicant is already in breach of existing planning conditions to the detriment of local residents and users of the caravan park. They are concerned about the impacts of noise, vibration and odour. In particular it is stated that odour issues have been raised by customers staying at the caravan park and that such impacts are a disincentive for repeat and new business which threatens the commercial viability of the holiday park. Whilst it is acknowledged that this site has given rise to some odour issues in the locale, there are also a number of existing uses adjacent to or near the caravan park that have the potential to give rise to odour issues. These include the Thornton Waste Technology Park (150 metres south east of the caravan park), the Jameson Road Landfill Site (500 metres north east of the park) and the Fleetwood Waste Water Treatment Works (500 metres north of the park). Due to odour issues experienced from the Waste Technology Park, the County Council regularly undertakes odour assessments in this area which includes an analysis of the types of smell detected and wind direction and other climatic conditions. Whilst, there are occurrences where odours detected do appear to be from the application site, there are also times when any odours must be originating from other premises due either to wind direction or the nature of the odour. It is therefore considered that the application site is not the only generator of any odour impacts that are detected by local residents including those on the caravan park.

The odour issues at this site commenced when the applicant first began to import waste from the adjacent waste technology park. In response to these issues the Environment Agency required the operator to prepare an odour management plan. This odour management plan provided for the installation of the vent stack and air extraction system that is the subject of application LCC/2014/146. The EA have no objection to the applications but are of the view that the air extraction system and doors are not currently operating as effectively as possible. However, they consider that these issues can be dealt with under their own regulatory regime. It is recognised that odour can and does arise from the organic matter on the waste received at the site and that some odour does migrate from the building when the doors are opened. With this in mind, the applicant has taken some measures to address this such as changes to the motion sensor so that the period of time that the doors remain open has reduced from 90 seconds to 30 seconds, and moving operations likely to activate the motion sensor away from the door to prevent it being accidentally re-activated. Therefore it is considered that measures are in place to address the noise and odour impacts arising from this operation. However, it is considered that a condition should be imposed requiring details of the motion sensors to be submitted and that such equipment be maintained and operated in accordance with the approved details at all times. This would ensure that the equipment necessary to operate the doors is always maintained in a way that minimises the period when the doors are open thereby minimising the potential for odour and noise to be released and maximising the benefits of the air extraction system.

Paragraph 122 of the NPPF requires that planning authorities should not seek to control processes or emissions where these are subject to approval under separate pollution control regimes and that LPA's should assume that these regimes will operate effectively. In this case, the EA have advised that the operation of the air extraction system and vent stack is a matter that they can address through their regulatory regime.

It is important to recognise that the handling of these waste types can already be undertaken under the existing planning permission. The odour potential occurs as a result of the presence of these waste types on the site but such impacts would occur irrespective of whether the plant is running or not. The relaxation of condition 17 in the manner proposed would therefore not increase the potential for odours to be released from the building.

If there were to be an unacceptable odour then the EA would have the power to take the necessary enforcement action to remedy the problem. It is therefore considered that the EA's regulatory regime is sufficient to tackle and remedy any such issues and that there is no fundamental land use planning objection to the development in terms of odour emissions and impacts on the nearest sensitive development.

Subject to the imposition of conditions limiting noise levels, it is considered that the extension to the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, and to allow the doors of the waste transfer building to be open while plant is operating but only for the ingress and egress of vehicles requiring access to the building would conform with Policy DM2 of the LMWLP, Policy CS9 of the Core Strategy DPD, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the AAP.

In terms of condition 12, the current permission prohibits food wastes from being imported to the site. The site does not currently import such wastes but some of the waste has low levels of food contamination due to its origin and therefore potentially conflicts with condition 12. The NPPF (paragraph 206) requires that conditions should meet a number of tests including that they are necessary and relevant to the development being considered. Whilst the nature of the waste currently imported to the site may give rise to some odour potential, it is considered that the plant incorporates equipment which is capable of successfully dealing with such impacts. For this reason it is considered that the applicant's proposed amendment to the wording of condition 12 is acceptable and would not give rise to unacceptable impacts on amenity. The proposed amendment of the condition would also enable the applicant to import waste arising from the adjacent waste technology park which would secure an alternative use for such waste that would otherwise be disposed of to landfill.

The site lies within Flood Risk Zone 2, except for an area by the eastern boundary. However, as the proposal is related to activities within an existing waste transfer building, there would be no increase in the risk of flooding or implications for the ground or surface water. The Environment Agency has not raised any objection to the proposal and therefore it is considered it accords with Policy ENV13 of the Wyre Borough Local Plan and Policy 1 of the AAP.

The proposal to extend the hours of working may generate additional traffic movements. However, any such increase is expected to be small and the site would continue to be accessed using the existing access and egress to the industrial estate from Fleetwood Road and then via Venture Road within the industrial estate. The current permission 02/11/0877 is subject to a Section 106 Agreement to ensure that all heavy goods vehicles other than those servicing the local area and those transporting waste materials from the site to Jameson Road landfill site, shall adhere to a routing agreement to require all HGV's access and egress the site via Fleetwood Road and Bourne Way. Subject to any new permission being subject to the same routing controls, the proposal is acceptable on highway grounds.

The existing permission 02/11/0877 includes a number of conditions relating to the colour and design of the industrial building, noise attenuative/ acoustic fencing, site operations, dust, litter, floodlighting, highway matters, safeguarding of watercourses and drainage, landscaping and ecology. It is considered the same conditions should be attached to any new permission. In relation to condition 7, the use of the land would remain as a waste transfer station which is the current permitted use. The wording of condition 7 would not change the character of that use sufficiently to give rise to a development that was fundamentally different to require a further planning application. Subject to the imposition of these conditions, the noise and odour impacts associated with the proposal are considered to be acceptable, and the proposal complies with the requirements of the NPPF and the policies of the Development Plan and can be supported.

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

Recommendation

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

Working Programme

1. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) Planning permission 02/11/0877 as amended by the Planning Application LCC/2014/0145 received by the County Planning Authority on 08th October 2014, email received by the County Planning Authority from Paul Mellor Holdings on 07th November 2014 and email received by the County Planning Authority from Mellor Holdings on 11th February 2015.
 - b) Submitted Plans received by the County Planning Authority on 08th October 2014:

Site Location Plan

Submitted documents received by the County Planning Authority from Mellor Holdings on 19th December 2014:

Noise Management Plan
Noise/ Acoustic Assessment
Odour Management Plan

Submitted document received by the County Planning Authority from Martin Environmental Solutions on 09th March 2015:

Additional Supporting Statement in relation to planning applications LCC/2014/144, LCC/2014/145 and LCC/2014/146

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 Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policies CS7, CS8 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies SP14, ENV13 and EMP8 of the Wyre Borough Local Plan and Policies 1 and 3 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Hours of Working

2. No waste transfer and recycling operations shall take place outside the hours of:

0700 to 1900 hours, Mondays to Fridays (except Public Holidays)
0800 to 1300 hours on Saturdays (except Public Holidays)

Notwithstanding the above hours of operation, waste and processed materials shall also be able to be imported / exported to the site between the hours of:

13.00 to 17.00 on Saturdays and 10.00 to 15.00 hrs on Sundays and Public Holidays.

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 the site.

Reason: 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 - Site Allocation and Development Management Policies - Part One, Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Building Materials

3. The external elevations of the building shall be maintained silver grey (colour code RAL 9006) and the roof shall be maintained goose wing grey (BS 10 A 05) throughout the duration of the development.

Reason : In the interests of the visual amenities of the area and to conform with Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

4. The approved 2.5m high noise attenuative/ acoustic fencing erected along the full length of the northern boundary of the site shall be retained in position and maintained in accordance with the approved details at all times.

The approved details were submitted to the County Planning Authority pursuant to condition 7 of planning permission 02/011/0877 and consist of a validated application dated 05 November 2012, a covering letter dated 20th June 2014, details of acoustic fencing and Drawing No: A010/068/P/150 - Site Landscaping Layout - Phase 5 dated May 2012.

Reason: 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 - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

5. The measures to prevent the migration of dust from the operation of the site contained in the scheme and programme approved under the requirements of condition 8 to planning permission 02/011/0877 shall be undertaken at all times.

The approved details are the validated application dated 08 October 2014 Drawing No: 2249G GA.

Reason: 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 - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Site Operations

6. A copy of this permission and all the documents referred to in condition 1 shall be available for inspection at the site office at all times throughout the development.

Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions and approved documents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

7. No waste other than inert or non-hazardous commercial and industrial waste including materials arising from other waste recycling or recovery operations shall be deposited at or brought onto the site.

Reason: 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 - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

8. No sorting or storage of waste materials shall be carried out other than within the approved waste transfer reception building and MRF building.

Reason: 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 - Site Allocation and Development Management Policies - Part One, Policy SP2 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

9. No crushing or screening of inert waste materials or aggregates shall be undertaken on the site other than within a building.

Reason: 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 - Site Allocation and Development Management Policies - Part One, Policies SP2 and SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Control of Noise

10. Within one month of the date of this planning permission a scheme and programme detailing the measures that are employed to control the operation of the doors to the building shall be submitted to the County Planning Authority for approval in writing. The measures contained in the scheme and programme shall ensure that the doors are opened for the minimum time that is necessary for vehicles to enter and leave the building and are not triggered by other operations undertaken within the building.

Thereafter the approved measures shall be employed in full working order at all times during the operation of the site.

Reason: 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 - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

11. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped 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.

Reason: 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 - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

12. The types of reversing alarms contained in the scheme and programme submitted to the County Planning Authority pursuant to condition 19 of planning permission 02/011/0877 and approved in writing on the 31 January 2013, shall be fitted to all mobile plant on commencement of the development and thereafter utilised at all times during the development.

The approved details are the validated application dated 05 November 2012 and supporting document titled 'Acoustic and Dust Suppression Assessment' dated May 2012.

Reason: 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 - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

13. The rating level of the noise emitted from the site shall not exceed the existing background noise level by more than 5dB(A)(1hour). The noise levels shall be determined at 12 Springfield Terrace NGR 332 448 or the southern boundary of the Cala Gran Caravan Park, Fleetwood Road between NGR's 332 447 and 332 448. The measurements and assessments shall be made in accordance with BS 4142:2014

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

Dust

14. The measures for the suppression of dust within and outside the buildings contained in the scheme and programme submitted to the County Planning Authority pursuant to condition 21 to planning permission 02/011/0877 shall be employed at all times.

The approved details are the validated application dated 05 November 2012 and supporting document titled 'Acoustic and Dust Suppression Assessment' dated May 2012 and the email from Paul Mellor dated the 14 May 2013 and the attachment from Martin Environmental Solutions.

Reason: 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 - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan

15. Measures shall be taken at all times to minimise the generation of dust and prevent the migration of dust or windblown material off site and which shall include the watering of dust generative stockpiles and vehicle circulation areas during dry weather conditions.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Floodlighting

16. The floodlighting used on the site shall be operated and maintained in accordance with the scheme and programme submitted to the County Planning Authority pursuant to condition 25 of planning permission 02/011/0877 and approved in writing on the 31 January 2013.

The approved details are the validated application dated 05 November 2012 and supporting document titled 'Waste Management Fleetwood Road' dated May 2012.

Reason: 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 - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan

Highway Matters

17. All vehicles transporting waste and recycled materials 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 Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

18. Measures shall be taken at all times during the development to ensure that no mud, dust or other deleterious material is carried onto the public highway by vehicles leaving the site.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

Safeguarding of Watercourses and Drainage

19. Disposal of foul and surface waters shall only take place in accordance with the scheme and programme and that was submitted to the County Planning Authority pursuant to condition 28 of planning permission 02/011/0877 and approved in writing on the 31 January 2013.

The approved details are the validated application dated 05 November 2012 and Drawing No: P4123/12/110 - Fleetwood Road Waste Management Centre dated 19 April 2012.

Reason: 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 - Site Allocation and Development Management Policies - Part One and Policy SP14 of the Wyre Borough Local Plan.

Landscaping

20. The landscaping of the site shall be undertaken in the first planting season following the date of this planning permission in accordance with the scheme and programme submitted to the County Planning Authority pursuant to condition 29 of planning permission 02/011/0877 and approved in writing on the 31 January 2013.

The approved details are the validated application dated 05 November 2012 and Drawing No: A010/068/P/150 - Site Landscaping Layout - Phase 4 dated May 2012.

Thereafter, the landscaping works shall be maintained for a period of five years including weed control, replacement of dead and dying trees and maintenance of protection measures.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the

Ecology - Protected species

21. The measures for the protection of barn owls contained in the scheme and programme submitted to the County Planning Authority pursuant to condition 30 of planning permission 02/011/0877 shall be maintained in their approved locations during the operational life of the site.

The approved details are the validated application dated 05 November 2012 and supporting document titled 'Barn Owl Mitigation Method Statement' dated June 2011 and the email from Paul Mellor dated the 14 May 2013 and the attached letter from Simply Ecology dated 13 May 2013.

