

Lancashire County Council

Development Control Committee

Wednesday, 20th January, 2016 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 9 December 2015** (Pages 1 - 10)

The committee are asked to agree that the Minutes of the last meeting held on 9 December 2015 be confirmed and signed by the Chair.
4. **West Lancashire Borough: application number. LCC/2015/0061** (Pages 11 - 44)

Erection of two windturbines and ancillary works. Hillhouse Waste Water Treatment Works, Wood Lane, Great Altcar
5. **West Lancashire Borough: Application number LCC/2015/0067** (Pages 45 - 60)

Change of use of land to storage and blending of soils, sand / minerals and green and organic compost together with the erection of a building, car park to provide 10 spaces and improvement to vehicular access from the A570 Rainford Road. Jubilee Wood, A570 Rainford Road, Bickerstaffe.

6. **West Lancashire Borough: Application Number LCC/2015/0088** (Pages 61 - 84)

Pyrolysis plant to convert low worth waste plastic into diesel and gasoline, and to comprise a fuel reception hall, conveyors, chemical treatment plant, fractionation columns, fuel storage tanks, a generator set and offices. West Quarry Railway Pad, Appley Lane North, Appley Bridge.

7. **Rossendale Borough: application number LCC/2015/0106** (Pages 85 - 94)

Demolition of existing crematorium, office building and stable block and replacement with new crematorium building at Rossendale Pet Crematorium, Co-operation Street, Crawshawbooth

8. **Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.** (Pages 95 - 96)

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 2 March 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

Agenda Item 3

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 9th December, 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	N Penney
C Crompton	P Rigby
B Dawson	K Sedgewick
M Devaney	K Snape
M Green	D Westley
D Howarth	B Yates
M Johnstone	

County Councillors C Crompton and D Westley replaced County Councillors K Ellard and A Schofield on the Committee for this meeting.

1. Apologies for absence

Apologies for absence were received on behalf of County Councillor P Hayhurst.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillors D Howarth and B Yates declared a non pecuniary interest in agenda item 6 as a member of South Ribble Borough Council.

County Councillor M Green declared a non pecuniary interest in agenda item 6 as he is acquainted with one of the objectors to the application.

County Councillor T Aldridge declared a non pecuniary interest in agenda item 8 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.

County Councillor Westley declared a non pecuniary interest in agenda item 8 as a member of the West Lancashire Borough Council. Councillor Westley had previously given his views on the application as a member of the borough council planning committee.

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

Resolved: 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
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.**

A report was presented on an application for the erection of a wind turbine (79 metres to tip), transformer container and amendments to existing internal site access road at Morecambe Waste Water Treatment Works (WWTW), Compression Road, Heysham.

The report included the views of Lancaster City Council, the Environment Agency, Natural England, the Ministry of Defence, National Air Traffic Services, the Joint Radio Company Limited, OFCOM, Lancashire Constabulary and the County Council's Developer Support (Highways) and Specialist Advisor (Ecology). It was noted that no letters of representation had been received.

The Development Management Officer presented a PowerPoint presentation which included an aerial photograph of the site and the nearest residential properties, the location of proposed turbine plus locations of nearby approved wind turbines, Illustrations of the proposed wind turbine and photo montages of the wind turbine from various viewpoints.

The applicant addressed the committee and spoke in support of the application. The environmental benefits of the proposed wind turbine were outlined and the purpose of such explained. It was maintained that the appropriate assessments had been completed including the implications for breeding, migratory and wintering bird species within the Morecambe Bay special protection area (SPA).

Following debate during which it was pointed out that there were a number of other wind turbines in the area and that no objections had been received from local residents, it was Moved and Seconded that:

"Planning permission for the erection of a wind turbine, transformer container and amendments to existing internal site access road at Morecambe Waste Water Treatment Works, Compression Road, Heysham, be approved."

On being put to the vote the Motion was Lost.

In response to further questions raised by the Committee, the Development Management Officer advised that insufficient information had been provided to allow the Council to assess the significance of the potential impacts on birds such as the herring gull and the lesser black-backed gull within the SPA. Therefore the potential impacts on the wildlife site remained unresolved.

Following further debate it was:

Resolved: 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).

**5. 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.**

A report was presented on an application for a single storey extension to create an 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 at Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

The report included the views of the Environment Agency, the County Council's Specialist Advisor (Ecology) and details of one letter 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 an illustration of the proposed building and its elevations and photographs of the site including the existing fencing.

