

Lancashire County Council

Development Control Committee

Wednesday, 9th December, 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 25 November 2015** (Pages 1 - 8)

The committee are asked to agree that the Minutes of the last meeting held on 25 November 2015 be confirmed and signed by the Chair.
4. **Lancaster City : Application number LCC/2014/0136** (Pages 9 - 28)

Erection of a wind turbine (79 metres to tip), transformer container and amendments to existing internal site access road. Morecambe Waste Water Treatment Works, Compression Road, Heysham.
5. **Wyre Borough: Application Number LCC/2015/0071** (Pages 29 - 38)

Single storey extension to create enclosed antechamber for vehicles accessing the waste transfer building, the erection of 3 metre high acoustic fencing and raising the existing 2.5 metre high acoustic fencing to 3 metres high. Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.
6. **South Ribble Borough: application number LCC/2015/0099** (Pages 39 - 46)

Proposed roof alteration to house additional tanks at 117-118 Clydesdale Place, Moss Side Industrial Estate, Leyland.

7. **Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.** (Pages 47 - 50)

8. **West Lancashire Borough: Application LCC/2015/0061 Erection of two windturbines and ancillary works. Hillhouse Waste Water Treatment Works, Wood Lane, Great Altcar** (Pages 51 - 74)

9. **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.

10. **Date of Next Meeting**

The next meeting of the Development Control Committee will be held on Wednesday 20 January 2016 at 10.00 a.m. in Cabinet Room B - the Diamond Jubilee Room, County Hall, Preston.

I Young
Director of Governance,
Finance and Public Services

County Hall
Preston

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 25th November, 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
M Devaney	N Penney
K Ellard	P Rigby
M Green	A Schofield
P Hayhurst	K Sedgewick
S Holgate	R Shewan
D Howarth	B Yates

County Councillors S Holgate and R Shewan replaced County Councillors K Snape and B Dawson on the committee for this meeting.

1. Apologies for absence

None received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillors D Howarth and B Yates declared a non pecuniary interest in agenda item 5 as a member of South Ribble Borough Council.

County Councillor M Green declared a non pecuniary interest in agenda item 5 as he is acquainted with one of the objectors to the application.

County Councillor T Aldridge declared a non pecuniary interest in agenda items 4 and 7 as a member of West Lancashire Borough Council.

County Councillor P Rigby declared a pecuniary interest in agenda items 9a and 9b of the agenda as the applicant had been allowed to access his land for testing purposes.

3. Minutes of the last meeting held on 14 October 2015

Resolved: That the Minutes of the last meeting held on 14 October 2015 be confirmed and signed by the Chair.

**4. West Lancashire Borough: Application No. LCC/2015/0088
Low temperature pyrolysis plant to convert low worth waste plastic into diesel and petrol, and to comprise a fuel reception hall, conveyors, chemical treatment, fractionation columns, fuel storage tanks, a generator set and offices. West Quarry Railway Pad, Appley Lane North, Appley Bridge.**

A report was presented on an application for a low temperature pyrolysis plant to convert low worth waste plastic into diesel and petrol, and to comprise a fuel reception hall, conveyors, chemical treatment, fractionation columns, fuel storage tanks, a generator set and offices. West Quarry Railway Pad, Appley Lane North, Appley Bridge.

The Development Management Officer advised that the application had generated a large number of representations and that a site visit would provide the Committee with a clearer understanding of the development proposal, any issues raised, and the relationship of the site to the surrounding area before the application was determined.

Resolved: That the Development Control Committee visits the site before determining the application.

**5. South Ribble Borough: application number LCC/2015/0099
Proposed roof alteration to house additional tanks at 117-118 Clydesdale Place, Moss Side Industrial Estate, Leyland**

A report was presented on an application for a proposed roof alteration to house additional tanks at 117-118 Clydesdale Place, Moss Side Industrial Estate, Leyland.

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

The Development Management Officer presented a PowerPoint presentation which included an aerial photograph of the site and the nearest residential properties. The committee was also shown photographs of the site and the access road.

Following debate during which concerns were raised with regard to the potential adverse impact of the proposals on neighbouring businesses, it was Moved and Seconded:

'That the Development Control Committee visits the site before determining the application.'

On being put to the vote the Motion was Carried, whereupon it was:

Resolved: That the Development Control Committee visits the site before determining the application.

**6. Chorley Borough: application number. LCC/2015/0063
Single storey extension to provide 8 new classrooms, new hall, storage and toilet/cloakroom areas, infill to existing building to provide extended teaching area and office, new playground, multi use play area including 2m high fence, extension to car park and formation of new playing field area with 2m high fencing. Primrose Hill Primary School, Primrose Hill Road, Euxton.**

A report was presented on an application for a single storey extension to provide 8 new classrooms, new hall, storage and toilet/cloakroom areas, infill to existing building to provide extended teaching area and office, new playground, multi-use play area including 2m high fence, extension to car park and formation of new playing field area with 2m high fencing at Primrose Hill Primary School, Primrose Hill Road, Euxton.

The report included the views of Chorley Borough Council, Sport England, Lancashire County Council's (LCC) Developer Support (Highways), LCC Specialist Adviser (Ecology), LCC Flood Risk Adviser and details of 3 letters of representation received.

The Committee visited the site on Monday 23 November 2015.

The Development Management Officer presented a PowerPoint presentation which included an aerial photograph of the site and the nearest residential properties. The committee was also shown the site layout plan, proposed elevations and traffic management plan together with photographs of the site and the access roads.

A local resident addressed the committee and raised several objections, reiterating concerns raised in the committee report, specifically:

- That the Council should have anticipated the need for additional school places and that these should be located where required on Buckshaw Village.
- That the traffic impact assessment was inadequate; as was the on-site parking for staff;
- Adjusting the timing of the traffic lights on Runshaw Lane was not a solution;
- That parking problems associated with the school were not limited to the beginning and the end of the school day
- Cycling to school was not an option as it required pupils to cross the A49 or use Runshaw Lane, neither of which would be safe for primary age children.

The resident maintained that in addition to the proposed waiting restrictions at the junction of Primrose Hill Road with Laurel Avenue and Beech Avenue, waiting restrictions were also required at the junction of Cedar Avenue with Primrose Hill Road, Yew tree Avenue, Laurel Avenue and Poplar Avenue where such parking resulted in visibility issues.

The resident requested that the committee disregard the officer recommendation and reject the planning application.

In response to concerns raised by the committee, the Development Management Officer advised that it was not within the remit of the Committee to impose a condition requiring a statutory one way system on Primrose Hill Road. This could only be achieved by the imposition of a Traffic Regulation Order. However, it was suggested that an advisory note could be added to the conditions recommending that the LCC Developer Support (Highways) promote the Order.

Following lengthy debate, during which the committee raised further concerns with regard to the parking situation, and the associated impacts on highway safety and residential amenity, it was Moved and Seconded that:

"Planning permission be granted subject to the following amendments:

- i) The formalisation of the proposed one way system to manage the traffic impacts on Primrose Hill Road; and
- ii) The imposition of waiting restrictions at the junction of Cedar Avenue with Primrose Hill Road, Yew tree Avenue, Laurel Avenue and Poplar Avenue where such parking results in visibility issues".

On being put to the vote, the Motion was Lost.

It was further Moved and Seconded that:

"The application be deferred pending the implementation of a statutory one way system on Primrose Hill Road".

On being put to the vote, the Motion was Lost.

Following further debate it was Moved and Seconded that:

"Planning permission be granted subject to an amendment to condition 9 set out in the committee report. This would provide for the School Travel Plan to be implemented within 3 months of the new extension being brought into use and for the Plan to incorporate details of a viable one way system on Primrose Hill Road".

On being put to the vote, the Motion was Carried whereupon it was:

Resolved: That planning permission be granted subject to the conditions set out in the report to the committee and an amendment to condition 9 of the committee

report. This would provide for the School Travel Plan to be implemented within 3 months of the new extension being brought into use and for the Plan to incorporate details of a viable one way system on Primrose Hill Road.

**7. West Lancashire Borough: application number LCC/2015/0078
Modular Building with Decking Area and Access Ramp at
Burscough Village Primary School, Colburne Close, Burscough
(Appendix A refers)**

A report was presented on an application for the erection of a modular building with decking area and access ramp at Burscough Village Primary School, Colburne Close, Burscough.

The committee was reminded that consideration of the application was deferred at their last meeting on 14 October to allow additional information of the need for the building and choice of location to be submitted.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of the site and the nearest residential properties. The committee was also shown an illustration of the proposed development and a photograph of the site.

The Committee was advised that the school had revisited the proposed location for the building and had proposed that it be moved a further two metres into the school grounds. This would result in the building being located 6 metres from the boundary with the properties on School Lane.

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

**8. Pendle Borough: application number 13/10/0627NM2
Application for non-material amendment of permission 13/10/0627 to
allow an increase in the hours of operation of the school lights
between 06:30hrs to 18:30 with a boost option required to 22:30hr
for occasional events at Laneshawbridge Primary School, Emmott
Lane, Laneshaw Bridge, Colne**

A report was presented on an application for a non-material amendment of planning permission 13/10/0627 to allow an increase in the hours of operation of the school lights between 06:30hrs to 18:30 with a boost option required to 22:30hr for occasional events at Laneshawbridge Primary School, Emmott Lane, Laneshaw Bridge, Colne.

The report included the views of a local resident who had previously raised concerns.

The Development Management Officer presented a PowerPoint presentation which included an aerial photograph of the site and the nearest residential properties. The committee was also shown photographs of the site.

It was confirmed that the boost option would only be required to 22:15hr for occasional evening events and not 22.30hr as stated in the title and executive summary to the report.

Resolved: That:

i) The proposed amendment is considered to be non-material and is acceptable.

ii) The developer be advised that the development shall be carried out in accordance with the approved non-material amendment and in accordance with all other approved documents and conditions to the planning permission ref: 13/10/0627.

9. Urgent Business

The Chair informed the committee that he had agreed that the following reports should be considered at the meeting as items of urgent business. The special circumstances for the use of the urgent business procedure were set out under the heading to each report.

Exclusion of Press and Public

The Committee was asked to consider whether, under Section 100A(4) of the Local Government Act, 1972, it considered that the public should be excluded from the meeting during consideration of the following items of business on the grounds that there would be a likely disclosure of exempt information as defined in the paragraphs 3 and 5 of Part 1 of Schedule 12A to the Local Government Act, 1972.

Resolved: That the press and members of the public be excluded from the meeting during consideration of the following item of business on the grounds that there would be a likely disclosure of exempt information as defined in the paragraphs 3 and 5 of Part 1 of schedule 12A to the Local Government Act, 1972. It was considered that in all the circumstances the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Councillor P Rigby left the room during consideration of the following items of business as he had declared a pecuniary interest.

9a Shale Gas appeals - Statements of Common Ground

Special circumstances for use of urgent business procedure:

The Committee was informed that the Planning Inspectorate has set a bespoke timetable for the submission of documents and the conduct of the shale gas planning inquiry. If the Committee did not see the Statements of Common Ground now it would not have an opportunity to do so before they were submitted as there were no further Development Control Committee meetings scheduled before the deadline for submission. The Statements would be subject to further amendment before the submission dates on 29 and 30 November 2015. The documents before the Committee were the most recent drafts which had been submitted by the Appellant for amendment/agreement before being finalised and submitted to the Planning Inspector.

The report and draft statements to four appeals relating to planning applications for shale gas exploration sites and associated monitoring arrays were reported for the Committee's information. The Committee was informed that as part of the appeal process, the County Council must agree joint 'Statements of Common Ground' with the appellant for each appeal identifying those matters where there is no disagreement and those matters where there is disagreement between the two parties.

The Committee was invited to submit any views or comments on the Statements of Common Ground to officers by 9.00am Friday 27 November 2015.

Resolved: That the report be noted.

9b) Appeal - Grange Road Shale Gas Exploration Site – Application number LCC/2014/0084

Special circumstances for use of urgent business procedure:

The Council had been asked to complete a questionnaire by the Planning Inspectorate in respect of an appeal against the decision of the Council with regard to planning application LCC/2014/0084 - Grange Road Shale Gas Exploration Site on the south side of Grange Road, Singleton.

Given the timescales involved it was necessary for the views of the Committee to be sought as a matter of urgency to enable a response to be submitted to the Planning Inspectorate.

The Officers presented an oral report on an appeal lodged against the Development Control Committee's decision to refuse of planning application LCC/2014/0084 - Grange Road Shale Gas Exploration Site at Grange Road, Singleton, Preston. The appellant has requested that the appeal be dealt with by written representations and which has been found acceptable by the Planning

Inspectorate. The County Council has been invited to agree or otherwise to this process as part of a questionnaire on the appeal that it must complete and return to the Planning Inspectorate.

Resolved: That the views of the Committee be noted and included in the response to the Planning Inspectorate.

10. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 9 December 2015.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston

Agenda Item 4

Development Control Committee

Meeting to be held on 9th December 2015

Electoral Division affected: Heysham

**Lancaster City : Application number LCC/2014/0136
Erection of a wind turbine (79 metres to tip), transformer container and
amendments to existing internal site access road. Morecambe Waste Water
Treatment Works, Compression Road, Heysham.**

Contact for further information:

Rob Jones, 01772 534128

DevCon@lancashire.gov.uk

Executive Summary

Application - Erection of a wind turbine (79 metres to tip), transformer container and amendments to existing internal site access road. Morecambe Waste Water Treatment Works, Compression Road, Heysham.

Recommendation – Summary

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

Insufficient information has been submitted to enable Lancashire County Council, as the competent authority, to carry out the necessary appropriate assessment to conclude that the proposed wind turbine would not give rise to a significant effect on the qualifying interest features of the Morecambe Bay Special Protection Area. In the absence of such information, the applicant has not demonstrated that the proposal would not have an unacceptable impact on ecology contrary to Policies DM17, DM18, DM27 and DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document (DPD).

Applicant's Proposal

Planning permission is sought for the erection of a wind turbine consisting of a 50m high tower to the hub and three blades each with a length of 29m at Morecambe Waste Water Treatment Works (WWTW). The overall height would be 79m from the base of the tower to the tip of the blade at its highest point. The turbine tower would be cylindrical and constructed from steel with carbon fibre blades. The colour of the tower and blades would be a non-reflective matt white/grey. The turbine would have a generating capacity of 500kw (0.5MW) per hour producing approximately 1,445MWh (1.45GWh) of electricity per annum, based on an estimated capacity factor of 33%. The wind turbine would have an operational lifespan of 25 years.