Reason: To provide mitigation for the loss of habitat of barn owls and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan

Definitions

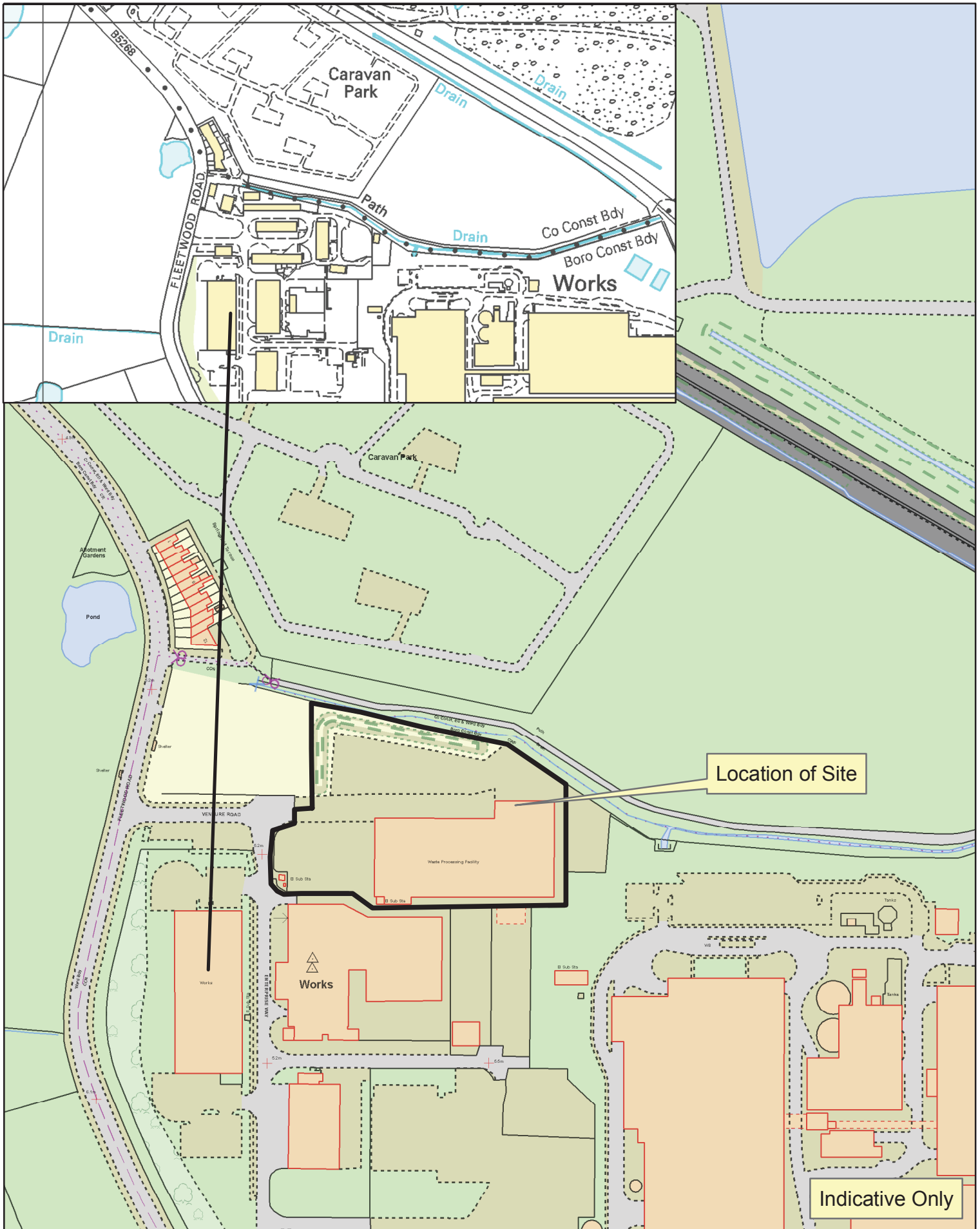
Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2014/0144	08 October 2014	Rob Jones/Environment/534128

Reason for Inclusion in Part II, if appropriate – N/A



APPLICATION LCC/2014/0145 VARIATION OF CONDITION 4 OF PLANNING PERMISSION 02/11/0877 TO CHANGE WORKING HOURS TO 7AM TO 7PM MONDAY TO FRIDAY (EXCEPT PUBLIC HOLIDAYS), 8AM TO 1PM ON SATURDAYS, 1PM TO 5PM ON SATURDAYS VEHICLE MOVEMENTS ONLY AND 10AM TO 3PM ON SUNDAYS AND PUBLIC HOLIDAYS VEHICLE MOVEMENTS ONLY. VARIATION OF CONDITION 12 OF PLANNING PERMISSION 02/11/0877 TO ALLOW THE WASTE PROCESSED AT THE SITE TO INCLUDE LOW LEVEL FOOD CONTAMINATION OF PREVIOUSLY PROCESSED NON HAZARDOUS WASTE AND DELETION OF CONDITION 17 OF 02/11/0877 TO ALLOW THE DOORS TO THE BUILDING TO REMAIN OPEN WHILST THE SITE IS OPERATING. UNIT 8, BURN HALL INDUSTRIAL ESTATE, VENTURE ROAD, THORNTON CLEVELLEYS

Development Control Committee
Meeting to be held on 20th May 2015

Electoral Division affected: Thornton Cleveleys North
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Wyre Borough: Application No. LCC/2014/0146

Retrospective application for the retention of an air filtration system consisting of a pre-filter unit, a shipping container to house a carbon filter unit, single storey extension to contain the air filtration fan assembly, steel ducting and 16.6 metre high steel vent stack on the east and south elevations of the waste transfer buildings, a single storey extension to provide a site substation plant room on the south elevation of the waste transfer building, the relocation of a weighbridge, the provision of a demountable unit for use as a reception/ office, three shipping containers for use as a canteen, showers and mess rooms, and the construction of a secure cycle.

Lancashire Waste Recycling Ltd. Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

Contact for further information:

Rob Jones, 01772 534128, Development Management Group

DevCon@lancashire.gov.uk

Executive Summary

Application - Retrospective application for the retention of an air filtration system consisting of a pre-filter unit, a shipping container to house a carbon filter unit, single storey extension to contain the air filtration fan assembly, steel ducting and 16.6 metre high steel vent stack on the east and south elevations of the waste transfer buildings, a single storey extension to provide a site substation plant room on the south elevation of the waste transfer building, the relocation of a weighbridge, the provision of a demountable unit for use as a reception/ office, three shipping containers for use as a canteen, showers and mess rooms, and the construction of a secure cycle.

Lancashire Waste Recycling Ltd. Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, colour of air extraction system and control of noise.

Background

This application formed part of the agenda to the meeting of the Development Control Committee on 8th April along with two other planning applications (ref.

LCC/2014/0144 and LCC/2014/0145) relating to associated proposals at the same site. However, at that meeting, applications LCC/2014/0144 and LCC/2014/0145 were not determined due to the applications at that time being considered invalid due to an error in the submitted ownership certificates. It was therefore also considered appropriate to defer determination of application LCC/2014/0146 to allow it to be determined at the same time as applications LCC/2014/0144 and LCC/2014/0145.

Applicant's Proposal

Retrospective planning permission is sought for the provision of an air filtration system and the erection of a single storey substation plant room extension on the external elevations of the waste transfer buildings at Lancashire Waste Recycling Ltd, plus the relocation of a weighbridge and the provision of demountable units for use as a reception/ office, a canteen, showers and mess rooms, and the provision of a secure cycle stand.

The air filtration system consists of a pre-filter unit, a shipping container to house a carbon filter unit, a single storey extension to contain the air filtration fan assembly, steel ducting/ pipework and a 16.6 metre high steel vent stack.

The pre-filter unit is a stainless steel construction and measures 1.8m long x 2.4m wide x 2.4m high. The steel shipping container housing the carbon filter unit measures 12.2m long x 2.4m wide x 2.5m high and is coloured blue with 1.0m high galvanised railings around the top edges. The fan assembly building is an extension to the waste transfer building and measures 6.8m long x 5.0m wide and is constructed of concrete breezeblocks with a grey mono-pitch profiled steel roof measuring 5.2m high at the south end and sloping down to 4.5m high at the north end. The building is open on the north and south sides where pipework connects to the pre-filter and carbon filter units on the south and north sides, respectively. The vent stack is constructed from stainless steel and has an overall height of 16.6m to protrude 3.6m above the ridge of the waste transfer building that it adjoins. Steel ducting/ pipework is attached to the side the waste transfer building to connect to the pre-filter unit and the vent stack.

The single storey substation plant room measures 18.2m long x 3.2m wide with a monopitched roof measuring 2.8m high at the south end and sloping up to 3.2m high where it adjoins the waste transfer building. The elevations are constructed of galvanised steel vertical cladding coloured silver/grey (RAL 9006) and the roof has a standing seam roof coloured goose wing grey (BS 10 A 05) to match that of the waste transfer building. Double access doors are located in the west elevation of the building.

The demountable unit used as a reception/ office measures 14.4m long x 4.0m wide x approximately 3.0m high and is of a timber ply panel construction painted Lovat Green with galvanised window frames and timber doors. The three metal shipping containers to provide separate canteen, showers and mess room facilities each measure 9.6m long x 3.0m wide x approximately 2.5m high and is coloured white. The weighbridge measures 17.2m long x 3.4m wide.

Description and Location of Site

The site is an existing waste transfer / processing site located on the north side of Burn Hall Industrial Estate 1.3km to the south-east of Fleetwood. The site is a flat area of land covering an area of 1.21 ha. Access to the industrial estate is from the B5268 Fleetwood Road and then to the site via Venture Road within the industrial estate. Enterprise Way within the industrial estate is located along part of the western boundary.

The site entrance is on the west side of the site. The weighbridge, demountable unit, shipping containers and the cycle stand are located between the site entrance and the north-west corner of the waste transfer building that are themselves located along the southern boundary of the site. All the air filtration system plant and equipment are attached to the east elevation of the waste transfer buildings except for the steel ducting/ pipework located along the east and south elevations of the waste transfer buildings. The plant room is located near the south-west corner of the waste transfer buildings and adjacent to the south boundary of the site. Wooden acoustic fencing 2.5m high is located along the northern boundary of the site with 2m high steel palisade fencing along the other boundaries.

The Cala Gran Caravan Park is located 20 metres to the north of the site boundary. The north-east boundary of the site borders the 'Burglars Alley Field' BHS which is a flat and open field to the north. The Thornton Waste Technology Park is on the east side of the site. Northern Express Glass, a manufacturer of glass for windows and doors, and Wyre Tyres, a vehicle repair garage, are located adjacent to the southern boundary. Shakespeare Monofilaments, a manufacturer of man-made fibres, is to the southwest on the west side of Enterprise Way. Land between Fleetwood Road and the north-west side of the site is cleared and derelict. The closest residential properties are situated approximately 45 metres to the north-west on Springfield Terrace fronting Fleetwood Road. The whole of the site except for a small area by the eastern boundary falls within Flood Risk Zone 2.

Members visited the site on 18th May 2015.

Background

Planning permission for a change of use from general industrial to a waste transfer station for commercial waste including the demolition and modification of existing buildings, the erection of a waste transfer building, materials recovery facility plant, perimeter fencing, landscaping and hardsurfacing was granted on 28 October 2011 (ref.02/11/0184). This permission was subject to a Section 106 Agreement relating to vehicle routing.

Planning permission for the erection of a building to enclose the material recovery plant previously approved in permission 02/11/0184 was granted on 24 October 2012 (ref. 02/11/0876). This permission was subject to a Section 106 Agreement relating to vehicle routing.

Planning permission for the variation of conditions 2b, 3, 5, 12, 13 and 27 of planning permission 02/11/0184 - increase in size of waste transfer building from 40m by 30m

to 50m by 31m and decrease in height from 16.3m to 12.9m was granted on 24 October 2012 (ref. 02/11/0877). This permission was subject to a Section 106 Agreement relating to vehicle routing.

A retrospective planning application for the variation of conditions 3 and 9 of planning permission 02/11/0876 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, and to allow the doors of the waste transfer building to be open only for the ingress and egress of vehicles requiring access to the building while plant is operating, is reported elsewhere on this agenda (ref. LCC/2014/0144).

A retrospective planning application for the variation of conditions 4, 12 and 17 of planning permission 02/11/0877 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, to allow the waste imported to the site for processing to have low levels of food contamination, and to allow the doors of the waste transfer building to be open only for the ingress and egress of vehicles requiring access to the building while plant is operating, is reported elsewhere on this agenda (ref. LCC/2014/0145).

Planning Policy

National Planning Policy Framework (NPPF): Paragraphs 11 – 14, 17 - 19, 56 – 66, 103, 104, 122, 123 and 124 are relevant with regard to the presumption in favour of sustainable development, core planning principles, building a strong competitive economy, the requirement for good design, flood risk, permitting regimes operated by pollution control authorities, noise and odour.