The Development Management Officer reported orally that a further letter had been received from agents acting on behalf of Cala Gran Caravan Park. The agent continued to be concerned that there was no evidence to demonstrate that the development would result in any improvements to noise or odour and that the full details of their objection had not been included in the Committee report. The agents suggested that if planning permission was granted, a number of additional conditions would be necessary, including one to control the operation of the doors to ensure that the antechamber was only used for access purposes and not for storing waste.

The Committee was advised that there is no requirement for the applicant to demonstrate that the development would have any benefits. The relevant test is that the application would not have any unacceptable impacts.

In relation to the suggested conditions, the committee was advised that a condition could be imposed to require details of the operation of the doors to be submitted and also a condition that the doors to the extension must be the only means of vehicular access to the building. It was pointed out that if the antechamber was used as the access to the building there would be no room for the storage of waste and therefore the other condition suggested was not necessary. The additional conditions are set out below:

4. No development shall commence until details for the control of the doors to the building have been submitted to and approved in writing by the County Planning Authority. The details shall provide for the implementation of a system that ensures that the doors to the building do not open simultaneously.

Thereafter the operation of the doors shall be controlled in accordance with the submitted details.

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

5. Upon the building extension being completed, the doors to the extension shall be the only means of vehicular access into and egress from the waste transfer building. No other doors shall be used for the purposes of vehicular access. All other vehicular access doors shall remain closed at all times except for emergencies.

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

Following brief debate it was:

Resolved: That planning permission be **Granted** subject to the conditions set out in the report to committee and the additional conditions set out above.

6. **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 Committee was reminded that the application was presented to the Development Control Committee on 25 November 2015. At that meeting it was

resolved that consideration of the application be deferred to allow the Committee to visit the site.

The Committee visited the site on the 8 December 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 a site layout plan and photographs of the site.

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

'That the application be approved subject to an additional condition in relation to the imposition of a heavy goods vehicle (HGV) turning area to be provided within the yard area of 117A Clydesdale Place. The turning area should enable HGVs to enter and exit the yard area in forward gear.'

On being put to the vote the Motion was Carried.

The additional condition is set out below:

4. No development shall commence until a plan showing the location and dimensions of a heavy goods vehicle (HGV) turning area to be provided within the yard area of 117A Clydesdale Place has been submitted to and approved in writing by the County Planning Authority. The turning area shall enable HGVs to enter and exit the yard area in forward gear.

The HGV turning area shown on the approved plan shall be provided prior to the commencement of the development and thereafter retained at all times free from obstruction to allow HGVs to enter and exit the site in forward gear. HGVs shall not reverse out of the yard area of 117A Clydesdale Place at any time.

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

Resolved: That planning permission be **Granted** subject to the conditions set out in the report and the additional condition as set out above.

7. **Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.**

It was reported that since the last meeting of the committee, nine planning applications had been granted planning permission by the Head of Service

Planning and Environment in accordance with the County Council's Scheme of Delegation.

Resolved: That the report be noted.

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

A report was presented on an application for the erection of two wind turbines and ancillary works at Hillhouse Waste Water Treatment Works, Wood Lane, Great Altcar.

The report included the views of West Lancashire Borough Council, the Environment Agency, Natural England, National Air Traffic Service Ltd, the Lead Local Flood Authority, the Ministry of Defence, OFCOM, the Joint Radio Company, the County Council's Archaeology Service and Developer Support (Highways) and details of four 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 the location of the proposed turbines, a map showing the results of the consultation exercise and photographs of the site from several viewpoints.

The Officer reported that at the request of the applicant, it was proposed to amend Condition 6 to allow ground works to commence in advance of the requirements of this condition being satisfied.

County Councillor Westley addressed the committee and raised concerns with regard to the visual impact of the turbines and the impact on wildlife and in particular pink footed geese populations. It was maintained that the application should be refused as it conflicted with the Ministerial Statement issued in June 2015 relating to wind energy development which stated that the views of the local residents should be the sole determining factor. Some of the nearest residents had concerns, even though the Parish Council had not objected. Councillor Westley requested that the Committee visit the site before determining the application.

County Councillor Westley is also a Councillor at West Lancashire Borough Council and had given his views on this application as a member of the WLBC Planning Committee. He therefore left the room at this point in the proceedings and took no part in determining the application.