The turbine is proposed to supplement electricity used at Morecambe WWTW that had an electricity consumption of 2,080MWh (2.08 GWh) and 2,060MWh (2.06 GWh) for 2012 and 2013, respectively. Any surplus electricity produced would be fed into the national grid.

A container measuring 2.9m by 2.6m by 2.6m high would house the transformer and electrical equipment required for the operation of the turbine. The kiosk would be brown or light green.

The existing entrance to the WWTW would be improved to ensure that turbine delivery vehicles could access the site. A section of screening bund would be removed to facilitate the widening of the site access. Two parts of the internal access road would also be widened to provide access to the turbine site.

Description and Location of Site

Morecambe WWTW is located on the north side of Heysham Business Park approximately 1km west of Middleton, and on the south side of Compression Road. Access to the site is from Compression Road that leads off Main Avenue and then to Middleton Road.

The WWTW consists of buildings, plant and hardstanding surrounded on all sides by perimeter landscaping mounds. The wind turbine would be located to the south of the buildings and plant in an area of hardstanding approximately 30m from the south-east corner of the site. The transformer kiosk would be sited at the base of the turbine.

Immediately to the south and east of the WWTW are industrial units within Heysham Business Park. The land immediately to the west of the site and along the north side of Compression Road is an area of rough grassland being the site of a former refinery/ chemical works which is now designated as a Biological Heritage Site (BHS) due to its value for Great Crested Newts and other plant and animal species. Ocean Edge Leisure Caravan Park is approximately 360m to the west of, Heysham Golf Course is approximately 420m to the north of, and Heysham Power Station approximately 1.4km to the north-west of the proposed turbine. The nearest houses are a group of three properties located approximately 380m away from the turbine to the south of Heysham Business Park.

The Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site, and the Lune Estuary and Morecambe Bay Site of Special Scientific Interest (SSSI) are approximately 560m to the west.

There are a number of other wind turbines in this area:

- Three turbines (maximum height to tip of 125 metres) at Heysham South Wind Farm (1.4 km north east of the application site)
- A single wind turbine at the BT Fanny House Farm site (maximum height to tip of 110 metres) (2.4 km north east of the application site)
- Planning permission has also been granted by the City Council for a 77 m high turbine at Heysham Port. (1.7 metres north west of the application site)

Background

The proposed development would be located within an established waste water treatment works. A number of planning permissions have been granted at this site for waste water treatment infrastructure:-

Planning permission for the construction of the waste water treatment works was granted in December 1995 (ref. 1/95/1094).

Planning permission for the erection of two wastewater treatment control kiosks was granted in February 2002 (ref. 01/02/0036).

Planning permission for the construction of three Glass Reinforced Plastic (GRP) kiosk buildings was granted in April 2003 (ref. 01/03/0196).

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 6 – 14, 17, 56 - 66, 93 - 98, 109, 111, 118 – 123 are relevant with regard to the requirement for sustainable development, core planning principles, good design, meeting the challenge of climate change and renewable energy and conserving and enhancing the natural environment.

National Planning Practice Guidance

National Planning Practice Guidance also contains advice on how wind turbine developments should be considered. In particular the guidance draws attention to a ministerial statement issued by the Secretary of State for Communities and Local Government on 18th June 2015 relating to the weight to be given to the views of local communities when considering such developments. The statement is to give effect to the commitment made in the Conservative election manifesto that local people should have the final say on wind energy development.

The statement makes clear that when determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- the site is in an area identified as suitable for wind energy development in a local plan; and
- following consultation, it can be demonstrated that the planning impacts identified by local communities have been fully addressed and therefore the proposal has their backing.

For planning applications that had already been submitted at the time of the statement, (such as the current application) the following transitional arrangement applies;

- Where the development plan does not identify sites, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.

This planning application was submitted in 2014 and therefore the above transitional arrangement applies. The Lancaster Local Plan does not identify any sites or areas for wind energy development and therefore, in applying the ministerial statement, the views of the local community is an important factor.

The Planning Practice Guidance also sets out the general considerations that should be applied to wind energy developments and how these should be dealt with through the planning system.

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

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

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 DM17	Renewable Energy Generation
Policy DM18	Wind Turbine Development
Policy DM27	The Protection and Enhancement of Biodiversity
Policy DM28	Development and Landscape Impact
Policy DM35	Key Design Principles
Policy DM40	Protecting Water Resources and Infrastructure

Consultations

Lancaster City Council – Object on the following grounds:

- An additional planning application for another turbine (Port of Heysham re-submission) has been received ahead of the formal submission of the current proposal. As currently submitted, the application does not conform to the guidance set out in the NPPG and in particular does not contain sufficient information to allow the determining authority or its consultees to accurately consider the cumulative impacts of the current development upon the character of the landscape or residential amenity.
- The Noise Assessment has been based upon the recognised assessment methodology of ETSU-R-97 as modified by the Institute of Acoustics Good Practice Guide [IoA GPG]. The assessment should specifically consider the circumstances when there are pre-existing wind developments [whether or not constructed] and the starting point for a cumulative assessment for a further wind turbine seeking consent is not the predicted levels of the pre-existing developments, but their consented levels. The application as submitted has

sought to assess the development in respect of predicted noise levels contrary to the IoA GPG.

Middleton Parish Council – No observations received.

LCC Developer Support (Highways) – No objection subject to the imposition of conditions relating to a construction traffic management method statement and details for the reinstatement of the highway following the removal of any remedial works.

Environment Agency – No objection.

Natural England – Object as there is a lack of information to determine the likelihood of the wind turbine having no significant effects on the qualifying interest features (the birds) that use the internationally and nationally designated sites of the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site, and the Lune Estuary and Morecambe Bay Site of Special Scientific Interest (SSSI), and so it cannot be concluded that the turbine would not give rise to a likely significant effect as defined in the Habitats Regulations 2010.

National Grid Gas and Electricity - No observations received.

Ministry of Defence Lands (Safeguardings) – Object as the turbine will be detectable by and will cause unacceptable interference to the Air Traffic Control radar at Warton.

Civil Aviation Authority – No observations received.

National Air Traffic Services – No objection subject to the imposition of the following two conditions:

- No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in order to avoid the impact of the development on the Primary Radar of the Operator located at St. Annes and the associated air traffic management operations of the NATS Prestwick Centre.
- No blades shall be fitted to any turbine unless and until the approved Primary Radar Mitigation Scheme has been implemented and the development thereafter be operated fully in accordance with such approved Scheme.

Blackpool Airport – No observations received.

The Joint Radio Company Limited (analyses proposals for wind energy development to ensure no interference with radio systems operated by UK energy industry – No objection.

OFCOM – No objection.

Atkins Ltd (advises on telecommunications impacts of wind turbine development). – No observations received.

Lancashire Constabulary – No objection but comment that the proposed turbine is in the path of Lancashire Constabulary's (LC) microwave link that runs from a mast at Barnacre to Heysham port. LC have investigated an alternative and replacement microwave link path from their site at Heysham Port to Fleetwood Port but unfortunately there is not a path due to topography at the Heysham end of the link. It is suggested that the best alternative would be to replace the Microwave link with a ground based network link. This would be subject to survey by a telecoms supplier. The cost would be paid by the applicant. It could also be dealt with by means of an appropriately worded planning condition which would require mitigation to be implemented prior to the operation of the turbine.

LCC Specialist Advisor (Ecology) – Object as there is a lack of information to determine the likelihood of the wind turbine having no significant effects on the qualifying interest features of the internationally and nationally designated sites of the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site, and the Lune Estuary and Morecambe Bay Site of Special Scientific Interest (SSSI), and so it cannot be concluded that the turbine would not give rise to a likely significant effect as defined in the Habitats Regulations 2010.

Representations – The application has been advertised by site notice and press notice and the owners of Heysham Business Park and Ocean Edge Leisure Caravan Park have been notified by letter. No representations have been received.

Advice

Planning permission is sought for the erection of a 79m high wind turbine consisting of a 50m high tower to the hub and three blades each with a length of 29m to be sited on the south side of Morecambe WWTW.

Morecambe WWTW treats waste water arising from the urban areas of Morecambe and Heysham. The equipment used to power pumps and other treatment infrastructure is electrical and hence the site is a major consumer of electricity. The applicant estimates that the turbine would have a generating capacity of 500kw (0.5MW) per hour producing approximately between 1,445MWh of electricity per annum, based on an estimated capacity factor of 33%. Based on this electricity generation, the applicant estimates that that the turbine would result in carbon dioxide (CO₂) emission reductions of approximately 622 tonnes per year. Over the operational lifespan of 25 years, it is estimated that the turbine could offset 15,550 tonnes of CO₂.

Planning policies and decisions must reflect and where appropriate promote relevant EU obligations and statutory requirements.

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.

It is also necessary to consider Government Policy, in particular the Ministerial Statement of June 2015. The Ministerial Statement provides that for turbines such as this, where the development plan does not identify sites, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One (JLMWLP) and the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document (DPD).

The NPPF advises that the planning system plays a key role in securing radical reductions in greenhouse gas emissions, minimising vulnerability and providing reliance to the impacts of climate change, and supporting the delivery of renewable energy infrastructure which is central to the economic, social and environmental dimensions of sustainable development. To help increase the use and supply of renewable energy, the NPPF advises that planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable sources. The NPPF states that applicants for energy development should not be required to demonstrate the overall need for renewable energy and that planning authorities should recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF advises that applications for renewable energy development should be approved if impacts are (or can be made) acceptable. The proposed turbine would reduce reliance on electricity generated by conventional means using fossil fuels and would therefore reduce the greenhouse gas emissions associated with such generation. The proposal is therefore considered to accord in principle with the policies in the NPPF relating to renewable energy.

Policy NPPF1 of both the Lancaster City Council DPD and of the JLMWLP states the council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF.

Policy DM17 of the Lancaster City Council DPD relates to renewable energy generation and states the council is committed to supporting the transition to a lower carbon future and will seek to maximise renewable and low carbon energy generated in Lancaster District, where this energy generation is compatible with other sustainability objectives. The council will support all proposals for renewable and low carbon energy schemes, regardless of their size, where the direct and indirect impacts are, or will be made acceptable subject to satisfying three criteria. These criteria are that the proposal with its ancillary development would not individually or cumulatively have an unacceptable significant effect as a result of its scale, siting or design on the landscape, visual amenity, biodiversity, geodiversity, townscape and historic assets of the district and will not unduly affect highway safety; the impacts of the development are mitigated so as to ensure that there are no unacceptable significant effects on the amenities of sensitive neighbouring uses (including by

virtue of noise, dust, odour or traffic); and the wider environmental, economic, social and community benefits directly related to the scheme outweigh any significant adverse effects.

Policy DM18 of the Lancaster City Council DPD specifically relates to wind turbine development and seeks to support, in principle, such development providing the following direct and indirect impacts relevant to this application are, or can be made, acceptable: significant effects, either alone or cumulatively, on the landscape's character and value, on local residents and sensitive users by virtue of visual, noise or 'shadow flicker', and on areas of ecological value, especially on protected species and habitats, or result in the fragmentation of migration routes for protected bird species; television reception; highway safety; aviation navigation systems; and hydrological and drainage impacts.

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, materials, separation distances and scale, and ensure no significant detrimental impact to amenity in relation to visual amenity.

The main issues to consider when assessing the environmental implications of the proposed wind turbine are the visual impacts upon the immediate and surrounding landscape, shadow/light flicker, noise, nature conservation interests, the effect of electromagnetic disturbance on telecommunications, traffic impacts, aviation and ground and surface waters.

Visual and landscape implications

Policy DM28 of the Lancaster City Council DPD refers to Development and Landscape Impact and seeks to support development which is in scale and keeping with landscape character and which is appropriate to its surroundings in terms of siting, design, materials, external appearance and landscaping. Consideration will be given to both the individual and cumulative impacts of a proposal. Proposals located in coastal locations should be considered against their impacts on coastal landscapes, in particular in relation to Morecambe Bay and the Lune Estuary. Development proposals which are considered, due to their scale or location, to have potential adverse impacts on the local landscape and local character will be expected to be accompanied by a Landscape and Visual Impact Assessment (LVIA). The LVIA should systematically assess the effects of change on the landscape, both landscape and visual effects, as a consequence of a development proposal. Through such an assessment, development proposals should be designed to avoid negative landscape effects and where this is not possible, impacts should be reduced or offset through appropriate mitigation/compensatory measures.

The wind turbine would be located on the south side of the Morecambe WWTW in an area that is not covered by special landscape designations. The applicant has submitted information to allow an assessment of the visual impacts of the development to be made including plans showing the locations from where the turbine would be visible, information on other wind turbine developments showing inter visibility and photomontages showing the likely visual impact from particular locations. Lancaster City Council objected as the submitted LVIA did not consider

the approved wind turbines that have not been constructed and hence the determining authority or its consultees could not accurately consider the cumulative impacts of the current development upon the character of the landscape or residential amenity. An amended LVIA was subsequently submitted to include the approved wind turbine at the Port of Heysham.

The turbine would be located within the Heysham-Overton Low coastal Drumlin landscape area, as established in a 2005 study by Lancashire County Council. (Landscape Sensitivity to Wind Energy Development). This landscape area has a moderate to high level of sensitivity to wind energy development and is classified as being suitable for small and possibly medium scale development. The proposed turbine would be medium scale but when combined with the proposed turbine at the port of Heysham and the existing turbines at Fanny House Farm and at Heysham South Wind Farm, then the moderate to high sensitivity would indicate that additional wind development would generally not be appropriate. However, this assessment of landscape sensitivity is on a broad basis and there will be local topographical and landscape features which should be taken into account in assessing the impact of individual developments.

The location is semi-rural but there are a number of manmade influences, most notably the adjacent Heysham Business Park, and the nearby Ocean Edge Leisure Caravan Park, Heysham Power Station and other wind turbines and electricity pylons. The villages of Middleton, Heysham and Overton are close to the site. The topography in the vicinity of the site is relatively flat except where it rises up to the north at south Heysham and Heysham Head. The main residential and tourist views of the turbine would be from Middleton approximately 1km to the east, Ocean Edge Leisure Caravan Park approximately 360m to the west and a group of three properties located approximately 380m away from the turbine to the south of Heysham Business Park. It is considered that the separation distance between Middleton and the turbine would substantially reduce the scale of the structure when viewed from Middleton. The location of Ocean Edge Leisure Caravan Park and the three houses to the south would result in the turbine being substantial in scale but, as the application is for a single turbine, the horizontal field of view occupied would be relatively small. The other wind turbines in the area would not be particularly visible from these locations due to small variations in the lie of the land, buildings and vegetation. It is therefore considered that these locations would not experience an overbearing effect as a consequence of the wind turbine although it is accepted that there would be a significant change in view from these locations and the surrounding roads. Middleton Town Retirement Village is approximately 600m to the south-west of the turbine site and would have more significant views of the proposed and other existing turbines in the area, although it is considered that the separation distance between the nearest residential properties would substantially reduce the scale of the turbine when viewed from them.