National Planning Practice Guidance

National Planning Policy for Waste

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

Policy NPPF 1 Presumption in favour of sustainable development
Policy DM2 Development Management

Wyre Borough Local Plan

Policy SP2 Strategic Location for Development
Policy SP14 Standards of Design and Amenity
Policy ENV13 Development and Flood Risk
Policy EMP8 Existing Industrial Areas

Wyre Borough Council Fleetwood - Thornton Area Action Plan (AAP)

Policy 1 Environmental Quality and Protection
Policy 3 Industry and Business

Consultations

Wyre Borough Council –The Borough Council initially raised objection to the application as they considered that the applicant had not submitted sufficient information to demonstrate that the retention of the odour control equipment would not have a detrimental impact on the amenity of neighbours. The Borough Council EHO considers that the existing extraction system is the dominant noise on the site boundary and which operates 24 hrs per day. Whilst work has been undertaken to reduce noise from this source, the noise is still very intrusive at the site boundary. The EHO notes the applicant's proposal to replace and further enclose parts of the existing equipment to ensure that the noise will be reduced to 33 dB(A) at the boundary. Whilst there is some debate about existing background levels, the EHO considers that the improvements to the system will ensure that the night time noise levels can be reduced to acceptable levels.

Fleetwood Town Council – No observations received.

LCC Developer Support (Highways) – No observations received.

Environment Agency - No objection in principle. The submitted Odour Management Plan Version 10.4.1 is acceptable. The vent stack and air filtration equipment have been provided in an effort to reduce the odour issues on site. The EA consider that this equipment is not operating adequately but this is something that is dealt with through their own regulatory regime. The application is considered to be low risk from a flooding perspective.

LCC Specialist Advisor (Ecology) – No observations received.

LCC Specialist Advisor (Landscaping) – No observations received.

Representations – The application has been advertised by press and site notice and neighbouring residents have been notified by letter. 81 representations of objection and one representation letter of support have been received to the application.

The objections can be summarised as follows:-

- The proposal has exacerbated the constant bad smell in the area due to operations at the waste plant and longer working hours. The smell can be very bad depending on the wind direction. This will interfere with the private lives of and be to the detriment of the local residents in the wider community.
- The erection of the air filtration system (vent stack) has not resolved the problem of smells/ odours emitted from the site.
- The proposal has increased traffic in the local area. The A585 cannot cope with the traffic attempting to use it. The poor road conditions and increased journey times must deter new business from investing in the area.
- Stinking waste should not be delivered through highly populated areas.
- Concerns that the proposal will affect the routing agreement for Heavy Goods Vehicles associated with the site.

- There has been an increase in intrusive noise levels from the site. The noise generally consists of a vehicle movement in the background and an occasional bang from the movement of equipment. 'White noise' reversing sounders can be heard from vehicles on the site as they occur on a regular basis and pulse on and off in operation.
- There has been an increase in flies and scavenging gulls in the local area as a consequence of activities at the site, particularly during the summer months.
- This area has already taken the brunt of processing/ treating waste produced from other areas in the form of the Waste Technology Park. The area should not be allowed to become the dumping for more waste from other areas.
- LCC have not consulted enough neighbouring properties about the application by letter as they should have done.
- Wyre Borough Council's Environmental Health Officer has not been consulted on this application.

One of the representations has been made on behalf of the operators of the Cala Gran Caravan Park who raise the following issues:-

- The quality of the information submitted with the application is not of sufficient detail to enable LCC to make an informed decision on the proposal; the supporting statement makes reference to policy documents that either do not exist or have been superseded, and there is limited information available with inaccurate submitted drawings.
- The Acoustic Assessment and Noise Management Plan submitted with the application are inadequate to draw any valid conclusion that the noise impact created by the facility can be reduced to levels to prevent adverse impacts.
- The Odour Management Plan submitted with the application lacks sufficient detail and is inappropriate for its intended use to demonstrate that the harm can be eliminated or reduced to an acceptable level.
- The application is one to which the Environmental Impact Assessment (EIA) Regulations apply because it falls within Paragraph 11(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 being an 'Installation for the disposal of waste'. However, no screening opinion has been undertaken by LCC to assess if the development is EIA development. If they had, then LCC would have considered and concluded that the environmental amenity impacts of the development such as noise, odour, light pollution, additional vehicle movements, air pollution and dust, would be of such potential harm and significance that the submission of an EIA would be required.
- The site affects the environment from issues arising mainly from odour and noise pollution, but also from vibration and dust pollution, to the detriment of the health and wellbeing of users of Cala Gran Caravan Park, nearby residents and tenants on Burn Hall Industrial Estate. There are some days when the doors of caravans, homes and businesses cannot be opened because of the smell from the site. Noise from the site wakes up nearby residents and park users early in the morning.
- Cala Gran is a significant local employer and has an important role to play in the tourism economy of Wyre Borough. Complaints by visitors to Cala Gran arising from LWR's operations have been continuous and are having a detrimental effect on the caravan park. If this continues, then holiday makers and caravan owners

will stop visiting the area resulting in lost rates and loss of trade in the local community that no town can afford.

- Full and extensive odour assessments, noise assessments and traffic assessments have been undertaken and submitted on behalf of Cala Gran Caravan Park that conclude that LWR's operations have caused detrimental impacts.
- The Environment Agency's Compliance Assessment Reports from August 2013 to October 2014 clearly demonstrate that the site is causing harm noise and odour. It is becoming increasingly evident that the regulatory regimes are not able to control the impacts to an acceptable level.
- Cala Gran and other businesses that may be affected by the development were not notified by letter as to the application, while other businesses were consulted, which is very inconsistent.
- The suggested Conditions 3 and 4 are inadequate as they do not impose a noise level or a restriction in the event that noise levels cannot be reduced or a timescale to require reduction.

An objection has also been received from Eric Ollerenshaw MP on the grounds that the proposal will have a detrimental impact on its residential neighbours and is therefore contrary to the provisions of the NPPF. In addition, there have been numerous complaints about odour and noise with regards to this plant and lifting the current planning restrictions will only add to this.

The letter of support is from a resident who lives less than a mile from the site and experiences negligible nuisance or disturbance from the operations.

Prior to the 8th April Committee, presentations to Members of the Committee were made by Bourne Leisure (operators of the Cala Gran Caravan Park and the applicant (Lancashire Waste Recycling), the content of which can be summarised as follows.

Presentation by Bourne Leisure

- Bourne Leisure provided information on the scale of their company and the numbers of guests at the Cala Gran site which are in the region of 30,000 per year. It was stated that Cala Gran had not invested in the site due to the odour issues generated by Lancashire Waste Recycling. Information was also provided on the planning history of the site and continued breaches of condition at the site. It was stated that the issues at the site had led to adverse comments being posted on Trip Advisor.
- Information was also provided in relation to odour including a map to show the relationship between Cala Gran and the application site and also a wind rose showing prevailing wind direction. It had been calculated that odours from the application site were blown towards Cala Gran for approximately 25% of the time. Information was also provided on measurement criteria for odour impacts and it was stated that the waste is around 2 weeks old by the time it reaches the application site.

- It was stated that LWR is not operating in accordance with its permitted development and that 2 applications are to regularise breaches and the other application is retrospective. It was also stated that there appeared to be an issue with the validity of the applications. It was considered that the proposed condition on waste types conflicts with the Wheatcroft principles the applicant considered that they have been denied opportunity to comment on this condition.
- Bourne Leisure consider that the significance of the proposals has been understated in that it would allow for a large increase in hours and tonnages of waste delivered to the site. There were concerns that the air extraction system produced additional noise and the proposed conditions to control this noise were imprecise.
- Bourne Leisure consider that the problems cannot be pushed onto another objector to deal with and that applications 144 and 145 should be refused with 146 only being approved if conditions are strengthened.

Presentation by Lancashire Waste Recycling

LWR is local company employing 30 staff and the additional hours are needed to allow traffic to be programmed to avoid the busiest parts of the day and no more waste would be imported that at present.

It was acknowledged that there were some odour issues at first but there were other activities in the area which generate odour – a map was circulated showing the location of these.

The applicant explained that a number of MP's had been to the site and were satisfied and that they were in compliance with environmental controls. He explained the types of waste that were processed and that they had invested £200,000 in odour abatement plant and new doors to control odour and noise.

Advice

Retrospective permission is sought at Lancashire Waste Recycling, Thornton for the provision of an air filtration system to filter and expel the air and odours from inside the waste transfer buildings, for the erection of a single storey substation plant room extension to provide power at the site, for the relocation of a weighbridge, for the provision of a demountable unit for use as a reception/ office, and for the provision of three metal shipping containers for use as a canteen, showers and mess room.

The main issues associated with the application are the suitability of the plant, equipment and buildings at the site, the visual impact, noise and odour.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is necessary to take into consideration the relevant policies of the Development Plan and the planning history of the site and all other

material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Core Strategy and Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), the Wyre Borough Local Plan and the Fleetwood - Thornton Area Action Plan (AAP).

The site was originally granted planning permission to operate as a waste transfer station for inert construction and industrial waste. However, the site has been developed as a facility for the re processing of waste plastics, paper and textiles into a material that can be used as a kiln fuel such as at cement works.

The site is located within Burn Hall Industrial Estate. The site benefits from planning permissions for the management of waste and the new buildings plant, equipment and buildings would be ancillary to that use and are therefore acceptable in principle. However, the impacts of the various plant, equipment and buildings have themselves to be assessed.

The air filtration system consists of a pre-filter unit, a shipping container to house a carbon filter unit, a single storey extension to contain the air filtration fan assembly, steel ducting/ pipework and a 16 metre high steel vent stack. All the plant and equipment are on the ground adjacent to the east elevation of the waste transfer buildings, except for the steel ducting/ pipework located along the east and south elevations of the waste transfer buildings. The main view of the equipment is from the raised public footpath adjacent to the northern boundary. The vent stack is the most prominent but, as it only protrudes 6.4m above the eaves and 3.6m above the overall pitch height of the waste transfer building that it adjoins, the size is not excessive and is visually acceptable in this industrial location. The other equipment is of a relatively small scale when compared to the waste transfer buildings and the materials and colour are acceptable.

The weighbridge, demountable unit, shipping containers and the cycle stand are at ground level and grouped together near the site entrance. Again, these elements of the development are of relatively small scale and the materials and colour acceptable in an industrial location such as this. The plant room is located on the south side of the waste transfer building and adjacent to the south boundary of the site. The building is small in scale, the materials and colour match that of the waste transfer building and it cannot be seen from outside the site.

To ensure that the visual impact of the air filtration system and demountable units continues to be acceptable, it is recommended that a condition should be imposed requiring that the plant / buildings be retained in their current colours.

The visual impact of the air filtration equipment and all other buildings is considered acceptable and accords with Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the AAP.

The main issue with this proposal relates to noise and air quality impacts. The air filtration equipment is a purpose designed system that maintains the building under

negative pressure so that air is drawn into the building thereby reducing the emission of odours from the doors. The air is then passed through filters to remove odours and expelled through the stack to aid dispersion. The system is designed to operate on a 24 hour basis. A number of representations have been submitted questioning the effectiveness of the new plant to address odour impacts and raising concerns about the noise levels that are generated by the system.

In relation to noise, the applicant has submitted a Noise Management Plan, an Acoustic Assessment and an Additional Supporting Statement. The Supporting Statement advises that the dominant source of noise on the site is currently from the odour abatement system. The noise levels contained in the document are projected noise levels based upon improvements that are intended to be undertaken to the air filtration/extraction system by replacing the existing two fans currently on site with variable speed fans that would give rise to a sound level of 33dB(A) when measured at two points on the boundary of Cala Gran Caravan Park to the north of the LWR site. The background noise levels at these two boundary points have been recorded as between 41-46dB during the day and 38-44dB during the night. The proposed improvements would not involve any visual changes to the extraction system on the exterior of the buildings.

Wyre Borough Council's Environmental Health Officer initially raised concerns about the noise levels that are currently generated by the odour abatement system particularly during the night. However, he considers that the proposed improvements to the system involving replacement fans and better enclosure of parts of the system would be capable of reducing noise levels from the system to 33dB at the site boundary which would be lower than the background night noise level. The levels of noise created by the improved air filtration/extraction system would therefore be acceptable to surrounding land uses. However, the predicted noise level of 33dB at the site boundary is clearly dependant on implementing the improvements to the odour abatement system. The improved air extraction equipment has now been delivered to the site and will shortly be fitted. It is therefore recommended that a condition should be imposed requiring the improvements to the air filtration/extraction system to be undertaken within two months of the date of the granting of planning permission and thereafter be retained, and that a further noise survey be carried out post improvement to demonstrate the effectiveness of the improvements with a requirement to undertake further attenuation works should they be necessary.

Subject to such conditions it is considered the proposed building conforms with Policy DM2 of the LMWLP, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Fleetwood /Thornton AAP.

In relation to odour, the Environment Agency has commented that the submitted Odour Management Plan is acceptable but that the current air filtration/extraction system is not operating to its full potential as it has not been used at night. The reason for this is due to the noise levels, particularly during the night, that are created, as mentioned earlier in this report. The proposed improvements to the noise generated by the air filtration/extraction system would allow the system to operate continually and would ensure that its operation complies with the EA's odour

standards so that there is continual control of odour at the site whether or not the processing plant is actually operating.

Paragraph 122 of the NPPF requires that planning authorities should not seek to control processes or emissions where these are subject to approval under separate pollution control regimes and that LPA's should assume that these regimes will operate effectively. In this case, the EA have advised that the odour emanating from the air filtration/extraction system is something that they would deal with through their regulatory regime. If there were to be an unacceptable odour then the EA would have the power to take the necessary enforcement action to remedy the problem. Whilst there have been odour issues at this site, it is considered that that these are capable of being addressed through the EA's regulatory regime and that there is no fundamental odour problem that would lead to unacceptable impacts on local amenity.