County Councillor Dereli and the agent for the applicant both spoke in support of the application. The environmental benefits of the proposed wind turbine were outlined and the purpose of such explained. The agent advised that the applicant had carried out ornithological surveys which demonstrated that the application would not have a significant impact on the bird species. They also advised that

the height of the turbines was relatively low, the hub height being the same height as the pylons.

Officers responded to questions raised by the committee in relation to the two public consultation exercises carried out in accordance with June 2015 Ministerial Statement on wind turbines.

Following further debate with regard to the visual impact of the proposals, it was Moved and Seconded that:

"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.

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, 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 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. It was considered that in all the circumstances the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

a. Shale gas appeals - Planning conditions and Section 106 legal agreements

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

Special circumstances for use of urgent business procedure:

The Planning Inspectorate has set a bespoke timetable for the submission of documents and the conduct of the inquiry. This matter cannot wait until the next Committee meeting on 20 January 2016 as if the Committee does not see the draft conditions and legal agreements now it will not have an opportunity to do so before they are finalised and shared with the Rule 6 Parties prior to the submission to the Planning Inspector.

A report was presented on the draft conditions and Section 106 legal agreements to four appeals relating to planning applications for shale gas exploration sites and associated monitoring arrays.

The Committee was informed that as part of the appeal process the County Council must agree planning conditions and any section 106 legal agreements with the Appellant for each appeal as far as it is able in advance of the public inquiry and submit them to the Planning Inspector. Where conditions could not be agreed they would remain matters of dispute and be dealt with in evidence at the public inquiry.

The Committee was invited to submit any views or comments on the draft planning conditions and section 106 agreements to officers by 5.00pm on Wednesday 16 December 2015.

Resolved: That the report be noted.

b. Shale Gas Inquiry - Update on the Statements of Common Ground

Special circumstances for use of urgent business procedure:

It was considered that this matter could not wait until the next Committee meeting on 20 January 2016 as it was considered appropriate that the Committee should receive an update on the matter following receipt of their comments on 27 November 2015.

The Officers presented an oral report on the joint 'Statements of Common Ground' which the committee had considered at their last meeting.

The Committee was informed that the Statements of Common Ground had been amended to reflect the views and comments of the Committee and had since been forwarded to the appellant from whom comments were awaited.

Resolved: That the report be noted.

10. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 20 January 2016.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston

Agenda Item 4

Development Control Committee

Meeting to be held on 20th January 2016

Electoral Division affected: West Lancashire South

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

Contact for further information:
Jonathan Haine, 01772 501772 534130
DevCon@lancashire.gov.uk

Executive Summary

Erection of two wind turbines and ancillary works. Hillhouse Waste Water Treatment Works, Wood Lane, Great Altcar.

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.

Background

A report on a planning application for the construction of two 61 metre high wind turbines on land adjacent to Hillhouse Waste Water Treatment Works, Great Altcar was considered at the meeting of the Development Control Committee on 9th December 2015. The report to the 9th December Committee is attached at appendix A.

After consideration of the report, it was resolved that a decision be deferred to allow a site visit to take place.

Advice

At the 9th December 2015 Committee, three presentations were made under the County Council's Development Control Committee public speaking provisions.

- County Councillor Westley – was a substitute on the Committee but did not know this application was on the agenda when he agreed to substitute. He was aware that the Borough Council had raised an objection and that their Planning Committee had voted 18 / 2 in favour of objecting to the application.

He noted that the Borough Council had raised the June 2015 Ministerial Statement as a basis for objection and he did not consider that the concerns of local residents had been satisfied. CC Westley considered that the area was of value for wildlife – pink footed geese regularly fly over the site and there are many other wildlife interests. He also drew attention to the proposed Lower Alt windfarm on a nearby site which is for 12 x 136 metre high turbines. He considered that a site visit should be undertaken before the application is determined.

- County Councillor Dereli – supported the application and considered that although the weight to be attached to the ministerial statement was considerable, the policy had been addressed by the consultation exercise that had been undertaken. She drew attention to the Paris climate change talks and that the proposals should be supported as a means to tackle global warming. She also noted that the CPRE support renewables and that the application site was a good location for wind turbines
- The agent for the applicant spoke in support of the proposals. He explained that the applicant was United Utilities who wished to generate their own power to cut carbon emissions and to limit price increases on bills. He explained that UU have obtained planning permission at other sites for wind turbines. The proposed turbines would generate around one third of the energy requirements for the works and therefore it was not a commercial wind farm. He also commented that the hub height of the turbines would be the same as the height of the nearby electricity pylons and that from some directions, the woodland surrounding the treatment works would screen views. He considered that the ecology concerns had been addressed and that the proposal had the support of the closest local residents.