More distant views of the turbine would be from Heysham, Morecambe and Lancaster where the cumulative impact of the various turbines in the area would be apparent. It is accepted that the visual acceptability of turbines is highly subjective and depends on their size, spacing, number and backdrop. The main cumulative impact would be when viewed from south Heysham and Heysham Head, and the countryside north of Overton, where the land is the highest in that area. The existing

wind turbines in the area are fairly closely grouped and therefore the visual impact from any one point would be more limited.

In conclusion, it is considered that the proposed wind turbine, due to its scale would inevitably result in some landscape and visual impacts, particularly when seen from Ocean Edge Leisure Caravan Park and the three properties located to the south of Heysham Business Park and surrounding roads. Whilst the proposed wind turbine would have visual impacts particularly in the area immediately surrounding the turbine, the significance of such impacts does depend upon an individual's perception of the acceptability of wind energy development in landscape terms. Whilst it is accepted that the visual impacts from some locations would be significant, it is considered that the visual impact of the proposed turbine and cumulatively with the other existing and proposed turbines in the area would not be overbearing. However, such impacts will need to be weighed in the balance along with the other impacts and benefits resulting from the development.

In terms of visual appearance of the proposed turbine itself, the tower and blades would be a non-reflective matt white/grey. The colour could be the subject of a condition.

Shadow flicker

The operation of a wind turbine has the potential to generate shadow flicker. Shadow flicker is a phenomenon that occurs under certain combinations of geographical position, wind direction and time of day, when the sun may pass behind the turning turbine rotors, resulting in a flickering effect. When this phenomenon is observed through a window in a property, the shadow flicker can be a cause of annoyance to residents, affecting their residential amenity.

A shadow flicker assessment submitted with the application advises that the only properties that could theoretically experience shadow flicker are buildings in Heysham Business Park and caravans in Ocean Edge Leisure Caravan Park. The maximum theoretical duration that any of the existing industrial buildings could experience shadow flicker would be for 83 days between approximately 1700 and 1800 (early evening) from mid-February through to the end of March, and mid-August through to the end of September. However, the theoretical maximum occurrence per day during this period would be 1 hour and would more typically be around 45 minutes. It is likely that many users of these industrial buildings will only be present for some of this time as it is at the end of the working day. The maximum theoretical duration that any of the existing caravans in Ocean Edge Leisure Caravan Park could experience shadow flicker would be for 104 days between approximately 0450 and 0530 (very early morning) from the start of April through to the start of August. However, the theoretical maximum occurrence per day during this period would be 40 minutes and would more typically be around 30 minutes. Most users of the caravan park are expected to be asleep at this time. However, such a scenario would require a certain combination of sunshine and wind direction which would be unlikely to occur over a long period of time. It is therefore considered that shadow flicker would not affect adjacent development to an unacceptable level and hence the impacts of shadow flicker are acceptable in terms of Policies DM18 and DM35 of the Lancaster City Council DPD.

Noise

Wind turbines have the potential to create noise. A noise assessment has been submitted with the application to assess the likely noise impacts of the development on the four nearest sensitive locations in the surrounding area; a residential property located approximately 380 metres away to the south of Heysham Business Park, Ocean Edge Leisure Caravan Park located approximately 360m to the west, a residential house located approximately 700 metres away on the west side of Middleton, and Middleton Retirement Village located approximately 600 metres to the south. The noise assessment also includes a cumulative assessment of a number of consented wind farms located in the vicinity of the proposed development that have been constructed; the Heysham South Wind Farm consisting of three turbines and the single BT wind turbine at Fanny House Farm. Lancaster City Council objected to the noise assessment as they consider it should also include the consented noise levels of the other approved wind turbines in the area. An amended noise assessment was subsequently submitted to include the approved wind turbine at the Port of Heysham in order to address the City Council's concerns.

The amended assessment advises that the predicted noise levels at all residential properties under various wind speeds and direction conditions is acceptable and meets the requirements of guidelines associated with noise from wind turbines. Lancaster City Council have not commented on the amended assessment. It is considered that should any reasonable noise complaint be made during the operation of the turbine then the problem could be addressed by a condition requiring noise levels from the turbine not to exceed 5dB(A) above background noise levels at the nearest properties. If such noise levels cannot be complied with due to particular climatic conditions, the turbine would have to be temporarily shut down. It is considered that the imposition of such a condition would enable the noise impacts of the development to be acceptable in terms of Policies DM17, DM18 and DM35 of the Lancaster City Council DPD.

Nature Conservation interests

The development would not directly affect any site with statutory ecological designations although the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site, and the Lune Estuary and Morecambe Bay Site of Special Scientific Interest (SSSI) are located approximately 560m to the west of the application site. The SPA is of European importance for a range of breeding, migratory and wintering bird species. The turbine may have implications for such birds as a result of collision, disturbance and displacement.

Whilst the proposed turbine would not directly affect the European site, the application site is in close proximity to the SPA and the submitted information acknowledges that SPA qualifying bird species will be affected. Both Natural England and LCC Specialist Advisor (Ecology) therefore consider the proposal has the potential to affect the European site.

Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) states that a competent authority, before deciding to undertake, or give

any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The Habitats Regulations make provision for the applicant to supply such information as is reasonably necessary to allow the competent authority to undertake an appropriate assessment in order to establish the likely impact on the European site. In this case, the applicant has not undertaken an up-to-date desk study/ data search, full survey results (necessary to inform the assessment) have not been carried out or submitted, and robust collision risk modelling for SPA birds has not been carried out/ presented. Although the submitted information indicates that there would be an effect on SPA species, the significance of that effect cannot be determined in the absence of adequate surveys and robust assessment. SPA species potentially affected are herring gull and lesser black-backed gull.

When assessing projects for the purposes of the Habitats Regulations, the precautionary principle must apply and case law has established that projects should not be authorised where there would be a significant adverse effect on the European site or where there is uncertainty as to effects.

The County Council, as the competent authority who are determining the planning application, has undertaken a Habitats Regulations Screening Assessment (HRSA) to assess the potential impacts. In this case, the HRSA concludes that the submitted information does not demonstrate, beyond reasonable doubt, that the proposals would not result in likely significant effects on the European site. This is because the applicant has not submitted sufficient information to enable the County Council to form a view as to the likely significance of the impact. The County Council is unable to carry out the necessary appropriate assessment and hence it cannot be concluded with reasonable certainty that the proposed wind turbine, as proposed, would not generate any significant environmental effects on the qualifying interest bird features (Herring Gull and Lesser Black-backed Gull) that use the nearby Morecambe Bay SPA. The significant environmental effects being disturbance, an effect on their feeding patterns and the risk of bird strike. In the absence of such information, the County Council is unable to comply with its obligations under the Habitats Regulations.

There is some evidence that the site is used by bats which are European protected species. Bats use the perimeter landscaping mounds of the WWTW as feeding habitat . The proposed turbine cannot be located to maintain a 50m buffer between turbine blades and all bat habitat (as recommended by Natural England to minimise impacts on bat populations). Despite the relatively low level of bat activity recorded during surveys, there thus appears to be a risk that bats could be adversely affected by turbines (collision, barotrauma). To reduce the risk to bats, the applicant proposes vegetation management to reduce the suitability of bunds to support bat species. The LCC Specialist Advisor (Ecology) has commented that the proposed management will not necessarily reduce the suitability of bunds to support bats. However, it is acknowledged that impacts on a low number of bats by incidental killing or injuring (where individuals are at medium risk, and the population is at low

risk, of impact) during operation of the proposed turbine would not constitute a breach of legislation and, as such, potential impacts on bats would not be grounds for refusal of this application. It is therefore concluded that subject to a condition to require the implementation of the aforementioned mitigation and compensation measures, then there would not be an adverse effect on bats and their habitat.

However, the potential impacts on the European wildlife site remain unresolved. Given that insufficient information has been provided to allow such ecological impacts to be properly assessed, the proposal is contrary to Policies DM17, DM18, DM27 and DM35 of the Lancaster City Council DPD.

Electromagnetic disturbance on telecommunications and TV

The rotation of wind turbine blades has the capacity to interfere with telecommunications including microwave links, radio and television reception. Ofcom (the independent regulator and competition authority for the UK communications industries), the Joint Radio Company (JRC) and Atkins (band managers for the water, electricity and utilities industries), and Lancashire Constabulary (LC) have been consulted on this application.

No objections were received but LC commented that the proposed turbine is in the path of LC's microwave link that runs from a mast at Barnacre to Heysham port. LC have investigated an alternative and replacement microwave link path from their site at Heysham Port to Fleetwood Port but unfortunately there is not a path due to topography at the Heysham end of the link. It is suggested that the best alternative would be to replace the Microwave link with a ground based network link. This would be subject to survey by a telecoms supplier. The cost would be paid by the applicant. It could be dealt with by means of an appropriately worded planning condition which would require mitigation to be implemented prior to the operation of the turbine. Subject to such a condition, it is considered that no interference with regards to wireless communication links is expected as a result of the proposed turbine.

Following the switchover to digital TV transmission in the UK in 2012 all television transmissions are received via either Digital Terrestrial Television (DTT) or Digital Satellite Television. DTT transmissions are far less susceptible to interference from wind turbines than analogue signals and therefore it is considered highly unlikely that effects on television reception through DTT would be experienced in the locality. The applicant has stated that in the event that TV interference was experienced, mitigation measures through use of alternative technologies are readily available. However, with such an approach, the applicant would not be required to remedy any TV interference. This matter can be controlled through an appropriately worded planning condition. On this basis, the impacts of the proposal on TV reception are acceptable in terms of Policy DM18 of the Lancaster City Council DPD.

Traffic impacts

Traffic impacts of the development would be restricted to the construction period lasting around six months. The delivery of some of the turbine components (such as the turbine blade) would be considered as 'abnormal loads'. The only feasible route of delivering the turbine components would be via the A683, Middleton Road, Main

Avenue to Compression Road which is the access road leading to the WwTW. The applicant considers that the access route is acceptable without requiring any accommodation works to the highway (although there may be some temporary measures (like removing street furniture).

LCC Developer Support (Highways) has not objected subject to the imposition of a condition that, prior to the commencement of the development, a construction traffic management method statement be submitted that includes details of a pre-construction highway condition survey together with details of the timing of any remediation measures. Subject to such a condition, it is considered that the development is acceptable on highway grounds and hence the traffic impacts of the proposal are acceptable in terms of Policies DM17, DM18 and DM35 of the Lancaster City Council DPD

Aviation

The wind turbine has the potential to affect aviation interests through either interference with radar or by presenting a physical obstacle to the path of an aircraft. Two assessments have been submitted in relation to these; an Aviation Impact Assessment (AIA) and the National Air Traffic Services (NATS) Technical and Operation Assessment (TOPA)

The turbine would be located in an area where the Ministry of Defence (MoD) have safeguarding powers in relation to the potential for wind turbines to create a physical obstruction to planes or result in interference to Air Traffic Control and Air Defence radar installations. In this instance the proposed turbine may be detectable intermittently by the Warton Primary Surveillance Radar (PSR) system. With regard to NATS, the assessments indicated an unacceptable impact on en-route operations due to the turbine likely being detectable by the St Annes Primary Surveillance Radar (PSR) system. No observations have been received from Blackpool Airport or the Civil Aviation Authority.

The MoD have objected as the turbine would cause unacceptable interference to the Air Traffic Control radar at Warton. However, it is considered that a condition can be imposed to require that an Air Traffic Control Radar Mitigation Scheme be approved prior to the commencement of development.

NATS have no objection subject to the imposition of a condition to require that the development should not commence until a Primary Radar Mitigation Scheme has been approved in order to avoid the impact of the development on the Primary Radar of the Operator located at St. Annes and the associated air traffic management operations of the NATS Prestwick Centre. Subject to this condition, it is considered that the aviation impacts of the development are acceptable in terms of Policy DM18 of the Lancaster City Council DPD.

Protection of ground and surface waters

An assessment of potential impacts on geology, hydrology and hydrogeology has resulted in identification of three potential effects; the potential excavation of contaminated material during turbine foundation construction, the potential for

migration of contaminants in shallow perched groundwater during foundation excavations, and the potential for migration of sediment and other contaminants in surface water runoff from construction areas. To mitigate and manage these effects, the following measures are proposed to be included in the construction process; a pre-development site investigation to establish the presence of any contaminated ground at the proposed turbine site and the location of associated infrastructure, any contaminated materials from development construction works will be contained on-site until removed to an appropriately licensed disposal facility and onsite containment measures will include provision to prevent migration of potentially contaminated runoff to surface water or groundwater systems, and a pollution management plan will provide specific detail on measures designed to mitigate risks to surface water and groundwater resources.

The Environment Agency has not objected to the application. It is considered that subject to conditions to prevent any contaminated run off from the site, the impacts of the proposal on water resources are acceptable in terms of Policy DM18, DM35 and DM40 of the Lancaster City Council DPD.

Other safety impacts

Other safety impacts are related to ice being dislodged from the blades and the risk of lightning strike.

It is possible for ice to form on the blades of a wind turbine which can either fall to ground when the blades are stationary or be thrown from the blades when operational. The number of days per year where such conditions exist is very low. In relation to ice throw, the flexing of the blades in operation will act to limit the build-up of ice. Any ice fragments that detach from the blades will be thrown from the turbine to land in the plane of the rotor or downwind. Given that there would be no public access to the turbine or surrounding area, the probability of an ice fragment striking a person is low and so it is considered that there would not be any safety problems from icing. The proposed turbine would be fitted with a lightning conductor that protects it from lightning strike and so it is considered that there would not be any safety problems from a lightning strike. These aspects of the development are therefore considered acceptable in terms of Policies DM17 and DM18 of the Lancaster City Council DPD.

Conclusions

The proposed wind turbine would produce electricity to allow Morecambe WWTW to reduce its reliance on electricity produced from fossil fuels. The development would therefore contribute towards meeting the UK's renewable energy targets and would comply with the policy in the NPPF relating to the contribution of renewable energy projects.