In relation to the other issues that have been raised in representations:-

No screening opinion has been undertaken as the various plant, equipment and buildings do not fall within Schedule 2 of the EIA Regulations. It is therefore not necessary to screen this application for EIA and the issues of the visual impact, noise and odour and flood risk can be adequately assessed as a part of this application.

The site lies within Flood Risk Zone 2, except for an area by the eastern boundary where the air filtration system is located. The only aspect of the proposal that could increase the risk of flooding elsewhere is the single storey substation plant room extension (floor area of 58sq.m.) located on the south side of the waste transfer building. However, the buildings and other plant subject to this application are small in scale. The Environment Agency has not raised any objection to the proposal and therefore it is considered it accords with Policy ENV13 of the Wyre Borough Local Plan and Policy 1 of the AAP.

This development will not increase traffic associated with the site and would not affect the routing agreement for Heavy Goods Vehicles that are attached to planning permissions 02/11/0876 and 02/11/0877.

In conclusion, the odour management plant subject to this application is designed to reduce odour impacts from this development so that the plant can operate without causing harm to local amenity. The visual impact of the odour control equipment is acceptable. Whilst odour associated with activities at the site has improved, the EA state that the plant is still not operating as adequately as it should. However, once the improvements to noise attenuation have been undertaken, the plant should be able to operate on a 24 hour basis as it is designed to do which will further improve the control of odour emissions. In line with the requirements of Paragraph 122 of the NPPF, the odour mitigation improvements to this system should be investigated by the EA and the EA's regulatory regime is sufficient to tackle and remedy any such issues. The application therefore complies with the requirements of the NPPF and the policies of the Development Plan and can be supported.

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

Recommendation

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

Working Programme

1. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application received by the County Planning Authority on 08th October 2014.
 - b) Submitted Plans and documents received by the County Planning Authority on 08th October 2014:

Site Location Plan

Submitted Plans and documents received by the County Planning Authority from Keith Allen on 19th December 2014:

Drawing No. A013/086/P/01 Rev. C - Site Layout
Drawing No. A013/086/P/02 Rev. C - Elevations

Submitted Plans and documents received by the County Planning Authority from Mellor Holdings on 19th December 2014:

Noise Management Plan
Noise/ Acoustic Assessment
Odour Management Plan

Submitted document received by the County Planning Authority from Martin Environmental Solutions on 09th March 2015:

Additional Supporting Statement in relation to planning applications LCC/2014/144, LCC/2014/145 and LCC/2014/146

- 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 Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policies SP14, ENV13 and EMP8 of the Wyre Borough Local Plan and Policies 1 and 3 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Building Materials

2. The external claddings of the air filtration system and associated equipment shall be maintained in their existing colours throughout the duration of the development.

Reason: To protect the visual amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Control of Noise

3. Within two months of the date of this planning permission, works to reduce the noise levels emitted by the air filtration/extraction system shall be undertaken in accordance with a scheme and programme to be first submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the measures that are to be undertaken to further reduce noise levels arising from the air filtration system.

Reason: 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 - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

4. Within one month of the completion of the works to reduce the noise levels generated by the air filtration/extraction system required by condition 3, a further noise survey shall be undertaken to assess the effectiveness of the works. The survey shall be undertaken in accordance with the methodology in BS4142:2014 and shall record the noise levels from the site when measured during the night time period (22.00 - 07.00 hrs) at Springfield Terrace or Cala Gran Caravan Park at a point nearest to the noise source.

The results of the survey shall be submitted to the County Planning Authority for approval in writing within two weeks of the date of the survey and if demonstrated by the results of the survey, shall include a further schedule of works and a timetable for implementation should the noise levels stated in condition 8 of planning permission LCC/2014/0144 be exceeded.

Reason: 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 - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

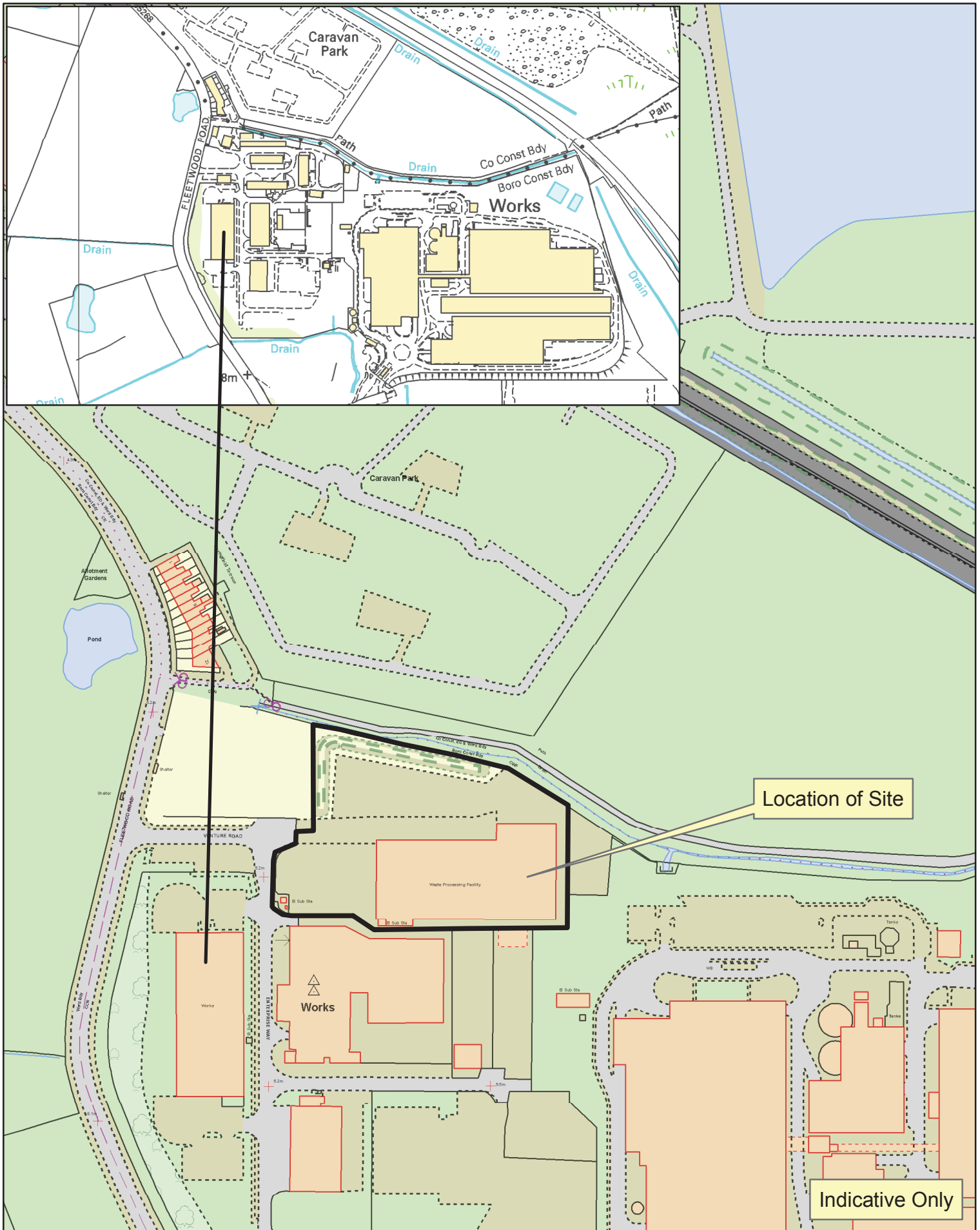
Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2014/0146	08 October 2014	Rob Jones/Environment/534128

Reason for Inclusion in Part II, if appropriate

N/A



APPLICATION LCC/2014/0146 RETROSPECTIVE APPLICATION FOR THE RETENTION OF VENT STACK, CONTAINER SITED TO HOUSE FILTRATION PLANT, BUILDING TO CONTAIN AIR FILTRATION FAN ASSEMBLY, SITE SUB STATION PLANT ROOM, RELOCATION OF OFFICE DEMOUNTABLE UNITS, RELOCATION OF CYCLE STORAGE AND REDUCTION OF FORMAL PARKING PROVISION. UNIT 8 BURN HALL INDUSTRIAL ESTATE, VENTURE ROAD, THORNTON

Agenda Item 8

Development Control Committee
Meeting to be held on 20 May 2015

Electoral Division affected: Chorley West, Chorley Rural East

Chorley Borough: application number LCC/2015/0014
Extension to the area of phased extraction of sand and gravel and infilling with inert waste for restoration purposes, back to agriculture and conservation at Sandons Farm, Sandy Lane, Adlington, Chorley

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Executive Summary

Application - Extension to the area of phased extraction of sand and gravel and infilling with inert waste for restoration purposes, back to agriculture and conservation at Sandons Farm, Sandy Lane, Adlington, Chorley.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, site operations, hours of working, noise and dust, highway matters, water management, soils, ecology, restoration, and aftercare.

Applicant's Proposal

Planning permission is sought for a small extension to part of the north western boundary of the existing quarry over an area of approximately 1.3ha. The existing quarry covers an area of approximately 11ha. The proposed extension would provide for the extraction of approximately 60,000m³ of sand, gravel and clay to a maximum depth of 9m.

The applicant indicates that approximately 20,000 tonnes of the extracted mineral would be clay, which would be used to line the site prior to the proposed importation of approximately 68,500m³ of construction, demolition and excavation waste and soil forming material to restore the quarry. The land would be restored back to approximate former levels and planted with an area of peripheral woodland and meadow mix grassland. It is proposed to restore the void in tandem with the phased restoration of the existing quarry and within the permitted timescales for the existing quarrying operations.

Quarry working and access arrangements would be the same as the existing quarry.

Description and Location of Site

The proposal is for an extension to the existing Sandons Farm sand quarry. The site is located off Sandy Lane in Adlington approximately 4km south of Chorley town centre and is accessed via a concrete haul road taken from the A5106 Wigan Lane. The nearest residential properties to the application site are located approximately 340m to the south east at Carrington Road and approximately 250m to the south east at Rigshaw Bridge Cottages. A large belt of woodland is located to the north and west with agricultural land beyond. The Leeds and Liverpool Canal is located approximately 75m east of the extension area.

The site is currently an agricultural field with peripheral hedgerows and tree specimens sloping from approximately 92m AOD at the north east down to 82m AOD in the south west, with the existing quarry immediately to the south.

The quarry and proposed extension area are located within the Green Belt. Footpaths numbers 12 and 11 run along the southern and eastern boundaries respectively. Footpath number 57 crosses the site access road close to its junction with Wigan Lane.

Background

History

Two planning applications were previously submitted as part of the wider sand quarry site. The first for the phased extraction of sand and gravel followed by infilling of inert waste for restoration purposes back to agriculture and nature conservation (ref 09/05/0018) and the second for the phased extraction of sand and gravel followed by low level restoration without landfilling (ref 09/06/0867). Both applications were refused by the County Council but were allowed on appeal in December 2007 following a public inquiry. The applicant implemented planning permission 09/05/0018 and operations commenced in June 2008. The permission requires the completion of quarrying and restoration activities by 31st December 2020. A unilateral undertaking is in place under the provisions of section 106 of the Town and Country Planning Act 1990 for a 10 year aftercare management plan following the 5 year aftercare period covered by condition given the extensive planting and nature conservation proposals across the site.

On 17 April 2013 planning permission was granted to allow for the sorting, treating, crushing and screening of imported construction, demolition and excavated soil/waste with re-usable/recyclable material exported off-site and the remainder for use in the restoration of the quarry (ref. 09/13/0133).

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 6 – 16, 79 - 92, 109 – 125, 142 -148 are relevant with regard to the definition of sustainable development and the operation of the planning system,

protecting green belt land, conserving and enhancing the natural environment and facilitating the sustainable use of minerals respectively.

Planning Practice Guidance accompanying the NPPF (PPG)

Minerals

Waste

Joint Lancashire Mineral and Waste Development Framework Core Strategy DPD - Managing our Waste and Natural Resources (JLMWDF)

Policy CS1 Safeguarding Lancashire's Mineral Resources

Policy CS3 Meeting the demands for New Minerals

Policy CS5 Achieving Sustainable Mineral Production

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 - Site Allocations and Development Management Policies – Part One (JLMWLP)

Policy NPPF1 Presumption in Favour of Sustainable Development

Policy DM1 Management of Waste and Extraction of Minerals

Policy DM2 Development Management

Policy LF2 – Sites for Inert Landfill

Policy M1 Managing Mineral Production

Central Lancashire Adopted Core Strategy

Policy 29 Water Management

Chorley Local Plan

Policy EP20 Noise

Consultations (summary)

Chorley Borough Council – No objection.

Coppull Parish Council – Neighbouring Adlington Town Council has received a number of complaints in regard to noise from the site, so the Parish Council would like noise restrictions put on any permission.

Adlington Town Council – considers that the above application should be left for residents to comment.

LCC Developer Support (Highways) – No comments received.

LCC County Ecology Service – No comments received.

Environment Agency – No objection subject to a condition requiring the monitoring of groundwater in accordance with permission 09/05/0018. The deposit of waste materials for the restoration works will require an Environmental Permit

Coal Authority – No comments received.