A site visit to the application site has been arranged which will allow Members to appreciate the potential visual impacts of the development. The other issues raised in these presentations do not raise any new matters beyond those covered in the report to the 9th December 2015 Committee.

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 of repair or turbine removal 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 erection of any turbine 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 Policies 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 Operations

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 over wintering period

between 31st October and 31st March. Such measures shall including 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 shall 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 completion of the restoration works, the site shall then be managed for a period of five years including reseeding 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.

**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

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:
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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 Lydiat 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 quite 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

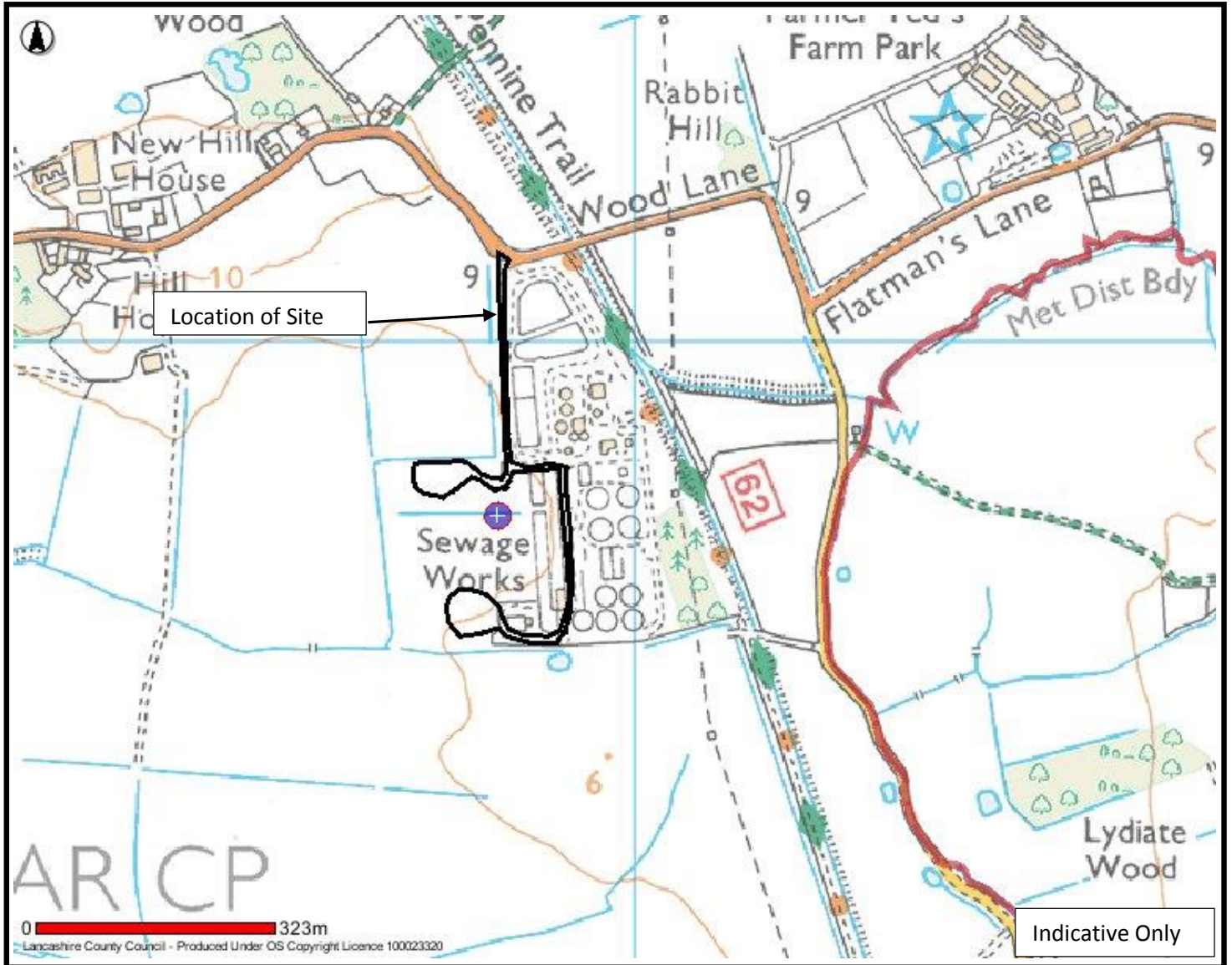
The applicant is advised to contact the County Councils Area Manager (Public Realm) at the following address in relation to any large of abnormal loads that may be required to traverse the public highway during the construction of the development. (Area Manager (Public Realm – South), Cuerden Way, Bamber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