The ministerial statement dated 18th June 2015 forms part of Government policy for wind energy development and sets out that local planning authorities can find such development acceptable, if following consultation, they are satisfied it has addressed the planning impacts identified by local communities and has their backing. No representations to this application have been received from local residents or local

parish councils and therefore there is no evidence of local opposition to the proposal. Therefore the proposal can be found to be acceptable if all other planning and land use impacts are acceptable or can be made so through conditions.

Due to its height and location in an area where there are already four existing wind turbines in close proximity to this proposal, the turbine would have some visual impacts both individually and cumulatively, particularly at locations at the Ocean Edge Leisure Caravan Park, the nearest residential properties and surrounding roads. The visual impacts of the turbine have to be weighed and balanced against other impacts and benefits of the development. In this case the landscape and visual impacts are considered to be outweighed by the presumption in favour of renewable energy development contained in the NPPF and the Lancaster City Council DPD. The other impacts of the development in terms of shadow/light flicker, noise, the effect of electromagnetic disturbance on telecommunications, traffic impacts, aviation and ground and surface waters can be addressed to acceptable levels by planning conditions.

In certain circumstances, where there is no viable alternative solution, overriding public interests (which may include the requirement to generate energy from renewable sources), can outweigh any impacts to sites of European wildlife importance. However, such wider considerations can only apply once the degree of harm to the ecological interests of the European site has been established. In this case, insufficient ecological information has been submitted to enable LCC, as the competent authority, to carry out the necessary appropriate assessment to conclude that the proposed wind turbine would not give rise to a significant effect on the qualifying interest features of the Morecambe Bay SPA.

Therefore, the absence of this information means that the County Council cannot properly assess the ecological impacts of the development sufficient to discharge its duties under the Habitats Regulations and hence cannot conclude that the development would not harm the ecological interests of the Morecambe Bay SPA contrary to Policies DM17, DM18, DM27 and DM35 of the Lancaster City Local Plan. The potential impacts on ecology are sufficient to outweigh the benefits of the proposal in terms of the generation of electricity from renewable sources.

Human Rights Issues

Article 1 of the 1st Protocol concerns the enjoyment of property and provides that everybody is entitled to the peaceful enjoyment of his possessions and that no one should be deprived of the enjoyment of property except in the public interest. The refusal of planning permission has the potential to affect the applicant's rights under this Article. However, the County Council has a duty to ensure that the impacts of renewable energy development are properly assessed in order to protect the special features of European wildlife sites as set out in the policies of the Development Plan. The proposal would conflict with these policies and the interference in the rights of the applicant is therefore considered to be justified in order to protect the public interest. It is considered that the public interest can only be safeguarded by refusal of permission and that refusal of the application would not be a disproportionate interference with the rights of the applicant.

Recommendation

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

1. Insufficient information has been submitted to enable Lancashire County Council , as the competent authority, to carry out the necessary appropriate assessment to conclude that the proposed wind turbine would not give rise to a significant effect on the qualifying interest features of the Morecambe Bay Special Protection Area. The significant environmental effects being disturbance, an effect on their feeding patterns and the risk of bird strike. Therefore, the application cannot be determined as it would be in breach of the Conservation of Habitats and Species Regulations 2010 (as amended) and contrary to Policies DM17, DM18, DM27 and DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document (DPD).

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

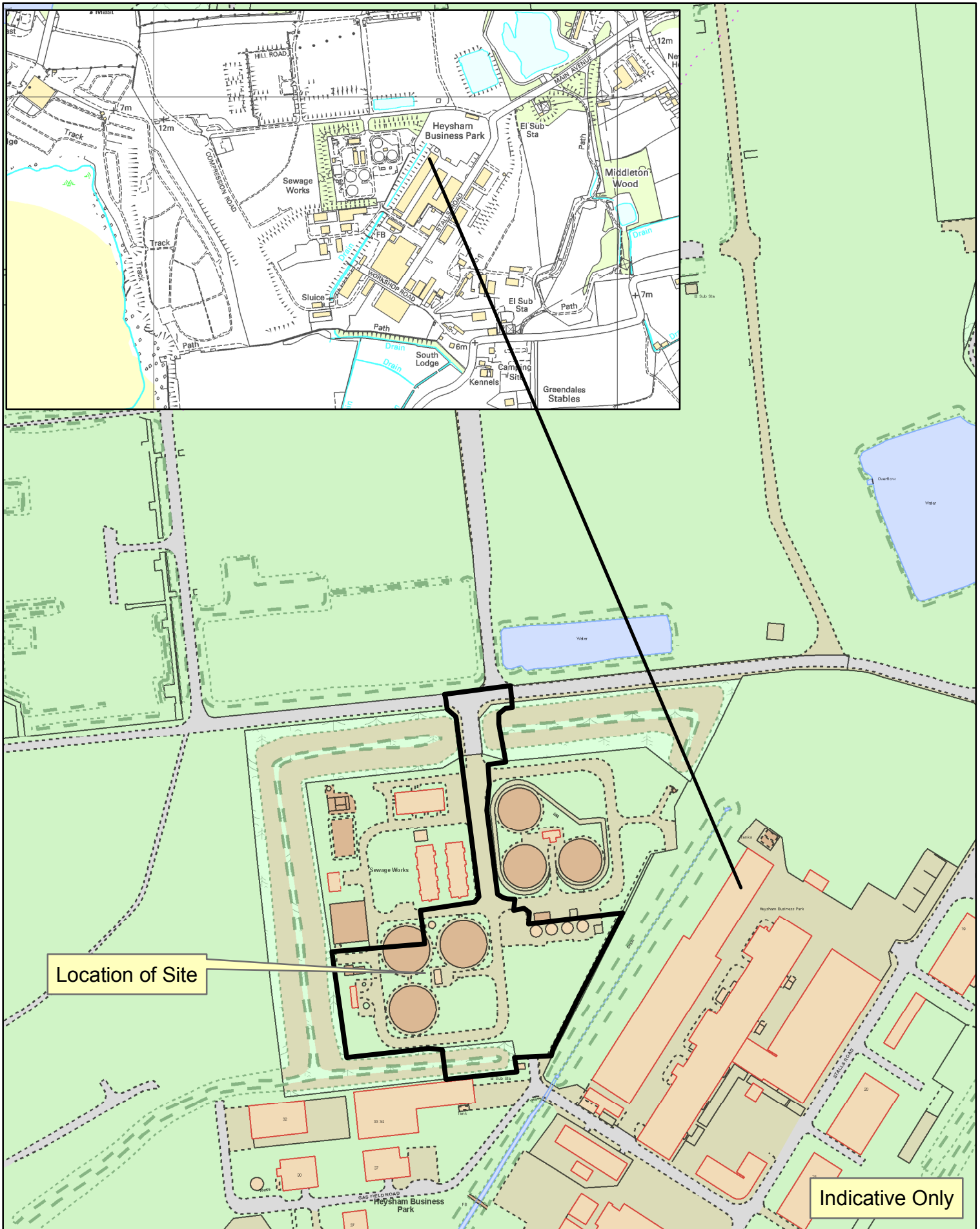
Paper	Date	Contact/Ext
-------	------	-------------

LCC/2014/0136

17th September 2014

Rob Jones
Planning and Environment
534128

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



APPLICATION LCC/2014/0136 ERECTION OF A WIND TURBINE (79 METRES TO TIP), CONTROL KIOSK AND SUBSTATION, IMPROVEMENTS TO THE EXISTING ACCESS ROAD AND RE-ALIGNMENT OF THE EXISTING FENCE. MORECAMBE WASTE WATER TREATMENT WORKS, COMPRESSION ROAD, HEYSHAM

Agenda Item 5

Development Control Committee

Meeting to be held on 9th December 2015

Electoral Division affected: Thornton Cleveleys North
--

Wyre Borough: Application Number LCC/2015/0071

Single storey extension to create enclosed antechamber for vehicles accessing the waste transfer building, the erection of 3 metre high acoustic fencing and raising the existing 2.5 metre high acoustic fencing to 3 metres high. Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

Contact for further information:

Rob Jones, 01772 534128

DevCon@lancashire.gov.uk

Executive Summary

Application – Single storey extension to create enclosed antechamber for vehicles accessing the waste transfer building, the erection of 3 metre high acoustic fencing and raising the existing 2.5 metre high acoustic fencing to 3 metres high. Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme and building materials.

Applicant's Proposal

Planning permission is sought for the erection of a single storey extension to the side of the existing waste transfer building to create an enclosed antechamber for vehicles accessing the waste transfer building. The application also proposes the erection of additional 3 metre high acoustic fencing and raising the existing 2.5 metre high acoustic fencing to 3 metres high.

The extension would measure 18.8m long x 9.3m wide with a mono-pitched roof measuring 7.8m high and sloping up to 8.8m high where it would adjoin the existing building. The elevations would be constructed from galvanised steel vertical cladding coloured grey with a standing seam roof coloured grey to match the existing waste transfer building. It would have a single vehicle entrance/exit door to measure 6.0m high x 5.0m wide with a roller shutter door to be coloured blue, and a single pedestrian emergency exit door.

The existing 138m long x 2.5 metre high wooden acoustic boundary fencing on the northern boundary would be raised in height to 3 metres, and a new 60m long x 3.0 metre high wooden acoustic fencing would be erected on another part of the north western boundary.

Description and Location of Site

The site is an existing waste transfer / processing site and is located on the north side of Burn Hall Industrial Estate 1.3km to the south-east of Fleetwood. The site covers 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. An air filtration system is on the east elevation of the waste transfer building and by the site boundary. 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 with an industrial estate to the south. 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.

The proposed extension would be located on the north side of the waste transfer building. The existing 2.5m high fencing to be raised in height is located along the entire northern boundary. The proposed 3m high fencing would be located along part of the western boundary between the northern boundary and the site entrance.

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.

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, was approved at the Development Control Committee on 20 May 2015 subject to the applicant first entering into a legal agreement relating to vehicle routing.

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, was approved at the Development Control Committee on 20 May 2015 subject to the applicant first entering into a legal agreement relating to vehicle routing.

Retrospective planning application (ref. LCC/2014/0146) 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 stand was granted on 20 May 2015.

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 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 – No observations received.

Fleetwood Town Council - No observations received.

Environment Agency – No objection and comment that there is no evidence to suggest that installing an antechamber will improve the abatement of odour or that the increase in fence height and continuation along the northern boundary will reduce noise. The existing and proposed fence are adjacent to an existing ordinary watercourse and may require Land Drainage Consent from Lancashire County Council as the Lead Local Flood Authority.

LCC Developer Support (Highways) – No observations received.

LCC Specialist Advisor (Ecology) – No objection and comment that it should be ensured that the proposed extension and fencing do not affect the two pole mounted barn owl nest boxes along the northern boundary and the barn owl nest box inside the waste transfer building that were approved under the previous requirements of Condition 30 of permission 02/11/0877. A condition should require that the vegetation adjacent to the new fencing be checked immediately prior to the fencing being erected to prevent disturbance to nesting birds.

Representations – The application has been advertised by press and site notice and neighbouring properties have been notified by letter. One objection has been received on behalf of the operators of the Cala Gran Caravan Park on the grounds that insufficient technical information has been provided to demonstrate how the proposed works will improve issues of noise and odour. In addition, no noise and odour impact assessments have been provided.

Advice

Planning permission is sought for the erection of a single storey extension to the side of the existing waste transfer building to create an enclosed antechamber for vehicles accessing the waste transfer building. Permission is also sought for the erection of 3 metre high acoustic fencing and raising the existing 2.5 metre high acoustic fencing to 3 metres high.

The applicant has advised that the antechamber will form an air lock for vehicles entering and leaving the building. The extension would mean that the doors controlling access to the interior of the building will not be open at the same time thereby retaining pressure and odour within the existing building. The applicant also advises that the enclosure of the existing door within a further building will help to contain noise from the waste processing plant.

The increase in height of the existing fence and the provision of additional acoustic fencing is also intended to help contain any noise within the boundaries of the 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 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 reprocessing of waste plastics, paper and textiles into a material that can be used as a kiln fuel for cement manufacture.

The site benefits from planning permissions for the management of waste. The proposed building and fencing would be ancillary to that use and is therefore acceptable in principle. The extension would not be large and is of a size necessary for its intended purpose to accommodate articulated vehicles. The design of the extension and the materials and colour would match the waste transfer building that it would adjoin and is acceptable. The colour and type of wooden acoustic fencing would match that already existing along the northern boundary of the site. The increase in height to 3 metres would only require a modest increase above the existing height and its impact from outside the site would be mitigated by the tree screening along Burglers Alley. The visual impacts of the building and fencing are therefore acceptable.

The Environment Agency have commented that there is no evidence to suggest that installing an antechamber will improve the abatement of odour or that the increase in fence height and continuation along the northern boundary will reduce noise. An objection has also been received from the adjacent caravan park that no noise and odour assessments have been provided to demonstrate the benefits of the development.

In response, while no assessments have been made as to the expected benefit of the new building and fencing, the development will not result in any additional noise or odours above that currently produced at the site. Given that the development is

otherwise acceptable, the applicant does not need to demonstrate that there would be benefits in terms of noise or odour. In general terms, it is considered that the proposal would have the effect of reducing odours and noise particularly for the adjacent caravan park and for the residents of Springfield Terrace.

In relation to the comments from the LCC Specialist Advisor (Ecology), the two pole mounted barn owl nest boxes along the northern boundary and the barn owl nest box inside the waste transfer building are present and would not be affected by the proposed extension and fencing. The new fencing would not affect any trees and the raising of the existing fencing would not have a significant effect on the existing vegetation. The condition requested in relation to birds is therefore considered to be unnecessary.

It is therefore considered that the development complies with Policy DM2 of the LMWLP, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the AAP.

The site lies within Flood Risk Zone 2. 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

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 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 15th July 2015.

b) Submitted Plans and documents received by the County Planning Authority on 15th July 2015:

Drawing No. 101 Rev. A - Ground Floor Plan & sections
Drawing No. 102 - Existing Building Elevations and Existing and Proposed Fence Elevations and Plans

Drawing No. 201 Rev. A - Proposed Plan, Section, Elevations and Site Plan

Submitted Plans and documents received by the County Planning Authority on 5th October 2015:

Supporting Information for extension
Acoustic Fencing and Barriers product information

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

3. The building materials to be used for the external elevations and roof of the extension shall match those used on the existing waste transfer building.

The additional sections of wooden acoustic boundary fencing shall match the appearance of the existing boundary fencing.

Reason: In the interests of the visual amenities of the area and to conform with Policies 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.