Natural England – No objection.

National Grid – No comments received.

LCC Public Rights of Way – No comments received.

Heath Charnock Parish Council – No comments received.

Canal and River Trust – No comments to make.

Ramblers' Association – objection on the basis that there is no mention of the impact on footpath numbers 11, 12 and 57.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. 5 representations have been received. Comments are summarised as follows:

- Sufficient space has already been given over to the quarry and the negative impacts on the local area and wildlife.
- The working and restoration of the existing site appears to be behind schedule.
- Access to the footpath network should not be compromised.
- No objection provided that conditions relating to noise, dust and duration of working are imposed, reflective of the existing permission.
- Objection on the grounds of noise and dust close to residential properties and that the extension would prolong activities at the site.
- It should be noted that the ownership boundary does not include the strip of land including the footpath to the rear of Carrington Road.
- The development should not impact on culvert 133 under the Leeds and Liverpool canal. There has been a history of surface water surcharge from the culvert, which has caused flooding at Allanson Hall Farm. Conditions should be imposed in relation to surface water drainage.
- Concerns are raised in relation to how far the extensions will go, the condition of Wigan Lane, and motorcycle access at Ellerbeck.

Advice

This application is for a small extension to an existing sand quarry.

The policies of the Development Plan seek to ensure that Lancashire makes an appropriate contribution to meeting local, regional and national supplies of minerals. It is therefore necessary to assess the need for the mineral that would be extracted along with an assessment of the potential impacts of the proposal on the local environment including impacts on the public highway, the amenity of the residents

who live nearby and the impact on the Green Belt. Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Need for minerals

Government policy is set out in the *National Planning Policy Framework* which seeks to ensure that Mineral Planning Authorities should plan for a steady and adequate supply of aggregates to the construction industry. When determining planning applications, Paragraph 144 of the NPPF is clear that local planning authorities should give great weight to the benefits of mineral extraction including to the economy.

The Joint Lancashire Minerals and Waste Plan covers the administrative areas of Lancashire County Council, Blackburn with Darwen Borough Council and Blackpool Council (the Joint Authorities). The Joint Plan consists of an adopted Core Strategy and Site Allocation and Development Management Policies Local Plan.

Policy CS1 of the JLMWDF (published February 2009) states that minerals will be extracted only where they meet a proven need for materials within particular specifications. Policy CS3 of the JLMWDF is about meeting the demand for new minerals and states that provision will be made for the extraction of 10.8 million tonnes of sand and gravel between the plan period of 2001 – 2021. Based on the position at 2005 this allowed for the release of not less than 4.1 million tonnes of sand and gravel between 2005 -2021.

Policy M1 of the JLMWLP (published September 2013) states that development will not be supported for any new extraction of sand and gravel, limestone, gritstone or brickshale. This policy was formulated in view of the mineral landbank information available at the time but acknowledges that there is explicit recognition for a need to plan, monitor and manage the supply of minerals.

In addition to the *National Planning Policy Framework*, the government has also published accompanying practice guidance. Paragraph 84 of the *Planning Practice Guidance* advises that an adequate or excess landbank is not a reason for withholding planning permission. The total landbank size is only one measure of the need to release additional reserves. It is also necessary to consider the ability of the existing operational sites to supply market demands, the suitability and availability of alternative materials and issues of possible sterilization should production cease at a quarry site. The PPG adds:

'There are a number of reasons why an application for aggregate minerals development is brought forward in an area where there exists an adequate landbank.

These could include:

- *significant future increases in demand that can be forecast with reasonable certainty;*
- *the location of the consented reserve is inappropriately located relative to the main market areas;*

- *the nature, type and qualities of the aggregate such as its suitability for a particular use within a distinct and separate market; and*
- *known constraints on the availability of consented reserves that might limit output over the plan period.'*

In April 2015 a Local Aggregate Assessment (LAA) report was published by Lancashire County Council to inform the monitoring and review of the Minerals and Waste Local Plan. The report contains information on the past 10 years data for aggregate production and sales and it seeks to identify objectively assessed need, a requirement of the NPPF's presumption in favour of sustainable development.

The report identifies that in 2013 there were 8.2 million tonnes of sand and gravel reserves in Lancashire with planning permission. These permitted reserves are held in eight quarries, though in 2012, one quarry, German Lane was inactive and Runshaw (Euxton) had not started extraction (still the case in 2015), although its permission has been implemented.

Based on the 10 year average of sales at 2013 the permitted reserves of 8.2 million tonnes are expected to last 15 years, and the 7 year landbank is expected to begin to be eroded in 2028. However, in order to ensure the continued steady and adequate provision of aggregate to market, the ability of permitted sites to meet the forecast annualised demand must be considered. The LAA indicates that it is likely that a number of these sites will not be worked out before the expiry of their permission. If this is the case, in the event that their permitted life is not extended, the permitted reserve and landbank will need to be revised. More crucially, in 2013 nearly half of the permitted reserve was held in one quarry (Runshaw Quarry) and this remains inactive.

In view of the updated information that is available in the LAA, known constraints on the availability of consented reserves that might limit output over the plan period, and given that the proposed extension relates to a relatively small volume of mineral it is considered that there is sound justification to override the 'no need' position set out in Policy M1 of the JLMWLP. Furthermore, rejection of this application on a 'no need' basis would be likely to result in a sterilisation of a valuable known reserve given that the existing surrounding site will be restored with the importation of inert waste materials.

Restoration

The site would be restored through the importation of inert waste and soils to achieve final levels comparable to existing. In the context of the permission in place for the existing quarry it would be logical to follow the same approach to achieve a consistent landform across the wider site. Sustainable management of waste materials is achievable as permission is also in place at the quarry site to allow for the sorting, treating, crushing and screening of imported construction, demolition and excavated soil/waste with re-usable/recyclable material exported off-site and the remainder for use in restoration.

Grassland would be re-created across the site along with a woodland planting belt along the northern boundary to link into existing neighbouring woodland. The proposed restoration scheme is considered acceptable subject to conditions controlling the management of existing soils, soil storage and waste operations, final restoration and aftercare. An Environmental Permit would be required from the Environment Agency and this would control the specific waste types and measures to prevent pollution.

The existing site is subject to a s.106 agreement (unilateral undertaking) for a 10 year aftercare management plan following the 5 year aftercare period covered by condition given the size of the site, and the extensive planting and nature conservation proposals. In view of the size of the extension area and the nature of the proposed restoration scheme, it is considered that a 5 year after care period that can be controlled by condition would be sufficient to ensure a satisfactory restoration of the site and establishment of planting.

Green Belt

In allowing the appeal of permission 09/05/0018 for the existing quarry, the Planning Inspector gave consideration to the appropriateness of both the minerals and landfill element of the quarry development within the context of the Green Belt and concluded that with appropriate planning conditions, an assumption that the scheme would be operated to high environmental standards, and that the final restoration of the site would contribute to the achievement of objectives for the use of land within Green Belt, the scheme was acceptable within the Green Belt and that there was no need to consider the issue of very special circumstances.

Government policy at the time was set out in Planning Policy Guidance Note 2 and is now set out in the NPPF. Nevertheless, it is considered that the Green Belt principles in respect of proposals of this nature are comparable and the Planning Inspector's view on Green Belt impact is shared in respect of this application.

Impact upon local amenity

The NPPF (paragraph 144) and the JLMWLP framework recognise that minerals and waste developments have the potential to give rise to adverse impacts on the quality of life of people for a variety of reasons including noise, dust, vibration and visual intrusion.

The applicant has submitted a noise assessment, which concludes that the extension would produce no more noise than those similar operations that are already being carried out as part of the on-going sand extraction and as previously predicted for restoration works. The extension area is at the furthest point from residential properties and therefore noise, dust and general disturbance is unlikely to lead to detrimental living conditions beyond those previous considered acceptable. Furthermore, the extension would have no greater impact on visual amenity or landscape character. Planning conditions are recommended which reflect those imposed on the permission for the existing quarry to seek to ensure equivalent controls. Further scrutiny and control of the restoration works, in terms of waste types, groundwater protection, working practices and pollution control would be

undertaken by the Environment Agency through the Environmental Permitting process.

Highway Matters

The proposed extension would run in tandem with the infilling and restoration of the existing quarry. The current access to the site is via a dedicated haul road from Wigan Lane (A5106). Due to the suitability of Wigan Lane to accept HGVs, no vehicle number restrictions are in force in relation to the existing permission. It is considered that a small extension to the site would not have any undesirable impact upon highway safety or amenity subject to the same conditional requirements to ensure that there shall be no deposit of mud or debris on the public highway, vehicles transporting minerals from the site shall be sheeted, and that access shall only be taken from Wigan Lane.

Concern has been raised in relation to the potential impact on the local footpath network. However, the proposed extension would have no significant additional impact on the current situation. Footpath number 11 would be unaffected by the proposed extension. Footpath numbers 12 and 57 would not be diverted or stopped up as a consequence of the extension but vehicles accessing the existing site and extension area would continue to cross footpath routes. The operator is obliged to ensure that access along these footpath routes is maintained.

Water Management

The application is accompanied by a flood risk assessment report and a groundwater monitoring and assessment report. The latter report was produced in relation to existing requirements to establish the groundwater environment and maximum groundwater levels at the existing quarry but also includes information pertinent to this application.

The site is not within a flood risk zone. However, as it is over 1 hectare there is a requirement to submit a flood risk assessment to demonstrate that the proposed development would not be affected by flooding and would not increase flooding elsewhere. The report concludes that there is low probability of flooding from fluvial sources, there is a low susceptibility to groundwater and surface water flooding, and the proposed development is unlikely to lead to significant increase in flooding elsewhere.

The Environment Agency have raised no objection and consider that the proposed extension should not have detrimental impact on groundwater levels in the area provided that the excavation does not proceed below the groundwater table, as controlled by a recommended condition reflective of that imposed on permission 09/05/0018 for the existing quarry. Conditions are recommended accordingly to restrict the depth of working and also to require groundwater monitoring in line with requirements for the existing site.

The proposed development site would be distant from culvert 133, which runs under the canal, across the applicant's land and adjacent to Allanson Hall Farm and would therefore not have any direct impact. However, the comments raised by a local

resident that development must not impact on the flow of water through the culvert are noted. A requirement on the developer to prevent any impact on this culvert remains by way of an existing condition on the larger site area covered by main quarry permission. The site operator has previously acknowledged that a field culvert on land beyond the existing extraction site had presented a restriction in water flows, which appeared to cause flooding at Allanson Hall Farm. In 2013 the culvert was opened and a new channel provided across land to the rear of the quarry site. There have been no flooding incidents for over a year and the effectiveness of the new channel is currently being monitored.

Protected Species and Habitats

The application is accompanied by an Ecological Survey and Assessment which identifies that the application site is characterised by grassland, bramble scrub, one mature sessile oak tree, shrubs and hedgerow. The assessment concludes that there are no concerns or constraints in relation to fauna and flora that cannot be satisfactorily addressed by precautionary practices during site clearance and during the development and through a considered restoration scheme to re-create appropriate habitat. These matters are addressed through recommended conditions to seek to ensure the protection of wildlife interests and to ensure an acceptable restoration planting plan.

Human Rights

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

Conclusion

The proposed extension to the existing quarry would release a small volume of sand and gravel and would provide a void for the deposit of inert waste materials for appropriate restoration of the site. Need for the mineral reserve can be demonstrated contrary to the policies of the Joint Lancashire Minerals and Waste Local Plan given the nature and status of the current land bank, and in view of guiding principles within the NPPF. The extension area would be unlikely to generate any detrimental impacts on neighbouring land uses, local residents, the highway network or the environment in general especially when considered in relation to the existing quarry. Subject to conditions it is recommended that permission be granted.

Recommendation

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

Time Limits

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

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

2. The development, including the final restoration of the site, shall be completed by 31 January 2018 in accordance with the conditions to this permission.

Reason: To provide for the completion and restoration of the site within the approved timescale in the interest of local amenities and to secure the proper restoration of the site and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Working Programme

3. 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 dated 26.11.14

- b) Submitted Plans:

Drawing no. V280.300 - Location Plan - Extension Area To Quarry

Drawing no. V280.301 - Extension Area To Quarry

Drawing no. V280.302 - Extension Area To Quarry - Levels and After Use

Drawing no. V280.303 - Extension Area to Quarry - Sections

- 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 Joint Lancashire Minerals and Waste Local Plan.

4. No soil stripping or mineral extraction shall take place within 5m of the northern and western boundary of the 'Extension Site Boundary' as shown on drawing no. V280.301.

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.

Site Management

5. A copy of the conditions and all documents referred to in Condition 3, to which this permission is subject, shall be made available at the site office at all times throughout the development.

Reason: to ensure all site operatives can readily make themselves aware of the planning conditions.

6. Any sand and gravel washing and screening plant used on the site shall be in accordance with the details approved under condition 5 of permission 09/05/0018.

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

7. A topographical survey of the site shall be submitted annually to the County Planning Authority within one month of the anniversary of the date of this permission until the end of the aftercare period referred to in the conditions to this permission. The survey shall have been carried out within two months preceding the date of the anniversary of this permission and shall consist of a plan drawn to a scale not less than 1:1250 which identifies all surface features within the site and a 10 metre grid survey identifying levels related to ordnance datum over all the land where wastes have been deposited.