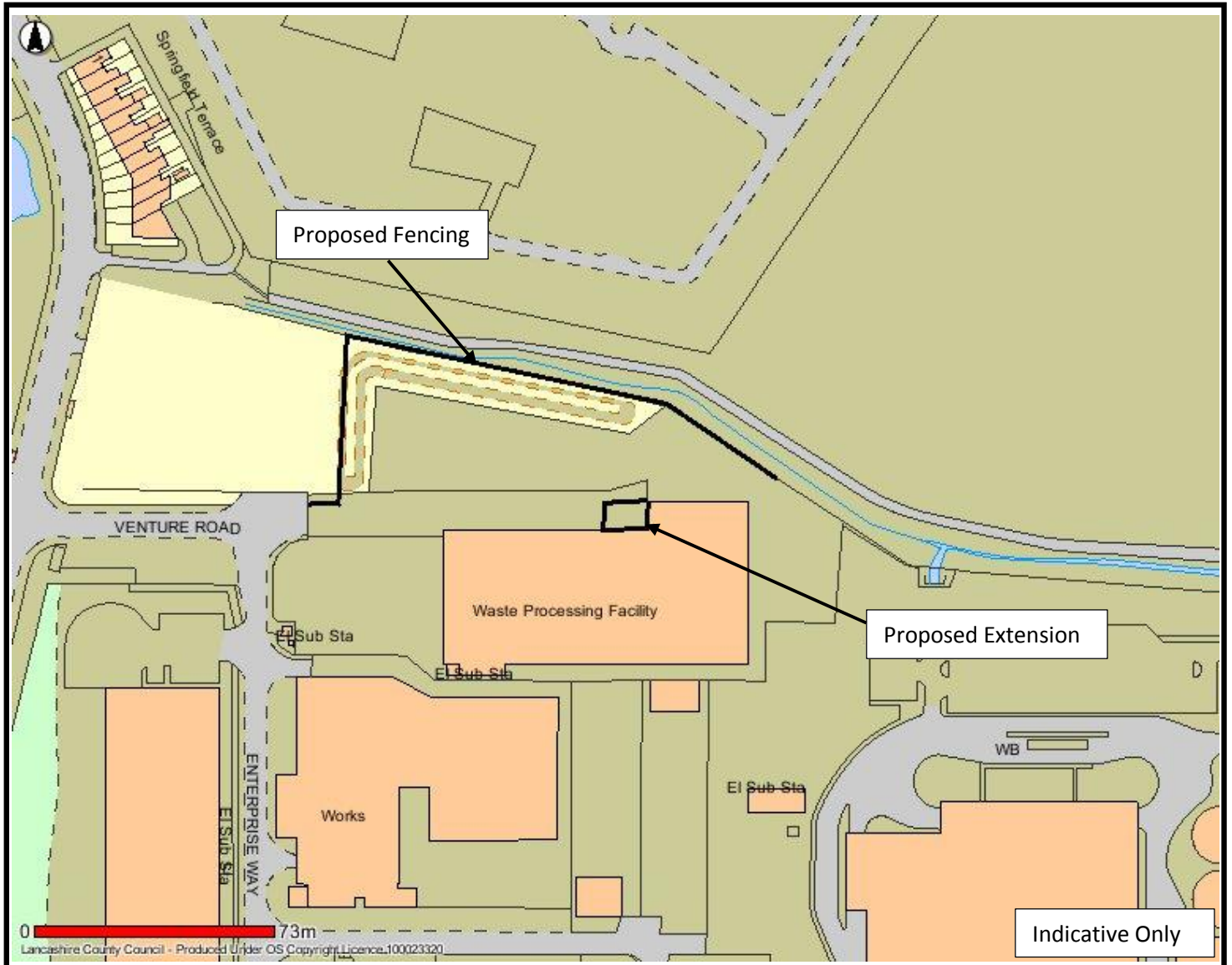
Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Ext
LCC/2015/0071	15 July 2015	Rob Jones/Planning and Environment/34128

Reason for Inclusion in Part II, if appropriate

N/A

APPLICATION LCC/2015/0071 SINGLE STOREY EXTENSION, ERECTION OF 3M HIGH ACOUSTIC FENCING AND RAISING EXISTING 2.5M HIGH ACOUSTIC FENCING TO 3M. LANCASHIRE WASTE RECYCLING, BURN HALL INDUSTRIAL ESTATE, VENTURE ROAD, FLEETWOOD



This Map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to Prosecution or civil proceedings. Lancashire County Council Licence No. 100023320

Agenda Item 6

Development Control Committee

Meeting to be held on 9 December 2015

Electoral Division affected: Leyland South West
--

South Ribble: application number LCC/2015/0099

Proposed roof alteration to house additional tanks at 117-118 Clydesdale Place, Moss Side Industrial Estate, Leyland

(Appendix A refers)

Contact for further information:

Robert Hope, 01772 534159

DevCon@lancashire.gov.uk

Executive Summary

Application - Proposed roof alteration to house additional tanks at 117-118 Clydesdale Place, Moss Side Industrial Estate, Leyland.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling working programme and building materials.

Background

A report on this application was presented to the Development Control Committee on 25 November 2015 (see Appendix A). At that meeting it was resolved that consideration of the application be deferred to allow the Committee to visit the site.

A site visit has been arranged.

The applicant provided further clarification and comment in respect of the proposal and in response to the objections received and these were summarised on the update sheet to Committee on 25 November 2015. They are repeated here as follows:

The applicant has stated that the proposed development would not lead to an increase in overall traffic movements; in fact they would fall due to greater internal handling. Additionally, the proposed new internal tanks would allow for faster off-loading, and the acquisition of 116 Clydesdale Place will allow for the creation of a vehicle turning circle. Timed deliveries will also be implemented and a banksman is used for vehicle deliveries.

The applicant has also commented that the site is regulated by an Environmental Permit and is frequently audited including recently on 17 November 2015, where no concerns were identified. The site is fully bunded and contained.

Recommendation

That planning permission be **granted** in accordance with the recommendation set out in the report to Committee on 25 November 2015.

Development Control Committee

Meeting to be held on 25th November 2015

Electoral Division affected: Leyland South West
--

South Ribble Borough: application number LCC/2015/0099

Proposed roof alteration to house additional tanks at 117-118 Clydesdale Place, Moss Side Industrial Estate, Leyland.

Contact for further information:

Robert Hope, 01772 534159, Development Management Group

DevCon@lancashire.gov.uk

Executive Summary

Application – Proposed roof alteration to house additional tanks at 117-118 Clydesdale Place, Moss Side Industrial Estate, Leyland.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling working programme and building materials.

Applicant's Proposal

Planning permission is sought for an extension to an existing building to allow for the accommodation of additional internal tanks. The change would result in an increase in the height of a 20m x 6m section of a large industrial building by up to 6m and a corresponding alteration of the existing roofline. The extended roof area would be constructed from insulated profile metal sheeting to match the existing building.

Description and Location of Site

The proposed development would be at an existing waste transfer station located at 117 - 118 Clydesdale Place on Moss Side Industrial Estate approximately 2km west of Leyland town centre. The site includes industrial buildings largely clad in brown/grey profile metal sheeting and a service yard and external tanks. An electricity pylon is located towards the south of the service yard and high voltage overhead wires cross the south west of the site. The site is adjacent to a range of business units. The nearest residential properties are approximately 100 metres south of the site.

Background

History

Planning permission was granted in 1991 for the storage, processing and transfer of contaminated waste solvents at part of the site (Unit 117A) (ref. 07/91/343).

Retrospective planning permission was granted in March 2007 for the use of the site (Units 117 and 118) for the recovery of waste solvents (ref. 07/07/0071).

Planning permission was granted in 2008 for the siting of 4 steel storage tanks (ref. 07/08/0772)

Planning Policy

National Planning Policy Framework

Paragraphs 11 – 16, 17 and 56 of the NPPF are relevant with regard to the definition of sustainable development, core planning principles and requiring good design.

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 – Development Management

Central Lancashire Core Strategy

Policy 17 – Design of New Buildings

South Ribble Local Plan 2015

Policy G17 - Design Criteria for New Development

Consultations

South Ribble Borough Council – No objection.

LCC Developer Support (Highways) – No objection. The development would be likely to have a negligible impact on highway safety and capacity in the immediate vicinity of the site.

Environment Agency – No objection. The permit holder will need to apply to the Environment Agency to vary the permit for the operation of the proposed development.

Representations – The application has been advertised by press and site notice, and neighbours informed by individual letter. Two representations have been received raising concerns in relation to the potential adverse impact of a likely increase in heavy goods vehicles on the estate roads as a consequence of the creation of additional storage capacity within the building. Concern is also raised in relation to existing unpleasant odour from the site and the risk of contamination through spillages.

Advice

The principle of waste management operations at the site has already been established through the granting of planning permissions at this site in 1991 and 2007 and the facility has an Environmental Permit issued by the Environment Agency. This application is for a modest extension to the roof line of the existing building to provide more space to house internal storage tanks. The tanks would be positioned within containment bunds to minimise the risk of spillage.

Policy 17 of the Central Lancashire Core Strategy is entitled 'Design of New Buildings' and requires new buildings to take account of the character and appearance of the local area.

Policy G17 of the South Ribble Local Plan 2015 requires, *inter alia*, development to be well related to neighbouring buildings and the locality in terms of its size, scale and intensity, and that development should not prejudice highway safety, pedestrian safety, or the free flow of traffic.

In terms of the design, it is considered that the proposed extension would have limited effect on the surrounding area given the size and scale of the existing site and the nature, scale and variety of other existing buildings. The proposed building materials would match the existing building and this could be controlled by condition.

The main issue, as raised by neighbouring businesses, is the potential impact of the increased storage capacity on increased traffic generation outside the premises and on Clydesdale Place, and concerns regarding pollution control.

Clydesdale Place is an adopted public highway and serves a range of business units and there is competition for parking within the wider site. The applicant's business is already present and although the extension would provide greater capacity it is considered that any increase in vehicle movements would not be of a scale to warrant refusal of planning permission. The County Council's Developer Support (Highways) has raised no objection and has added that the development would be likely to have a negligible impact on highway safety and capacity in the immediate vicinity of the site.

With regard to pollution control, paragraph 122 of the NPPF makes it clear that local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. The waste management facility operates under an Environmental Permit and it should be assumed that the permitting regime operates effectively.

In view of the scale, location and nature of the proposed development, and the requirement for the developer to comply with other statutory controls, it is considered that no Convention Rights as set out in the Human Rights Act 1998 would be affected.

The proposed development is considered to comply with the policies of the NPPF and the development plan.

Recommendation

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

Time Limits

1. The development shall commence not later than 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 in accordance with the following documents:

- a) The Planning Application dated 25th September 2015.
- b) Submitted Plans and documents:

Drawing no. 2015-154-A01, rev B - Site Location
Drawing no. 2015-154-A03 - Proposed Elevations
Drawing no. 2015-154-A04 - Proposed Plan and Sections

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 and Policy G17 of the South Ribble Local Plan.

3. The building materials used for the external elevations and roof of the extension shall match those used on the existing building.

Reason: In the interests of the visual amenities of the area and to conform with policy G17 of the South Ribble Local Plan.

Local Government (Access to Information) Act 1985

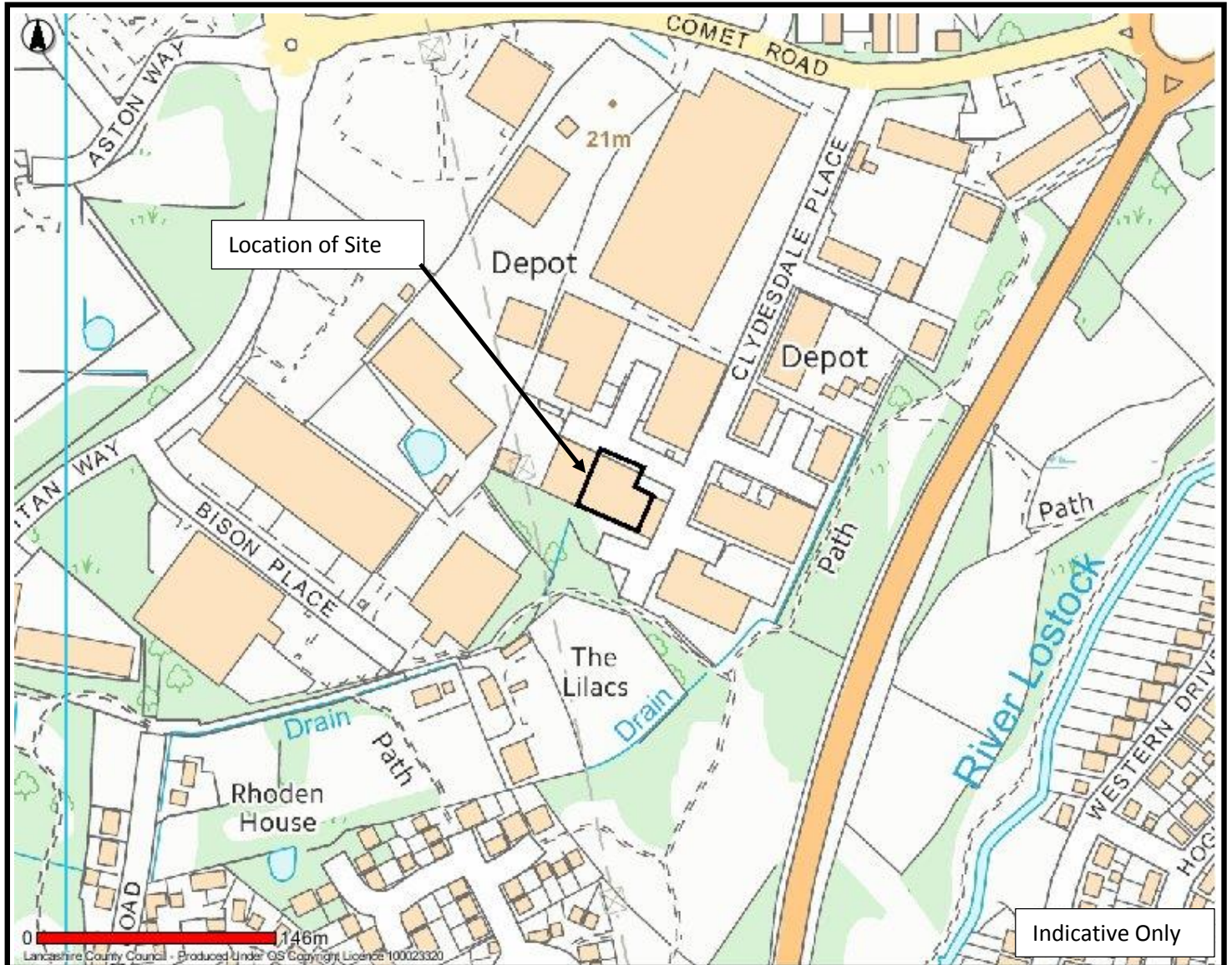
List of Background Papers

Paper	Date	Contact/Ext
LCC/2015/0099	Nov 2015	R Hope/34159

Reason for Inclusion in Part II, if appropriate

N/A

**APPLICATION LCC/2015/0099 PROPOSED ROOF ALTERATION TO HOUSE
ADDITIONAL TANKS. 117-118 CLYDESDALE PLACE, MOSS SIDE INDUSTRIAL
ESTATE, LEYLAND.**



This Map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to Prosecution or civil proceedings. Lancashire County Council Licence No. 100023320

Development Control Committee

Meeting to be held on 09 December 2015

Electoral Division Affected: All

Planning applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation

Contact for further information:

Susan Hurst 01772 534181

DevCon@lancashire.gov.uk

Executive Summary

Planning applications determined by the Head of 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 14 October 2015, the following planning applications have been granted planning permission by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.

Lancaster City

Application: No. LCC/2015/0098

Lancaster Road Primary School, Lancaster Road, Morecambe.

Erection of a 3m high ball stop fence.

Application: No. LCC/2015/0090

Trumacar Nursery and Community Primary School, Combermere Road, Higher Heysham, Morecambe.

Single storey extension to provide two classrooms, extension to hard playground area and provision of four additional car parking spaces.

Application: No. LCC/2015/0085

Morecambe Bay Primary School, Station Road, Morecambe.

Installation of a 6m high external lighting column.

West Lancashire Borough

Application: No. LCC/2015/0076
Steel Point Staveley Road, Skelmersdale.
Change of use of land from steel stockholders and associated storage to steel stockholders and associated storage including metal recycling.

Burnley Borough

Application: No. LCC/2015/0104
Rosewood Community Primary School, Rosewood Avenue, Burnley.
Construction of lean to conservatory extension.

Application: No. LCC/2015/0087
Rowley Landfill Site, Queens Park Road, Burnley.
Variation of condition 1 of planning permission 12/00/0277 to allow electricity generation plant to be retained until 31 October 2020.

Pendle Borough

Application: No. LCC/2015/0084
Primet Foundry, Greenfield Road, Colne.
Change of use of part of the site from foundry to end of life vehicle storage, dismantling, depollution and authorised treatment facility (sr2011 no3) also vehicle maintenance, repairs, office and amenity facilities.

Rossendale Borough

Application: No. LCC/2015/0089
Haslingden Primary School, Ryefield Avenue, Haslingden, Rossendale
Erection of 2.4m high steel railings to boundary of East Bank Avenue and part of boundary to no. 48 East Bank Avenue including double gates within the school complex.

Application: No. LCC/2015/0086
Crawshawbooth County Primary School, Burnley Road, Rawtenstall, Rossendale
Installation of a 2.4m high security fence.

Recommendation

That the report be noted.

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

Paper	Contact/ /Ext
LCC/2015/0098	Susan Hurst, Ext: 34181
LCC/2015/0090	LCC/2014/0104
LCC/2015/0085	LCC/2015/0087
LCC/2015/0076	LCC/2015/0084
LCC/2015/0089	LCC/2015/0086

Agenda Item 8

Development Control Committee

Meeting to be held on 9th December 2015

Electoral Division affected: West Lancashire South

**West Lancashire Borough: application number. LCC/2015/0061
Erection of two wind turbines and ancillary works. Hillhouse Waste Water Treatment Works, Wood Lane, Great Altcar.**

Contact for further information:
Jonathan Haine, 01772 534130
DevCon@lancashire.gov.uk

Executive Summary

Application - Erection of two wind turbines and ancillary works. Hillhouse Waste Water Treatment Works, Wood Lane, Great Altcar. The application is accompanied by an Environmental Statement and non-technical summary.

Recommendation – Summary

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, planning permission be **granted** subject to conditions controlling time limits, working programme, duration of development, decommissioning, construction activities, highway matters, noise, and ecology.

Applicant's Proposal

The application is for the construction of two wind turbines. Each turbine would have a hub height of up to 46 metres with three blades to an overall height of up to 61 metres. The turbines would be coloured white or light grey. Each turbine would be sited on a concrete pad measuring 10 metres by 10 metres. A temporary crane pad measuring 50 metres by 20 metres would also be constructed at the base of each turbine for construction purposes.

The proposal also includes provision for two transformer buildings which would measure 1.7 metres by 1.8 metres by 1.6 metres high and would be enclosed within palisade fencing measuring 3 metres high. Access to the turbine sites would be gained mainly using existing roads within the adjacent waste water treatment works but a short length of additional road required to access the northern turbine.

The lifespan of the turbines would be approximately 25 years following which they would be decommissioned and removed from the site.

The application is accompanied by an Environmental Statement which examines the impacts of the development in terms of landscape, ecology and noise. Issues such as cultural heritage, geology and water, shadow flicker, transport, aviation and radio communications are outside the scope of the ES but have been addressed within the planning application documents.

Description and Location of Site

The proposed turbines would be located on an area of rough grazing land immediately to the west of the existing Hillhouse Waste Water Treatment Works which is located off the B5195 (Wood Lane) in Great Altcar 6km south west of Ormskirk. The land surrounding the application site is generally formed by flat arable farmland with large open fields with very few boundary features such as hedgerows.

There are no large settlements in the area, the nearest villages being at Haskayne and Great Altcar, 2km and 2.6 km from the site respectively. However, there are a number of isolated farms and individual dwellings located off Wood Lane to the north of the application site some of which have views over the application site.

The existing waste water treatment works is surrounded by a belt of trees which effectively screens the treatment works from views. An overhead power line running in a north- south direction crosses the existing waste water treatment works. The Cheshire Lines cycle path, following a former railway line, is immediately east of the existing treatment works.

The farm land to the west and south of the site is a Biological Heritage Site designated for its value for over wintering wildfowl associated with the European protected wildlife sites located off the Sefton Coast. The application site and surrounding land is also designated as Green Belt.

Background

History – There have been a number of planning applications on the adjacent waste water treatment works for new treatment infrastructure. There is no other relevant planning history.

Planning Policy

National Planning Policy Framework: Paragraphs 6 – 14, 17, 79 – 91, 93 – 98, 118 – 123, 126 - 134 of the NPPF are relevant with regards to the definition and presumption in favour of sustainable development, core planning principles, green belts, meeting the challenge of climate change and impacts on ecology, local amenity and heritage.

National Planning Practice Guidance – Guidance relating to renewable energy and Ministerial Statement of June 2015 regarding wind turbines.

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 Development Management

West Lancashire Borough Local Plan

Policy GN1 Settlement Boundaries
Policy GN3 Criteria for sustainable development
Policy EN1 Low Carbon Development and Energy Infrastructure
Policy EN2 Preserving and Enhancing West Lancashire's Natural Environment
Policy EN4 Preserving and Enhancing West Lancashire's Cultural and Heritage Assets.

Consultations

West Lancashire Borough Council: Object to the application due to its conflict with the Ministerial Statement issued in June 2015 relating to wind energy development. The Borough Council also object to the potential impacts on bats, barn owls and the adjacent Biological Heritage Site and the conflict with policy EN2 of the Local Plan.

Great Altcar Parish Council: No observations received.

LCC Developer Support (Highways): No highway objection. The developer has demonstrated that the volume of traffic generated during the construction period would not have a material impact on the highway network and the turbines are located far enough from the highway to avoid any icing impacts. A condition should be imposed requiring a construction management plan including management of abnormal loads.

County Ecology Service: In relation to impacts on European protected sites (SPA's), the applicant has carried out ornithological surveys which demonstrates that the application site is sub optimal for over wintering geese and therefore there would be no loss of habitat and that collision impacts would be minor.

Environment Agency: No objection provided that the development is carried out in accordance with the submitted flood risk assessment.

Natural England: No objection – The development is unlikely to have any impacts on the bird species associated with the Ribble and Alt Estuary and Martin Mere SPA areas provided that the construction works are undertaken when over wintering birds are unlikely to be present on the adjacent fields. Natural England also note that the proposal is not located with or would affect the setting of any nationally designated landscape.

National Air Traffic Services Ltd: Object to the application due to the likely impacts on the St Annes Radar Station. NATS consider that the local terrain is such that the proposed turbines would result in interference in the radar signals at this station. In a subsequent letter NATS have confirmed that they have entered into a satisfactory agreement with the applicant regarding mitigation measures for the impact on their navigation systems.

Lead Local Flood Authority: No objection subject to conditions to ensure that there is no pollution of water courses during construction operations.

Ministry of Defence Lands (Safeguardings) – No objection.

OFCOM: No objection

Joint Radio Company: JRC provide radio planning and analysis services on behalf of utility and energy industries. JRC do not consider that the proposed turbines would result in any interference to the radio systems operated by such industries.

County Archaeology Service; No objection subject to a condition relating to the submission of a scheme of archaeological investigation.

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

- The visual impact of the turbines will blight the local landscape which is very flat and open.
- There will be cumulative impacts with another windfarm proposal nearby
- The turbines will impact upon the openness of the Green Belt.
- The turbines do not produce any power during cold frosty weather when conventional power stations are needed.
- Fracking for gas would be a better solution.
- The turbines would impact on local wildlife in particular pink footed geese populations that use the local arable land during the winter for feeding.
- The turbines would industrialise the local landscape which is of historic importance.
- The visual impact analysis is deficient as it does not investigate the impacts on views from Clieves Hill, from Lydiate Hall which is a listed building and from local footpaths.
- The piling that would be required would intercept the local aquifer and could pollute local water courses impacting on crop irrigation.
- The turbines would interfere with the radios and GPS used to manage agricultural activities.

A representation has also been received on behalf of Corolis Energy who are promoting another wind turbine development further to the south of the Hillhouse WWTW. The representation is concerned with the noise impacts of turbines and requests that a study is undertaken so that partial noise limits are set for each wind farm to ensure that the cumulative impact of all turbines at the nearest receptors is acceptable.

Other consultation

Under the requirements of the Development Management Procedure Order 2015, (DMPO) developers of larger wind turbine sites are required to undertake their own pre application consultation with the local community and submit with any planning application a statement setting out the consultation that was undertaken, the responses that were received and how such responses were taken into account.

To address this requirement, the applicant has submitted a Statement of Community Consultation setting out how the requirements of the DMPO has been addressed. The applicant carried out a letter drop to 98 addresses in the locality together with local councillors to which 19 responses were received. The questions and responses were as follows:-

- Do you support renewable energy to combat climate change?: Yes 68%, No 21%, Not Sure 11%
- Do you support wind power as a source of renewable energy?; Yes 16%, No 68%, Not sure 16%
- Do you support the Hillhouse wind turbine proposal?; Yes 21%, No 68%, Not sure 11%
- How far do you live from the site? Less than 0.5 miles – 21%, 0.5 – 1 mile – 47%, 1 – 2 miles – 32%.

The consultation also enabled respondents to provide comments. The issues raised were noise concerns, comments that the turbines are too near properties and will have landscape and visual impacts, concerns over impacts on birdlife and ecology generally, that the development would re-use brownfield land and that solar photovoltaic cells would be a more appropriate form of renewable energy for the site.

Advice

The application is for the construction of two wind turbines which would provide electricity to supplement the power requirements of the adjacent waste water treatment works. The WWTW is a major consumer of electricity to power pumps and other treatment infrastructure.

United Utilities (UU) have established a Carbon Mitigation Action Plan aimed at reducing carbon emissions from its business activities and increasing renewable energy generation. The Plan aims to reduce gross emissions by 21% by 2015 and to halve emissions by 2035 (on 2006 baseline). UU has looked to achieve these targets by reducing energy consumption used to treat water and waste water and to generate energy from renewable sources including combined heat and power from sewage sludge, wind energy and solar power.

In terms of national policy, the Government published a White Paper in 2007 on energy (Energy – Meeting the Challenge) which set out the Government's domestic and international strategy for responding to the two main challenges of meeting targets for cutting greenhouse gases to meet climate change objectives and to ensure the availability of secure, clean and affordable energy. The White Paper sought to respond to these challenges in a way that was consistent with energy policy goals including cutting CO₂ emissions, maintaining reliability of energy supplies, promoting competitive markets and ensuring that every home is adequately and affordably heated,

The Climate Change Act Of 2008 also makes it a duty of the Secretary of State to ensure that levels of the main greenhouse gases in 2050 emitted by UK households,

industry, transport and the energy generation sector are at least 80% lower than 1990 levels.

In 2009, the Government published 'The UK Low Carbon Transition Plan' which is a national strategy for climate and energy including how energy generation will be gradually transformed to a system based on renewables in order to meet climate change objectives including those obligations in the Climate Change Act.

The proposed turbines are predicted to produce approximately 1GWh of electricity per annum for use by the adjacent WWTW with any excess power being exported to the National Grid. The annual electricity consumption of the WWTW is around 3.1 MWh. The turbines would therefore provide around one third of the power demands of the treatment works and would make a significant contribution towards the energy demands of the works and displace energy generated by conventional fossil fuels.

The proposal would therefore satisfy Government policy relating to energy generation and climate change and would also contribute towards meeting the targets in the applicant's own Carbon Mitigation Plan.

In terms of National Planning Policy, the NPPF contains policy for renewable energy projects. The policy states that applicants for such development should not be required to demonstrate the overall need for such projects and to recognise that even small scale projects can make a valuable contribution. The NPPF states that applications for such development should be approved if impacts are or can be made acceptable unless material considerations indicate otherwise.

National Planning Practice Guidance also contains advice on how wind turbine developments should be considered. In particular the guidance draws attention to a ministerial statement issued by the Secretary of State for Communities and Local Government on 18th June 2015 relating to the weight to be given to the views of local communities when considering such developments. The statement is to give effect to the commitment made in the Conservative election manifesto that local people should have the final say on wind energy development.

The statement makes clear that when determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- the site is in an area identified as suitable for wind energy development in a local plan; and
- following consultation, it can be demonstrated that the planning impacts identified by local communities have been fully addressed and therefore the proposal has their backing.

For planning applications that had already been submitted at the time of the statement, the following transitional arrangement applies;

- Where the development plan does not identify sites, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it

has addressed the planning impacts identified by affected local communities and therefore has their backing.