Reason: To enable the planning authority to monitor the site and to ensure compliance with the planning permission.

8. The site shall be the final place of deposit for waste and no waste shall be removed from the site once it has been deposited within the landfill area.

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

9. No minerals shall be processed or stockpiled outside the 'Operation Area' shown on drawing no. 16 of permission 09/05/0018 and stockpiles shall not exceed 4 metres in height.

Reason: To safeguard the visual and residential amenity of adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

10. No minerals shall be sold direct to the general public from the site.

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.

11. No waste shall be deposited either temporarily or permanently on any part of the site at a higher level than the levels shown on drawing no. V280.302 - 'Extension Area to Quarry - Levels and After-use'.

Reason: To ensure satisfactory restoration of the site and safeguard the amenity of the local residents and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

12. The development shall be carried out in accordance with the precautionary measures set out in section 4.2.1 of the submitted document entitled 'Ecological Survey and Assessment' dated July-Sept 2014.

Reason: To protect wildlife and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

13. No trees or hedgerows shall be removed during the bird-breeding season between 1 March and 31 July inclusive unless they have been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around any vegetation to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

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

14. No waste other than inert construction, demolition and excavation waste as defined in this permission (see below) shall be deposited at or brought on to the site.

Reason: Waste materials outside these categories raise environmental and amenity issues, which would require consideration afresh.

Hours of Working

15. No mining operations, landfilling or restoration shall take place except between the hours of:

0730 to 1800 hours, Mondays to Fridays
0800 to 1230 hours on Saturdays

No mining operations, landfilling or restoration shall take place at any time on Sundays or Public Holidays. This condition shall not operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential maintenance to plant and machinery used on site.

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 Policy EP20 of the Chorley Local Plan.

16. Notwithstanding condition 15, no topsoil and subsoil stripping and replacement operations including storage mound formation and removal shall take place except between the hours of:

0800 to 1700 hours, Mondays to Fridays
0800 to 1230 hours on Saturdays.

No topsoil and subsoil stripping and replacement operations including storage mound formation shall take place at any time on Sundays or Public Holidays.

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 Policy EP20 of the Chorley Local Plan.

Highway Matters

17. The sole access and egress from the site shall be from A5106 Wigan Lane as shown on Drawing no. 20 of permission 09/05/0018.

Reason: In the interest of highway safety and 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.

18. The wheel cleaning facilities approved under condition 17 of permission 09/05/0018 shall be used by all HGVs leaving the site throughout the development.

Reason: In the interest of highway safety and 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.

19. Any internal haul road or private way between the wheel cleaning facilities and the A5106 Wigan Lane shall be metalled and drained and shall be kept clear of debris along its entire length throughout the development.

Reason: In the interest of highway safety and 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.

20. No debris or mud from the site shall be deposited by vehicles upon the public highway.

Reason: In the interest of highway safety and 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.

21. All vehicles transporting minerals from the site shall be securely sheeted.

Reason: In the interest of highway safety and 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.

Control of Noise and dust

22. Where reversing alarms are employed on site only broadband multi-frequency sound alarms (white sound) shall be used.

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 Policy EP20 of the Chorley Local Plan.

23. Noise emitted from the operations hereby permitted shall not exceed 55dB LAeq (1hour) (free field), as defined in this permission, when measured at the properties of Rigshaw Bridge Cottages, Sandons Farm and Carrington Road at a point closest to the noise source.

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 Policy EP20 of the Chorley Local Plan.

24. Noise limits set out in the preceding condition shall not apply during the stripping of soils and overburden at the site, the construction of storage mounds for materials and their regrading during the restoration of the site, or the construction of landscape or baffle mounds. Noise from any of these activities shall not exceed 70dB LAeq (1 hour) (free field) as defined in this permission as measured at the residential properties of Rigshaw Bridge Cottages, Sandons Farm and Carrington Road at a point closest to the noise source. For these activities the 55dB LAeq (1 hour) (free field) limit shall not be exceeded for more than 51 days in any one calendar year, unless otherwise agreed in writing by the County Planning Authority. A written record shall be made of the dates that these activities are taking place and shall be made available to the County Planning Authority on request.

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 Policy EP20 of the Chorley Local Plan.

25. Measures shall be taken to prevent dust or wind blown material being carried on to adjacent property and in particular shall include the watering of all haul and access roads and the spraying of storage heaps or areas as necessary during dry weather conditions. The development shall be carried out in accordance with the dust management scheme approved under permission 09/05/0018.

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.

Water Management

26. Mineral extraction shall not take place below a surface defined as being 1 metre above the surface defined as the 'highest natural variation in the water table' established through the approved scheme and programme under condition 26 of permission 09/05/0018, or below an extraction depth illustrated on drawing no. V280.303 - 'Extension Area to Quarry - Sections', whichever is the higher level above ordnance datum (AOD).

Reason: To ensure that the proposed works will not detrimentally impact upon groundwater quality or quantity and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 29 of the Central Lancashire Core Strategy.

27. The groundwater level in the monitoring borehole(s) and the level of the excavation base at the site subject to this permission shall be monitored and recorded at monthly intervals throughout the development and shall be reported to the County Planning Authority at 6 monthly intervals following commencement of development. Details of the depth and construction of groundwater monitoring points shall be supplied with the report and all levels must relate to ordnance datum.

Reason: To ensure that the proposed works will not detrimentally impact upon groundwater quality or quantity and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 29 of the Central Lancashire Core Strategy.

28. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

Reason: To safeguard local watercourses and drainage and avoid the pollution of any watercourse or groundwater resource or adjacent land and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 29 of the Central Lancashire Core Strategy.

29. All foul drainage shall be discharged to a public sewer or else to a sealed tank and the contents of the tank shall be removed from the site completely.

Reason: To safeguard local watercourses and drainage and avoid the pollution of any watercourse or groundwater resource or adjacent land and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 29 of the Central Lancashire Core Strategy.

30. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of

containing 110% of their containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has previously been approved, in writing, by the County Planning Authority.

Reason: To safeguard local watercourses and drainage and avoid the pollution of any watercourse or groundwater resource or adjacent land and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 29 of the Central Lancashire Core Strategy.

31. Repair, maintenance and fuelling of plant and machinery shall only take place on an impervious surface drained to an interceptor and the contents of the interceptor shall be removed from the site.

Reason: To safeguard local watercourses and drainage and avoid the pollution of any watercourse or groundwater resource or adjacent land and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 29 of the Central Lancashire Core Strategy.

Soils

32. All available topsoil and subsoil shall be stripped from any part of the site before that part is excavated or is traversed by heavy vehicles, plant or machinery. All stripped topsoil and subsoil shall be stored in separate mounds within the site for use in the restoration of the site.

Reason: To ensure the proper removal and storage of soils to ensure satisfactory restoration and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

33. No topsoil or subsoil shall be sold or otherwise removed from the site.

Reason: To ensure satisfactory restoration of the site and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

34. Topsoil and subsoil storage mounds shall be placed within the site. No topsoil storage mound shall be greater than 2m high and no subsoil storage mound shall be greater than 3m high. Topsoil and subsoil shall be stored separately.

Reason: To ensure satisfactory restoration of the site and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Restoration

35. Final restoration of the site shall be undertaken in accordance with the details shown on drawing no. V280.302 - 'Extension Area to Quarry - Levels and After-use' and the details set out on Page 5 of the submitted document 'Written Statement' dated November 2014.

Reason: To ensure satisfactory restoration of the site and to comply with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Aftercare

36. From the commencement of development a monitoring report shall be submitted to the County Planning Authority annually by 31 December until the end of the aftercare period.

The report shall include:

- a) Any operations carried out on the land during the previous 12 months in respect of mineral extraction;
- b) Measures taken to implement the landscaping, progressive restoration and habitat creation;
- c) Measures taken to implement the aftercare provisions; and
- d) Intended operations for the next 12 months.

Reason: To allow the mineral planning authority to monitor the development and to ensure that the site is returned to a beneficial after use and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

37. Within 3 months of the certification in writing by the County Planning Authority of the completion of restoration, details for the aftercare of the site for a period of 5 years to bring the land to a standard suitable for agriculture and amenity shall be submitted to the County Planning Authority for approval in writing.

The scheme and programme shall include details of the following:

- a) Maintenance of the restored site to promote agricultural/amenity interest.
- b) A regime for controlled grazing.
- c) Maintenance of tree/shrub planting, which shall include, where necessary, watering, replacement of dead, dying or diseased trees, thinning and weeding.
- d) An annual inspection, to be undertaken in conjunction with representatives of the County Planning Authority, to assess the works that shall take place in the following year.

The scheme and programme shall be carried out in accordance with the approved details.

Reason: To ensure that the site is satisfactorily returned to a beneficial After use and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Definitions

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

Inert Waste: Waste that will not physically or chemically react or undergo biodegradation within the landfill environment.

Free field: At least 3.5 metres away from the facade of a property or building.

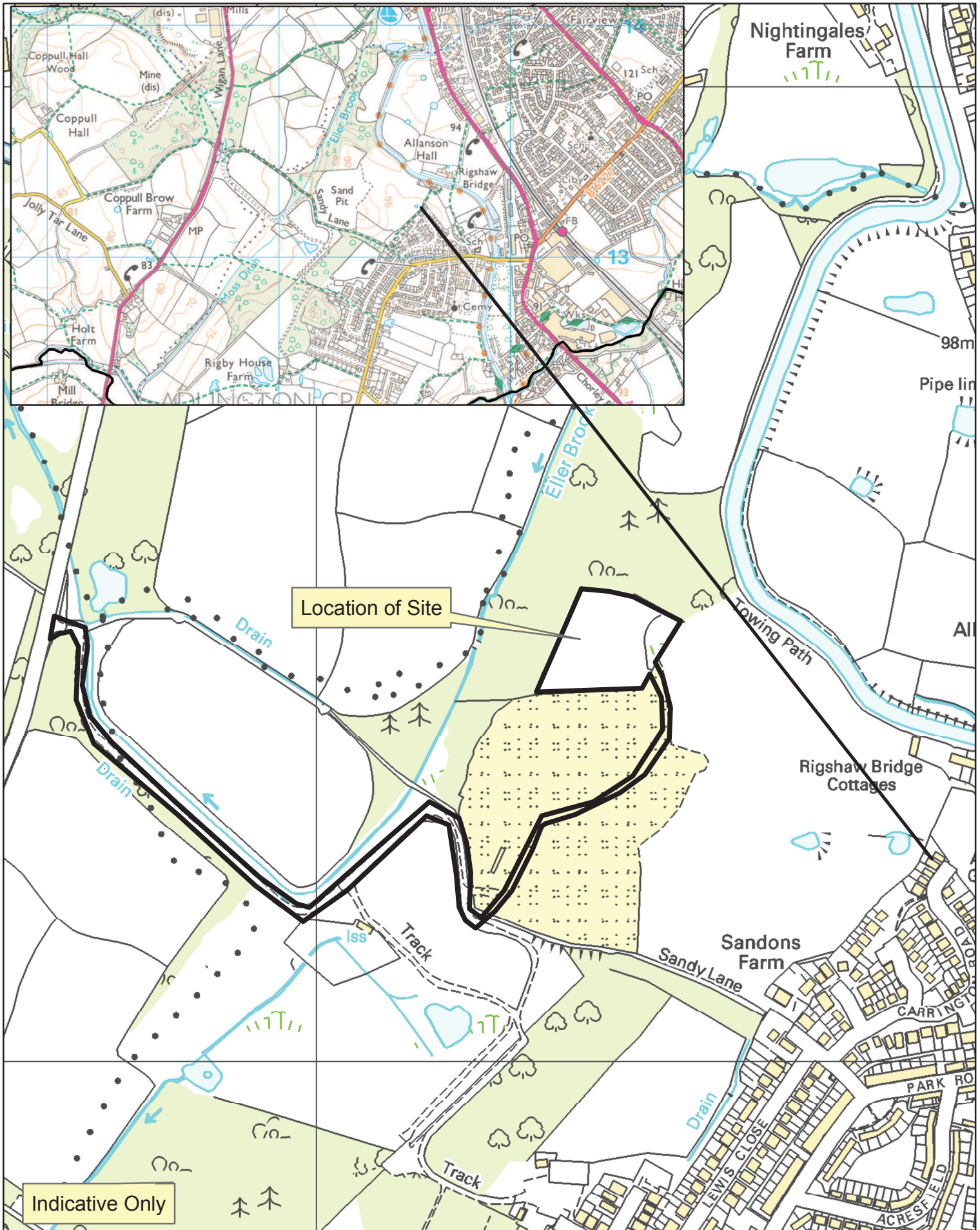
Planting Season: The period between 1 October in any one year and 31 March in the following year.

Notes

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

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

Paper	Date	Contact/Ext
LCC/2015/0014	May 2015	R Hope/34159



APPLICATION LCC/2015/0014 EXTENSION TO THE AREA OF PHASED EXTRACTION OF SAND AND GRAVEL AND INFILLING WITH INERT WASTE FOR RESTORATION PURPOSES, BACK TO AGRICULTURE AND CONSERVATION. SANDONS FARM, SANDY LANE, ADLINGTON, CHORLEY

Agenda Item 9

Development Control Committee
Meeting to be held on 20th May 2015

Electoral Division affected: Lancaster South East
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Lancaster City: Application No. LCC/2015/0025

Two storey, eight bedroom detached Children's Residential Home to replace the existing home at 234 Bowerham Road, together with a 7 space car park, private garden amenity space and separate vehicle and pedestrian accesses from Bowerham Road. Land adjacent to 234 Bowerham Road, Lancaster.