This planning application was submitted on the 17th June 2015 and therefore the above transitional arrangement applies. The West Lancashire Local Plan does not identify any sites or areas for wind energy development and therefore, in applying the ministerial statement, the views of local residents are the sole determining factor.

The Planning Practice Guidance also sets out the general considerations that should be applied to wind energy developments and how these should be dealt with through the planning system.

The main issues that require consideration relate to the impacts on Green Belt, ecology, noise and landscape. The report also covers the impacts on aviation, transport, water resources, shadow flicker and historic environment.

Green Belt:

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. The size and scale of the proposed turbines would impact upon the openness of the Green Belt and would be inappropriate development.

The NPPF notes that elements of many renewable energy projects will comprise inappropriate development. In such cases very special circumstances need to be demonstrated to justify the location of the turbines in the Green Belt. The NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Paragraph 91 of the NPPF states that the wider environmental benefits associated with increased energy production from renewable sources may constitute very special circumstances.

The Green Belt in this area has a very wide extent and covers the existing waste water treatment works and all of the surrounding countryside except for some areas around existing settlements. The turbines are intended to supplement the power requirements of the adjacent waste water treatment works and therefore need to be located close to the works in order to fulfil that function. There is no other site located close to the works that is not within the Green Belt. The electricity produced by the turbines would have wider environmental benefits in that it would be produced from renewable sources therefore reducing the draw on energy produced from conventional fossil fuel sources. Any development on the waste water treatment works site to allow generation of electricity from renewable sources would be likely to be inappropriate development. The absence of any other site that could be used for the turbines and the wider environmental benefits of the proposal are therefore considered to amount to very special circumstances that would justify inappropriate development in the Green Belt.

Landscape and Visual

The Environmental Statement accompanying the application includes a visual and landscape assessment. This includes a series of photomontages from a number of local viewpoints in order to allow assessment of the visual impacts of the development.

Policy GN5 of the West Lancashire Borough Local Plan requires that proposals for development should have regard to the historic character of the local landscape. The policy also requires that development should have regard to visual amenity and complement or enhance local distinctiveness within its surroundings through sensitive design including appropriate siting, scale, landscaping and boundary treatment.

The proposed development is located in an area of flat open countryside comprised of large scale arable fields with very few features such as hedgerows or woodlands. The main landscape features in the area are the tree screening belts which surround the existing WWTW directly to the east of the application site together with a national grid overhead line which passes over the eastern side of the WWTW and which runs parallel to the Cheshire Lines cycle path. The land rises slightly to the east towards Ormskirk from where views across the coastal plain including the application site are gained.

Currently, there are no other wind turbine developments in the immediate area. The existing Burbo Banks off shore wind farm is visible in the distance when viewed from the higher land towards Ormskirk but is around 15km from the Hillhouse site. There is also a proposal for a multi – turbine scheme on land between Altcar and Formby (the Lower Alt Wind Farm) but that proposal has only recently been submitted to the Borough Council.

The application site is not located within or close to any area of designated landscape importance. However, as with all landscapes, the area does possess some particular characteristics which are identified in the County Council's Landscape Strategy. The application site is located in the Martin Mere and South West Mosses character area, the chief characteristics of which are identified as the low lying flat landscape with a distinctive pattern of fields and drainage ditches. The Landscape Strategy identifies that new development, particularly that containing vertical elements will often be dominant in the flat, open landscape and that such development should be limited.

The County Council has also published a document entitled 'Landscape Sensitivity to Wind Energy Development' (2005) which indicates that the application site is located within an area of low sensitivity to wind energy development due to the open landscape with almost relentlessly flat topography where the impacts will be less severe than in upland areas which are subject to landscape designations.

The turbines would undoubtedly be seen as modern, large scale structures in the landscape particularly in terms of close views. The views from the east including those from the higher land around Clieves Hill and Lydiate would be partially mitigated by the high tree screening surrounding the existing waste water treatment works. It is considered that the turbines are sufficiently separated from any listed

buildings in Lydiate such that there would be no detrimental impact on the setting of any heritage assets. From other directions the turbines would be clearly visible as there is little variation in topography and limited vegetation or buildings in this area that restrict views across the landscape. The vertical nature of the turbines would therefore emphasise their visual impacts in an otherwise flat and open landscape. However, given the nature of the landscape and that the proposal is only for two turbines, the visual impacts would be confined to a small part of an otherwise expansive view. There is also an existing overhead national grid power line running north - south 300 metres to the east of the application site. Whilst the turbines would be larger than the existing pylons, the pylons are vertical structures within the local landscape and therefore the development would be seen in conjunction with the existing structures rather than being within a completely undeveloped landscape.

There are relatively few dwellings in the area that would have direct uninterrupted views of the turbines. However, there are around 10 properties located off Wood Lane which would be around 500 metres from the closest turbine. Whilst it is an established planning principle that no one has a right to a view, new development should not be located so that it would have such adverse impacts that would render an existing property an unpleasant place to live. Many of these properties have views across an agricultural field towards the turbine locations. The tree screening around the existing WWTW would have no benefit in screening the turbines from the majority of these properties but the hedgerows alongside Wood Lane would provide some screening to views particularly from the ground floor windows. The positioning of the turbines would mean that from these houses they would be on a similar alignment and therefore would occupy a smaller part of the view than might otherwise be the case. Taken in conjunction with the distance to the houses, it is considered that the visual impact on these properties, whilst significant, would be acceptable.

The visual impact of wind turbines is invariably a subjective assessment based upon individual perception. However it is considered that the wider landscape impacts of these turbines would be acceptable given the existing tree screening around the treatment works, the presence of the existing pylons and the generally wide and open landscape. However, the visual impacts on certain local properties would be more significant and is an impact that needs to be weighed against the benefits of this development.

Ecology

The site is comprised of an area of rough unmanaged land adjacent to the existing treatment works. The agricultural fields immediately to the south and west of the site form part of a large area that is designated as a Biological Heritage Site for its value as habitat for overwintering geese and other wildfowl which support the Ribble and Alt Estuary Special Protection Area. The SPA is designated for its value in supporting important populations of pink footed geese and other wading birds and it is therefore important that the birds themselves or the grazing and foraging habitats used by them during the winter months are not impacted upon by development.

The applicant's Environmental Statement includes a chapter investigating the likely impacts on wildlife including on breeding birds and also wintering wildfowl in terms of

collision risk to over flying birds and displacement from adjacent foraging habitat within the BHS due to the presence of the turbines. The applicant has also investigated impacts on bats and barn owls.

In terms of the impacts on overwintering birds, the County Council's Ecologist agrees with the findings of the ES that the application site and land immediately adjacent is sub optimal to support over wintering geese in large numbers and that there are existing features and land uses in this area which will already displace such birds from the area. The applicant has also monitored the flight paths of bird species associated with the SPA in order to predict collision impacts. The County Council's Ecologist agrees with the assessment that the turbines may result in some mortality of birds but that this would only be a small proportion of the local SPA population and only equates to a very minor increase in the background mortality of the species (particularly pink footed geese and lapwings). It is therefore concluded that the proposed development would not have a significant impact upon the bird species associated with the SPA.

The construction activities may have some impacts on bird species using the adjacent farm land, especially if undertaken during the winter period. The applicant has therefore prepared a construction management method statement which contains measures to reduce such risks. It is considered that a condition should be imposed requiring such measures to be implemented.

In terms of the impacts on barn owls, the applicant did not carry out dedicated surveys for this species but relied upon vantage point surveys that were undertaken for the purposes of recording birds in general – these may have resulted in under-recording of barn owls given the times of day when this species is active. However, barn owls will generally fly below the rotor height and will follow existing field boundaries which should mean that there is a reduced likelihood of this species being affected by collisions. There is an existing hanger type building within the existing treatment work and close to the turbine locations that may be a roost for barn owls although this has not been definitively demonstrated. To reduce the likelihood of any barn owls being affected, the applicant is proposing to block up the access to this building in advance of the turbines being brought into use and to erect a replacement nest / roost box in the north west corner of the treatment works where it would be further from the turbines and therefore reduce the risk of flights across the turbine locations. A condition can be imposed to address this issue.

In terms of bats, the initial monitoring information was inconsistent and did not allow proper evaluation of the impact on bats. The information has been re-evaluated and which does not demonstrate any particular patterns of bat activity that would justify controls to require the turbines to be shut down at dawn or dusk when bats are most active. The only controls that would appear to be necessary are in terms of preserving a stand-off of 50 metres between the woodland and the turbines. However, it is not always easy to predict post development impacts from earlier surveys and therefore it is considered necessary to impose a condition requiring additional surveys to be undertaken following the commissioning of the turbines to assess bat activity and to establish if any further mitigation is required.

Given that neither the County Council's Ecologist or Natural England have raised any objection to the application subject to the imposition of suitable conditions, the objections of the Borough Council in relation to ecology cannot be supported.

Shadow Flicker

Shadow flicker is an impact associated with wind turbines where the sun passes behind the rotating blades casting shadows resulting in a flicker effect at ground level. It can only occur with particular combinations on sun elevation and position, wind direction and cloud cover and it is therefore possible to calculate when such impacts would occur and which properties would be affected. The flickering effect can have the potential to cause epileptic seizures at certain frequencies.

The applicant has calculated the area within which such shadow flicker impacts could occur. No residential properties are located within this area. The only occupied building within the area of potential impact is an office located within the waste water treatment works site. As this building is under the control of the applicants, they would have the ability to install blinds on any affected windows should any impact be generated through the operation of the turbines. The impacts in terms of shadow flicker are therefore considered acceptable.

Noise

The operation of wind turbines can cause noise issues for properties in close proximity. Such impacts are assessed using guidance from the former Department for Trade and Industry – 'The Assessment and Rating of Noise from Wind Farms' (ETSU – R -97) together with the Institute of Acoustics document ' A good practice guide to the application of ETSU – R – 97'.

ETSU –R-97 recommends that wind farm noise for quiet daytime noise should be limited to 5db(A) above the background level or a fixed minimum level within the range of 35 – 40 db(A) whichever is the higher. For night time periods, the recommended limits is 5 db(A) above prevailing background level or a fixed minimum level of 43 Db(A) whichever is the higher. The background noise levels have been measured for day and night time periods at the nearest properties (Milbournes Cottages – 548 metres from the turbine and at 1 Wood Lane – 481 metres from the turbine). The predicted noise levels and measured background noise levels indicate that for the nearest sensitive receptors, the turbines will be audible at certain times and under certain wind conditions. However, the noise levels will meet the day time and night time noise criteria set out in ETSU – R -97.

The conclusions of the noise assessment have not been challenged by the Borough Council's Environmental Health Officer and the impacts of noise are therefore considered to be acceptable. Conditions should be imposed on any planning permission to control hours of construction and general construction noise and to control noise arising from the operation of the turbines.

A representation has been received on behalf of another wind farm operator who is proposing to construct a much larger wind farm on land to the south of the application site (the Lower Alt Wind Farm). The representation explains that current

guidance encourages cumulative noise impacts of different wind farm schemes to be assessed and that for concurrent applications, an apportionment process is undertaken to allocate noise limits for each scheme so that the total noise limits in ETSU – R – 97 would not be exceeded. However, when the application for the Hillhouse was submitted the Lower Alt scheme was still at pre application stage and there were no details of position or type of turbines. The noise assessment for this development demonstrates that the predicted noise levels would be some way below those levels considered appropriate in ETSU – R-97 and therefore there would still be scope for additional noise from another wind farm in this area without causing unacceptable cumulative noise impact.

Impacts upon Water Resources

The application site lies with Flood Zones 2 and 3 defined as areas having a medium and high probability of flooding. The applicant has submitted a flood risk assessment with the application. However, the turbines together with any foundations would have a small surface area and therefore the additional run off from the site above the green field rate would be minor. The development would therefore not increase the risk of flooding elsewhere. However, should planning permission be granted, a condition is recommended to require the development to be undertaken in accordance with the submitted Flood Risk Assessment. Conditions should also be imposed in terms of controlling run off from the site during construction operations to ensure that there would be no pollution impacts on the nearby watercourses.

One of the representations raises issues with regard to ground water impacts and the possibility of turbine foundations intercepting ground water resulting in uncontrolled inundation. The planning application includes a chapter on impacts on hydrogeology and notes that the turbine foundations may require piling into the underlying sandstone bedrock to a depth of up to 25 metres below ground level. The potential impacts on groundwater are noted including the possible need to construct the piles sub water table or to undertake localised dewatering depending upon the type of pile used. It is therefore considered that there are standard construction techniques that can be used to control any groundwater impacts including on confined aquifers. The Environment Agency have raised no objection to the application in relation to any impacts on ground water resources.

Impact on radar and navigation systems

Wind turbines can impact upon radar and other aviation navigation systems by creating false plots on radar screens and also reducing radar's ability to detect aircraft. The National Air Traffic Control (NATS) raised objection to the application on the basis that the development would have an adverse impact on their radar near St Annes. However, the applicant has now entered into an agreement with NATS to implement a mitigation solution that would address impacts on aviation navigation and safeguarding equipment. On this basis, NATS have withdrawn their objection to the application. A condition can be imposed to address this matter.

Highway impacts

The construction of the turbines would generate some HGV traffic including the larger loads associated with the delivery of the turbines themselves. However LCC Developer Support (Highways) have not raised any objection to the application provided a traffic management plan is submitted which provides details for a management of HGV traffic and details of any temporary works required to the highway to accommodate deliveries. A condition can be imposed to cover these matters.

Consideration of June 2015 Ministerial Statement on Wind Turbines

The June 2015 Ministerial Statement relating to wind turbines is part of national planning policy and is therefore a material consideration. The statement says that wind turbine applications such as this, submitted prior to the statement, can be found acceptable if they have addressed the impacts identified by local communities and therefore have their backing.

This proposal has been subject to two consultation exercises in order to gauge the views of local people – the pre application consultation undertaken by the applicant and that carried out by the County Council as part of the statutory publicity for the planning application.

The applicant did a letter drop to 98 address points in the locality. 19 responses were received of which 4 were supportive of the proposal and 15 not supportive. The County Council wrote to 22 residents in the locality following which four objections were received.

The application site is relatively remote from large numbers of houses. An analysis of the comments received to these consultation exercises shows that most of those objecting to the proposals live to the north of Lydiate close to the A5147 which are over 1 km from the application site. One of the closest properties to the proposed turbines raised objection as part of the applicant's consultation. However, the turbines would be some distance from this property and would be largely screened by vegetation close to the house. The other properties close to the site and which are most affected either did not respond to either consultation or are supportive of the development. No comments have been received from the parish council and no substantial opposition to the environmental impacts of the development has been received from those parts of the local community most affected. The proposal is therefore considered to be acceptable in terms of Government policy.