Contact for further information:

Rob Jones, 01772 534128, Development Management Group
DevCon@lancashire.gov.uk

Executive Summary

Application – Two storey, eight bedroom detached Children's Residential Home to replace the existing home at 234 Bowerham Road, together with a 7 space car park, private garden amenity space and separate vehicle and pedestrian accesses from Bowerham Road. Land adjacent to 234 Bowerham Road, Lancaster.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, hours of working, highway matters, landscaping, ecology matters, building materials and lighting.

Applicant's Proposal

Planning permission is sought for the erection of a 2 storey, 8 bedroom detached Children's' Residential Home to replace the existing home at 234 Bowerham Road that is deemed no longer suitable for that purpose.

The proposed building would be similar in appearance to a large residential dwelling and would measure 22.5m by 10m. The roof would be pitched with a ridge height of 8.5m and 5.5m to the eaves. A garden room measuring 6m by 4m by 4m high would extend from the rear of the house. The exterior of the house would have rendered walls with artificial stone quoins, sills and lintels to the windows and door surrounds. The roof would have Brecon grey coloured slate effect tiles. The doors and windows would be aluminium with white coloured frames and dark grey coloured sashes. A shed measuring 3m by 2.4m would be to the rear of the house.

The vehicular access from Bowerham Road would measure 4.5m wide and lead to a tarmaced car parking area measuring 26m x 10m to provide 6 spaces plus 1 disability space. There would also be a 2m wide pedestrian path with access gates just to the north. The car park and pedestrian path would have 0.9m high bollard lighting.

The site frontage on Bowerham Road would have 1.2m high railings to be coloured dark grey. The side and rear boundaries would have 1.8m high vertically boarded fence panels. The pedestrian path would lead from Bowerham Road at the north-east corner of the site.

3 mature trees would be removed as part of the development.

Description and Location of Site

The site is an open area of land measuring approximately 66 by 30m (approximately 0.2 hectare) on the west side of Bowerham Road in a residential area approximately 2.2 km to the south of the centre of Lancaster. The site is separated from Bowerham Road by 1.5m high metal railings. To the north is the main car park for Moorside Primary School and a combined cycleway and public footpath with the school beyond, to the west is a watercourse and vegetation separating the site from houses on Ascot Close and to the south is the existing Children's Residential Home at 234 Bowerham Road from where the users of the proposed home would be relocated.

Two of the trees to be removed are located inside the metal railings fronting Bowerham Road with the third on the southern boundary.

Background

There is no recent planning history relating to the site although it originally formed part of land associated with Moorside Primary School.

Planning Policy

National Planning Policy Framework (NPPF): Paragraphs 11 – 14, 17, 56 – 66, 70, 109, 123 - 125 are relevant with regard to the presumption in favour of sustainable development, core planning principles, the requirement for good design, promoting healthy communities, conserving and enhancing the natural environment, noise, dust and light pollution.

National Planning Practice Guidance

Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031
Development Management Development Plan Document (DPD)

Policy NPPF1 Presumption in Favour of Sustainable Development

Policy DM22 Vehicle Parking Provision

Policy DM23 Transport Efficiency and Travel Plans

Policy DM27 Protection and Enhancement of Biodiversity

Policy DM29 Protection of Trees, Hedgerows and Woodland

Policy DM35 Key Design Principles

Policy DM40 Protecting Water Resources and Infrastructure

Policy DM45 Accommodation for Vulnerable Communities

Consultations

Lancaster City Council – No objections subject to the imposition of conditions relating to landscaping, protection of existing trees, land contamination, contamination of water and storage of oils and fuels.

LCC Developer Support (Highways) – No objection subject to the imposition of a condition to require that no development shall take place including any works of excavation until a construction management plan has been submitted to and approved in writing by the local planning authority, to show how traffic to and from the site will be managed during construction.

LCC Specialist Advisor (Ecology) – No objection subject to the imposition of conditions relating to the following:

- To avoid impacts on nesting birds.
- Details of the landscaping to provide replacement trees for the two to be felled along the site frontage and for hedge planting to provide wildlife habitat.
- Details of the boundary fencing to provide gaps at the base so as to assist with habitat connectivity.
- Opportunities for the incorporation of bird nesting and bat roosting measures into the fabric of the development.

Environment Agency - No objection.

Representations – The application has been advertised site notice and neighbouring residents have been notified by letter. Five representations have been received raising the following objections:

- The view of the new home from houses opposite.
- Two mature trees of high visual and ecological value will be cut down.
- A precious piece of green space used by children for playing and by wildlife in a built up area will be lost and hence they will all have nowhere to go. A more sensible option would be to rebuild on the current site.
- Traffic, parking and construction vehicles and the associated danger to pedestrians will increase even more in the local residential area that is already struggling to manage with the expansion of Moorside School.
- The site and location plans do not show the 12" diameter high pressure gas main running under the grass verge between the pavement and the railings that is Lancaster University's gas supply. If the gas main is damaged there may be an explosion. All pipes, drains and services should be marked on the plans to avoid future problems.
- The parking provision is inadequate. There should be enough spaces on site for all staff members to avoid parking on the public road.

Advice

Planning permission is sought for the erection of a 2 storey 8 bedroom detached Children's Residential Home to replace the existing home at the adjacent 234 Bowerham Road. This will allow the existing home to stay in operation until the proposed replacement home is completed thereby minimising disruption to the children and staff. The home will cater for children from diverse backgrounds and so will have the layout of a traditional house but with added office and meeting space and additional car parking for the 7 day staff and 3 night staff. 6 of the bedrooms will be for use by individual children and 2 bedrooms will be used by staff sleeping over.

The replacement home is seen as the best option as the current home is deemed unsuitable in terms of Ofsted standards for the following reasons:

- there is insufficient communal living space for residents,
- the 2 attic bedrooms cause problems associated with general access and egress, supervision and seasonal thermal extremes,
- inconsistency in bedroom sizes,
- poor size, location and proportion of administrative offices,
- significant issues with the drainage system that has resulted in effluent surfacing in the living room and which are proving difficult to resolve,
- Maintenance issues, and need for interior and exterior refurbishment.

Several options to address these issues including partial demolition, remodelling and extensions have been considered but a new home to the standards required by Ofsted was found to be the best option. The existing home will be sold. A search for a suitable site in the Lancaster area was undertaken that proved unsuccessful except for the proposed adjacent site.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is necessary to take into consideration the relevant policies of the Development Plan and the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process. The Development Plan for the site is made up of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document (DPD).

The main issues associated with the application are the need for the proposal and, the design of the house to meet the needs of the users and their carers, the impact on nearby residential amenity, ecology, traffic and watercourses.

The land is not the subject of any site specific policy but Policy DM45 of the Lancaster District DPD supports proposals for accommodation for vulnerable groups provided they meets the genuine housing needs of the intended occupiers and the standards regarding facilities, independence, support and / or care needs, that sites are accessible to public transport, shops, community facilities and the social networks appropriate to the needs of the intended occupiers, the accommodation is affordable and is supported by a care plan and risk assessment.

Relevant general planning policies are Policy NPPF1 of the Lancaster District DPD which seeks to secure development that improves the economic, social and environmental conditions in an area, and seeks to approve without delay planning applications that accord with the policies in the Lancaster District DPD, unless material considerations indicate otherwise. Policy DM35 of the Lancaster District DPD seeks to ensure, amongst other things, that new development demonstrates a number of general principles; contributes positively to the identity and character of an area through good design, having regard to appropriate siting, layout, separation distances and scale, ensures no significant detrimental impact to amenity in relation to visual amenity, privacy, noise pollution, overlooking and air quality, and ensures that safety and security are fully considered through the design process.

The Children's Residential Home would resemble a large domestic detached house in appearance. The building frontage would be to Bowerham Road and reflects the general orientation of the existing houses and school along the road. The house would be set back 14m from the pavement on Bowerham Road to allow car parking to the front. The site slopes down from Bowerham Road which would reduce the visual impact of the building when seen from the public highway. The proposed building materials would be suitable for a house and the separation distances from the nearest residential properties would ensure the proposal would not adversely impact on the visual amenities of local residents. The internal design of the house would meet the needs of the users and their carers. The location would be accessible by public transport and provide easy access to shops, community facilities and the social networks appropriate to the needs of the intended occupiers. The site fronts Bowerham Road that is a primary bus corridor and therefore complies with Policy DM23 of the Lancaster District DPD that seeks to support proposals which maximise opportunities for the use of sustainable modes of transport.

The concerns of the local residents regarding the loss of the green space used by children for playing are acknowledged. However, the site is not designated as public open space. The loss of the trees on the site frontage could be compensated by replacement planting. In relation to the concerns about the 12" diameter high pressure gas main along the site frontage, the applicant has advised that the pipe is outside the application site and will be hand dug to ascertain the depth and avoid damage.

The building materials can be secured by condition. Control of the height, design and colour of the railings to the site frontage, the access gates to the car park and pedestrian path, the boundary fencing, lighting and landscaping can be also required by condition. To protect the amenities of the nearest properties and the surrounding area during the construction phase of the development, a condition is proposed restricting the hours within which construction work may be carried out. Lancaster City Council have recommended that no development shall take place until a land contamination and remediation scheme for the site has been submitted to and approved in writing by the local planning authority. This land contamination and remediation scheme also refers to any soil or soil materials imported to the site from outside the site boundary. However, the applicant has undertaken a ground investigation which suggests that this site has never been subject to any previous contaminating use and therefore the conditions suggested by the City Council relating to contamination and remediation are considered unnecessary. Subject to

conditions relating to building materials, landscaping and boundary treatments the size, location and design of the proposed development complies with Policies NPPF1, DM23, DM29, DM35 and DM45 of the Lancaster District DPD.

The location of the vehicular access to the site would be 25m from the entrance to the main car park for Moorside Primary School. This position allows good sight lines down Bowerham Road. The gates to the vehicle entrance would be set back 5m from the edge of Bowerham Road to allow vehicles to pull off the highway should the gates be closed. The separate pedestrian access should reduce the potential for vehicle/ pedestrian conflict.

LCC Developer Support (Highways) has not objected subject to a condition being imposed requiring a construction management plan to be submitted to and approved in writing by the local planning authority, to show how traffic to and from the site will be managed during construction, including the provision of any contractor's compound and illumination thereof. However, given the relatively small scale of the development, it is considered that such a condition is not necessary to make the development acceptable and would therefore not meet the tests for conditions in the NPPF.

The car parking area would consist of 6 spaces plus 1 disability space. Policy DM22 of the Lancaster District DPD states that in relation to the provision of car parking, development proposals will be considered acceptable where the design of the proposal incorporates provision of car parking that accords with the levels and layout requirements set out in Appendix B of that document. In Appendix B, the standards for car parking at a residential care home are a maximum of 1 space per 5 bedrooms with disabled parking to make up 6% of the number of parking bays. The home would have a total of 8 bedrooms (6 for individual children and 2 for staff sleeping over). The parking standards at this site would therefore allow for a maximum of 2 spaces plus 1 disability space. The proposed number of 6 spaces plus 1 disability space would therefore exceed Lancaster City's parking standards by 4 spaces. However, given the nature of care required at the home by a maximum of 7 staff during the day and the fact that Lancaster City Council have not objected, the proposed number of parking spaces is considered acceptable. A condition is also proposed requiring the car parking spaces and manoeuvring areas to be marked out before the proposed building is brought into use. Subject to such conditions the parking area is considered acceptable for the purposes of Policy DM22 of the Lancaster District DPD.

An ecological assessment has been submitted with the application and concludes that no protected species or birds would be affected by the proposal. The County Council's Specialist Advisor for Ecology has advised that surveys have been carried out to the necessary standards and that the conclusions of the survey are acceptable. It is suggested that conditions be imposed to avoid impacts on nesting birds and to include opportunities for the incorporation of bird nesting and bat roosting measures into the fabric of the development. In line with their comments and those of Lancaster City Council, conditions are therefore proposed for protection measures for the trees and hedgerows near to the proposal and a replanting, maintenance and landscaping scheme. Subject to such conditions, the development would accord with Policy DM27 of the Lancaster District DPD. In the event that tree

felling, vegetation clearance or other works with the potential to disturb nesting birds are carried out during the bird nesting season (March – August inclusive), then the absence of nesting birds should be confirmed in advance by a suitably qualified and experienced individual. If nesting birds are present, then works must be delayed until such time as nesting is complete. A note is proposed to address this.

The site is not located in a Flood Risk Zone but it would be adjacent to an ordinary watercourse and proposes discharge of surface water into the watercourse. Lancaster City Council have recommended that no development shall take place until an assessment of the potential of any reasonable foreseeable activity on the site to cause contamination of land or water (including from surface run-off) has been submitted to and approved in writing by the local planning authority, and that all tanks are to be sited within impervious bunds in accordance with Environment Agency guidance, and with a capacity of at least 110% of area of bunded tank. Subject to such conditions, the development would accord with Policy DM40 of the Lancaster District DPD. However, as discussed above, the site does not have a history of previous contaminating uses and therefore the likelihood of run off from the site causing pollution to watercourses is considered low. The conditions suggested by the City Council are therefore unnecessary.