Conclusions

The proposed wind turbines would enable the adjacent waste water treatment works to generate a proportion of their electricity requirements on site which would provide security of supply and meet corporate obligations to reduce carbon emissions. The development would also meet Government policy to meet climate change objectives.

The turbines would inevitably have some landscape and green belt impacts. However, it is considered that the careful choice of application site and size of the turbines proposed would minimise the visual impacts of the proposal as far as possible. The proposal would impact upon the openness of the Green Belt but it is

considered that very special circumstances have been demonstrated to justify the proposal in this location.

The other impacts including on ecology, surface waste and other local impacts are either acceptable or can be made so through planning conditions.

There have been some objections to the proposal. However, an analysis of those objections shows that those concerned about the proposal reside a considerable distance from the proposed turbines or there are other factors that would reduce the impacts on those residents. It is therefore concluded that the proposal is acceptable in terms of Government policy aimed at giving local communities the final say on wind turbine developments.

Human Rights Considerations

The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The planning considerations identified are also relevant in deciding whether any interference is proportionate. Case law indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference would be considered to be proportionate if the proposal was to proceed.

Recommendation

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, 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. Written notification of the date of the following events shall be sent to the County Planning Authority within 7 days of each event:-

- a) the commencement of development
- b) commencement of electricity generation by either of the two turbines (the first generation date)

Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission and to conform with Policies EN2 and EN4 of the West Lancashire Borough Local Plan.

- 3. The wind turbines and other associated development shall be removed from the site by not later than 25 years from the first generation date as notified to the County Planning Authority under the provisions of condition 2 above. The site shall then be restored within a further period of one year in accordance with the scheme and programme of decommissioning approved under the provisions of condition 20 below.

Reason: To ensure the progressive restoration of the site in the interests of visual amenity and to conform with Policy EN2 and EN4 of the West Lancashire Local Plan.

- 4. In the event that either of the wind turbines ceases to generate electricity for a continuous period of six months, a scheme and programme for repair or removal of the turbine shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall be submitted within three months of the end of the 6 month period referred to above and shall contain details of either a programme of repairs or details for the removal of the turbine and restoration of the turbine site.

The scheme and programme shall be implemented within 12 months of the date of its approval in writing.

Reason: In the interests of the visual amenities of the area and to conform with policy GN3 and EN2 of the West Lancashire Borough Local Plan.

Working Programme

- 5. 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 29th June 2015.

- b) Submitted Plans and documents:

- Figure 4.1 - Site Location Plan

- Figure 4.2 - Site Plan

- Figure 4.3 - Turbine Elevation

- Figure 4.4 - Typical Transformer Building

- 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 GN3, EN1, EN2 and EN4 of the West Lancashire Local Plan.

6. No development shall commence until a scheme and programme for the detailed design of the turbines has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include the following details:

- a) the size of the turbines
- b) colours to be used for the tower, nacelle and blades of the turbine
- c) details of the colour of the transformer buildings.

The proposed turbines including blades in a vertical position shall not exceed an overall height of 61 metres.

Thereafter the development shall be constructed in accordance with the approved scheme and programme.

Reason: In the interests of visual amenity and to conform with policies EN1 and EN2 of the West Lancashire Local Plan.

7. All electrical cabling between the turbines and grid connection point shall be installed underground.

Reason: In the interests of the visual amenities of the area and to conform with Policies GN3 and EN 2 of the West Lancashire Local Plan.

8. During their operation, the turbines shall not be fitted with any form of external illumination beyond that required for the safety of aircraft in accordance with the requirements of the Ministry of Defence or Civil Aviation Authority.

Reason: In the interests of the visual amenities of the area and to prevent light pollution and to conform with Policy GN3 and EN1 of the West Lancashire Local Plan.

9. No development shall commence until details of the measures to be employed to prevent interference with radar and other aviation navigation equipment utilised by the Civil Aviation Authority, National Air Traffic Control and the Ministry of Defence has been submitted to and approved in writing by the County Planning Authority.

The approved measures shall be implemented at all times during the duration of the development.

Reason: In the interests of aviation safety and to conform with Policy EN1 of the West Lancashire Borough Local Plan.

10. Prior to the first generation date, a scheme and programme of investigation of any interference to any television signals by the operation of the turbines and for the remediation of such interference caused by the operation of the development shall be submitted to the County Planning Authority for approval in writing.

The scheme shall provide for any complaints regarding interference to television reception to be referred to the County Planning Authority and shall describe the remedial measures to be undertaken by the turbine operator to investigate and resolve such complaints should they be received.

The turbines shall be operated in accordance with the scheme and programme at all times.

Reason: To ensure that the turbines do not interfere with television reception and to conform with Policy EN1 of the West Lancashire Local Plan.

11. The wind turbines hereby permitted shall be erected at the locations shown on figure no. 4.2. Notwithstanding the terms of this condition, the wind turbine and crane pad may be micro sited within the area hatched blue on figure 4.2 together with any consequential realignment of the access tracks between the turbine locations and site access provided that neither of the turbines are sited within 50 metres of the landscaping planting forming the western boundary of the Hillhouse Waste Water Treatment Works

Reason : In the interests of visual amenity and to conform with Policy GN3 and EN2 of the West Lancashire Local Plan.

12. The rating level of noise from the wind turbines when measured at Milbourn's Cottages or no. 1 Wood Lane in accordance with the guidance set out in ETSU - R - 97 shall not exceed the noise limits set out for day and night time noise in tables 8.3 and 8.4 of the Environmental Statement.

Reason: In the interests of the amenities of local residents and to conform with policy EN1 of the West Lancashire Local Plan.

Construction

13. No development shall commence until a construction method statement has first been submitted to the County Planning Authority and approved in writing.

The method statement shall contain details of the following:-

- a) A traffic management plan to include operational arrangements for the management of HGV's and abnormal loads to and from the site together with details of any temporary works required to existing highway infrastructure to accommodate such traffic movements.

b) Details of mitigation measures for ecological interests on adjacent farm land if construction works are to be undertaken during the overwintering period between 31st October and 31st March. Such measures shall include erection of screening fencing or other works to reduce disturbance to birds using the adjacent farm land.

The proposals contained in the approved traffic management plan and ecological mitigation measures shall be implemented throughout the duration of construction and decommissioning works.

Reason: In the interests of highway safety and ecology and to conform with Policy GN3 and EN2 of the West Lancashire Local Plan.

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

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

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

This condition shall not however operate so as to prevent the use of pumping equipment and 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 GN3 of the West Lancashire Local Plan.

15. 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 EN1 of the West Lancashire Local Plan.

16. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site during construction or decommissioning operations 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 and policy EN1 of the West Lancashire Local Plan.

17. All plant, equipment and machinery used in connection with the construction and decommissioning of the turbines 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 GN3 of the West Lancashire Local Plan.

18. Measures shall be taken at all times during the construction and decommissioning of the turbines to minimise the generation of dust. Such measures shall include the fitting of dust suppression measures to construction equipment and the watering of all access tracks.

Reason: In the interests of local amenity and to conform with Policy GN3 of the West Lancashire Local Plan.

Archaeology

19. No development shall take place until a scheme and programme for archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the County Planning Authority.

The archaeological work contained in the approved scheme shall be undertaken during all soil stripping exercises and construction of turbine foundations.

Reason: In the interests of archaeological investigation and to conform with policy EN4 of the West Lancashire Local Plan

Ecology

20. Prior to the first generation date, a scheme and programme of bat monitoring for the post construction period shall be submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:
- a) Details of the surveys to be undertaken in the first year following the first generation date including locations of survey positions and methods of surveying.
 - b) The reporting of results to the County Planning Authority covering the periods between April to June, July and August and September and October.

- c) The report for September and October shall contain an evaluation of the survey results, details of any mitigation measures that are needed to reduce impacts on bats and an evaluation of the need to undertake further survey works.

The bat monitoring shall be undertaken in accordance with the approved scheme and programme.

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

- 21. Prior to the first generation date as defined in this permission, a scheme and programme of barn owl mitigation measures shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall provide for the following:-

- a) Details for the erection of predator proof fencing around the base of each turbine including location and design of fencing
- b) The management of habitats within the fenced area
- c) Details of monitoring for barn owl casualties within the fenced area including reporting of monitoring results to the County Planning Authority and duration of monitoring period.
- d) Details of the works to be undertaken to the existing hanger building within the waste water treatment works including measures to exclude barn owls and details of surveying to be undertaken prior to any works commencing to the building in order to confirm the absence or presence of the species. No exclusion works shall be undertaken between 1st March and 31st August if the surveys confirm the presence of barn owls within the building.
- e) Details of a replacement barn owl roosting / nesting box to be erected including design of box and details of installation including location. The box shall be installed at least 30 days before any exclusion works are undertaken to the existing building under the provisions of d) above.

The replacement barn owl roosting / nesting box required by e) above shall be erected in accordance with the approved details prior to the first generation date.

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

Decommissioning and Restoration

- 22. Within 24 years of the commencement of development as notified to the County Planning Authority under the provisions of condition 2 above, a scheme and programme of decommissioning works for 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) Removal of the turbine structures, and all cables, transformer buildings and perimeter fencing
- b) Breaking out of turbine foundations and crane pads to a depth of not less than 1 metre below ground level.
- c) Spreading of soils, cultivation and seeding
- d) Removal of all access roads and restoration of the land occupied by such roads.

Upon certification by the County Planning Authority of the completion of the restoration works, as defined in this permission, the site shall be managed for a period of five years including reseeded works, control of invasive weeds and measures to ensure proper drainage.

Reason: In order to ensure the proper restoration of the site and to conform with Policy GN3 and EN2 of the West Lancashire Local Plan.

Definitions

Completion of restoration: the date that the County Planning Authority certifies in writing that the works of restoration in accordance with condition 22 have been completed satisfactorily.

Notes

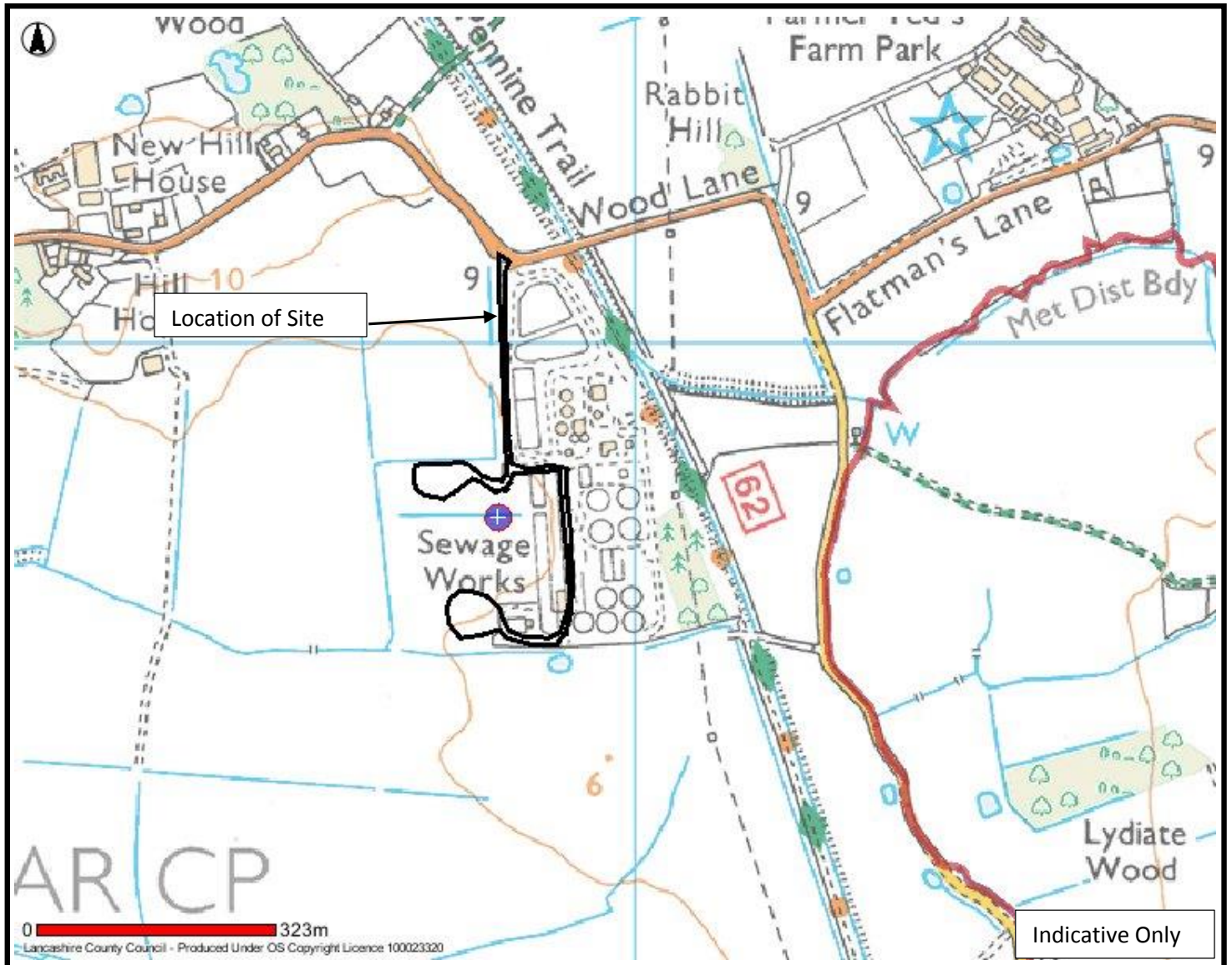
The applicant is advised to contact the County Councils Area Manager (Public Realm) at the following address in relation to any large of abnormal loads that may be required to traverse the public highway during the construction of the development. (Area Manager (Public Realm – South), Cuerden Way, Bamber Bridge, Preston, PR5 6BS, Tel 01772 658560)

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

Paper	Date	Contact/Directorate/Ext
LCC/2015/0061		
	29th June 2015	
Jonathan Haine Planning and Environment 534130		

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

APPLICATION LCC/2015/0061 ERECTION OF TWO WINDTURBINES AND ANCILLARY WORKS. HILLHOUSE WASTE WATER TREATMENT WORKS, WOOD LANE, GREAT ALT CAR



This Map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to Prosecution or civil proceedings. Lancashire County Council Licence No. 100023320