In conclusion, the proposed Children's' Residential Home would provide accommodation of a good modern standard for children from diverse backgrounds and their carers as a replacement to the existing home at the adjacent site at 234 Bowerham Road and would allow the existing home to stay in operation until the proposed replacement home has been constructed to minimise disruption to the children and staff. The development is acceptable in terms of design and the visual amenities of the area and accords with the policies of the NPPF and the Lancaster District DPD.

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

Recommendation

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

Time Limits

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

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

Working Programme

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

a) The Planning Application received by the County Planning Authority on 5th March 2015 and Extended Phase 1 Habitat Survey received on 30th April 2015.

b) Submitted Plans and documents received on 5th March 2015:

Drawing No. A-03 Rev. A - Ground Floor Plan
Drawing No. A-04 Rev. D - First Floor Plan
Drawing No. A-05 Rev. A - Elevations
Drawing No. A-20 Rev. C - Site Layout
Drawing No. A-21 Rev. A - Site Entrance
Drawing No. L.01 - External Works and Landscaping

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

Reason: To enable the adequate control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies NPPF1, DM22, DM23, DM27, DM29, DM35, DM40 and DM45 of the Local Plan for Lancaster District 2011 - 2031 Development Management Development Plan Document.

Hours of Working

3. No ground engineering, construction operations or delivery or removal of materials shall take place outside the hours of:

0800 to 1800 hours, Mondays to Friday (except Public Holidays)
0800 to 1700 hours, Saturdays

No construction operations or 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 DM35 of the Local Plan for Lancaster District 2011 - 2031 Development Management Development Plan Document.

Highway Matters

4. Measures shall be taken at all times during the construction of the development to ensure that no mud, dust or other deleterious materials are tracked onto Bowerham Road by HGV's leaving the site.

Reason: In the interests of highway safety and to conform with Policy DM35 of the Local Plan for Lancaster District 2011 - 2031 Development Management Development Plan Document.

5. Provision shall be made during the construction of the development for the parking of contractor's vehicles within the application site so as to minimise the parking of such vehicles on Bowerham Road.

Reason: In order to avoid conflict with other road users during the construction period, in the interests of highway safety and local amenity and to conform with Policy DM35 of the Local Plan for Lancaster District 2011 - 2031 Development Management Development Plan Document.

6. Prior to the building being brought into use the car parking area shall be surfaced and the parking spaces including the disabled parking provision shall be marked out on the surface of the car park in the positions and to the dimensions as shown on Drawing No. A-20 Rev. C - Site Layout, Drawing No. A-21 Rev. A - Site Entrance and Drawing No. L.01 - External Works and Landscaping.

Reason: To ensure parking provision in accordance with adopted standards and to conform with Policies DM22 and DM35 of the Local Plan for Lancaster District 2011 - 2031 Development Management Development Plan Document.

Landscaping

7. No development shall commence until a scheme and programme for the landscaping of the site has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include details of new tree and shrub planting to include replacement trees for those lost during the development at a minimum ratio of 3:1 (3 new trees for each tree removed or damaged) including details of species, numbers, locations to be planted, planting methods and protection measures.

The approved planting works shall be implemented in the first available planting season following the completion of the development and shall thereafter be maintained for a period of five years including weed control, replacement of failures and maintenance of protection measures.

Reason: In the interests of visual and local amenity and to conform with Policies DM29 and DM35 of the Local Plan for Lancaster District 2011 - 2031 Development Management Development Plan Document.

8. No trees or hedgerows shall be removed during the bird-breeding season between 1 March and 31 July inclusive unless they have been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around any vegetation to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

Reason: To protect nesting birds and to conform with Policy DM27 of the Local Plan for Lancaster District 2011 - 2031 Development Management Development Plan Document.

Building Materials

9. The building materials to be used for the external elevations, roof, doors and windows of the development shall conform to the specification shown on Drawing No. A-05 Rev. A - Elevations.

Reason: In the interests of the visual amenities of the area and to conform with Policy DM35 of the Local Plan for Lancaster District 2011 - 2031 Development Management Development Plan Document.

10. No development shall commence until a scheme and programme for the details of bird and bat nesting / roosting bricks or boxes to be incorporated into the external elevations of the approved buildings has been submitted to the County Planning Authority for approval in writing. The details shall contain information on the number, design and location of bird and bat nesting / roosting bricks or boxes to be installed.

Thereafter the approved measures shall be incorporated into the construction of the building or landscaping.

Reason: To provide opportunities for nesting birds and bats and to conform with Policies DM27 and DM35 of the Local Plan for Lancaster District 2011 - 2031 Development Management Development Plan Document.

Floodlighting

11. No development shall commence until a scheme and programme for the external lighting of the Children's' Residential Home including the building and car parking area has been submitted to and approved in writing by the County Planning Authority and approved in writing. The scheme and programme shall include details of:

- a) Type and intensity of lights.
- b) Types of masking or baffle at head.
- c) Type, height and colour of any lighting columns.
- d) Number and size of lighting units per column.
- e) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby residential properties.
- f) Phasing of the implementation of the approved scheme.

Thereafter the external lighting of the Children's' Residential Home shall be erected and operated in accordance with the approved scheme and programme.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM35 of the Local Plan for Lancaster District 2011 - 2031 Development Management Development Plan Document.

Definitions

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

Notes

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. Before any works to the access commence you should contact the Area Manager (Public Realm) [North] [address and telephone number see below] quoting the planning permission reference.

Area Manager (Public Realm) North: Hampson Lane, Hampson Green, Galgate, Lancaster LA2 0H7 Tel: 01524 752290

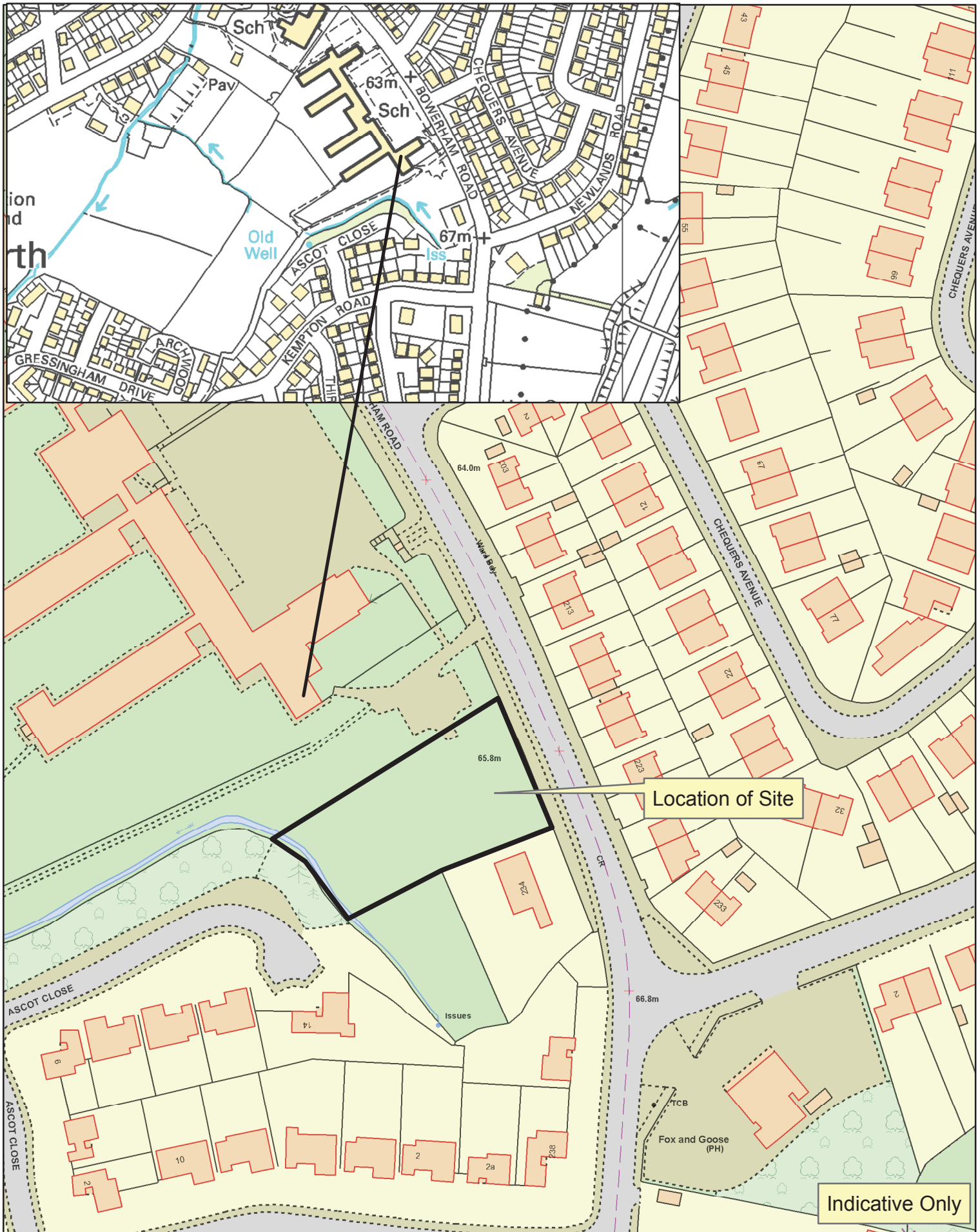
The applicant's attention is drawn to the requirements of the Equality Act 2010 and the British Standards Institution Code of Practice for Design of Buildings and their approaches to meet the needs of Disabled People (BS8300:2009). The design of the building will also need to comply with Part M of the Building Regulations 2010. In the case of educational buildings, the applicant's attention is drawn to the Special Educational Needs and Disability Act 2001 and the guidance prepared by the Department of Education and Skills Building Bulletin 91 (Access for the Disabled to School Buildings) and Building Bulletin 94 (Inclusive School Design).

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

Paper	Date	Contact/Directorate/Ext
LCC/2015/0025	05 March 2015	Rob Jones/Environment/ 34128

Reason for Inclusion in Part II, if appropriate

N/A



APPLICATION LCC/2015/0025 NEW BUILD CHILDRENS RESIDENTIAL HOME TO REPLACE THE HOME AT 234 BOWERHAM ROAD. LAND ADJACENT TO 234 BOWERHAM ROAD, LANCASTER

Development Control Committee
Meeting to be held on 20 May 2015

Electoral Division Affected: All

Planning applications determined by Head of Service Planning and Environment in accordance with the County Council's Scheme of Delegation

Contact for further information:
Pauline Kelly 01772 531929, Development Management Group

Executive Summary

Planning Applications determined by the Head of Service Planning and Environment 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 8 April 2015, the following planning applications have been granted planning permission by the Head of Service Planning and Environment in accordance with the County Council's Scheme of Delegation.

Lancaster

Application: No. LCC/2015/0022
Nether Kellet Primary School, Bridge Road, Nether Kellet
Single storey extension to enlarge existing classroom

Wyre

Application: No. LCC/2015/0030
Red Marsh School, Holly Road, Thornton Cleveleys
Proposal: Single storey extension with entrance canopy

Application: No. LCC/2015/0019
Fleetwood Waste Water Treatment Works, Jameson Road, Fleetwood.
provision of an electrical ring main unit kiosk in association with the approved wind turbine (02/13/0915)

Fylde

Application: No. LCC/2015/0018
Clifton County Primary School, Clitheroe Road, Lytham St Annes
Single storey extension and canopy

West Lancashire

Application: No. LCC/2015/0008
Sure Start, Eavesdale, Tanhouse, Skelmersdale
Change of use from an un used play ground to staff car parking and repositioning of existing boundary fencing

Hyndburn

Application: No. LCC/2015/0016
Unit 8, Holme Road, Clayton Le Moors
Part rebuild/refurbishment and roof lift of existing building

Application: No. LCC/2015/0021
Unit 9 St Lawrence Mill, Mill Street, Great Harwood.
Change of use to end of life vehicle authorised treatment centre and car repairs

Application: No. LCC/2015/0024
Broadfield School, Fielding Lane, Oswaldtwistle.
Demolition and removal of existing demountable units and replacement with purpose built 4 class base building with associated landscaping

Application: No. LCC/2015/0027
Hipping Methodist School, Heron Way, Oswaldtwistle
Construction of a single storey extension adjacent to the main entrance to increase the footprint of the existing staff room

Pendle

Application: No. LCC/2015/0029
Walverden Primary School, Bracewell Street, Nelson
Installation of four covered canopies

Application: No. LCC/2015/0031
Reedley Primary School, Reedley Road, Brierfield.
New access ramp and timber cladding to existing building

Recommendation

That the report be noted.

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

Paper

LCC/2015/0030 LCC/2015/0029
LCC/2015/0027 LCC/2015/0024
LCC/2015/0022 LCC/2015/0021
LCC/2015/0019 LCC/2015/0018
LCC/2015/0016 LCC/2015/0008

Contact/Directorate/Ext
Pauline Kelly - Planning
and Environment
Ext: 31929