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Development Control Committee

Meeting to be held on 20th January 2016

Electoral Division affected: West Lancashire South

West Lancashire Borough: Application number LCC/2015/0067

Change of use of land to storage and blending of soils, sand / minerals and green and organic compost together with the erection of a building, car park to provide 10 spaces and improvement to vehicular access from the A570 Rainford Road. Jubilee Wood, A570 Rainford Road, Bickerstaffe.

Contact for further information:

Rob Jones, 01772 534128

DevCon@lancashire.gov.uk

Executive Summary

Application - Change of use of land to storage and blending of soils, sand / minerals and green and organic compost together with the erection of a building, car park to provide 10 spaces and improvement to vehicular access from the A570 Rainford Road. Jubilee Wood, A570 Rainford Road, Bickerstaffe.

Recommendation – Summary

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

1. The development would be inappropriate development within the Green Belt. Very special circumstances have not been demonstrated to justify the location of the development within the Green Belt and hence the development would be contrary to Green Belt policy within the NPPF and Policy GN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document.
2. The use of the central reservation to the A570 by HGV's accessing the site would result in unacceptable highway safety impacts contrary to Policy GN3 of the West Lancashire Local Plan.
3. The application does not contain sufficient information to allow a proper assessment of the likely impacts on bats. The application is therefore contrary to policy EN2 of the West Lancashire Local Plan and policy DM2 of the Lancashire Minerals and Waste Local Plan.
4. The proposal is not located within one of the strategic sites listed in Policy WM2 of the Lancashire Minerals and Waste Local Plan and the proposed site does not comply with the exemption tests listed in policy WM2 for development outside of the allocated sites.

Applicant's Proposal

Planning permission is sought for the change of use of 1.42 hectares of land for the production of soil and compost and the associated storage of the raw materials and final products for commercial, agricultural and leisure use. The development would consist of the formation of a hardsurfaced area for use as a vehicular access and material processing and storage areas, the erection of a warehouse building for the storage of plant and machinery and final product, the provision of ten car parking spaces and wheel wash, and amendment to the existing vehicular access from the A570 Rainford Road.

The warehouse would be a portal framed building measuring 30.5 metres x 15.2 metres with a pitched roof to a ridge height of 7.0m. The warehouse would have two entrances, each measuring 4.3m x 4m, one in each of the northern and western elevations. The warehouse would have profiled vertical metal sheet cladding on all elevations and the roof.

An existing vehicular access from the A570 Rainford Road would be improved by widening the splay from the existing 18m to 31m at the point where it would adjoin the A570, and incorporating a splitter island to direct traffic emerging and entering the site, with a cycle access on its south side. The access road between the A570 and the proposed warehouse building would be 110m long and between 6-8m wide. A lockable gate and security fence would be sited halfway along the access road.

The hours of operation would be 0700 to 1800 hours Mondays to Saturdays with no operations on Sundays and public/bank holidays.

The site would generate a total of 30-35 two-way HGV movements per day equating to the processing of up to 250,000 tonnes of materials per annum.

Description and Location of Site

The application site is located on a former coal mine to the south side of Junction 3 of the M58 Motorway immediately west of the A570, which is a dual carriageway. The site has maximum dimensions of 260m by 80m to cover an area of 1.42 hectares. To the south of the site is an area used for mountain biking, known as Bickerstaffe Cycle Trails, that is the responsibility of the County Council. A large pond is about 5m from the northern perimeter of the application site. The nearest properties to the site are on the east side of the A570; Quattros Restaurant and several residential properties are 50m and 150m, respectively, due east of the site entrance, and two residential properties are 200m south-east of the site entrance.

The site is accessed from the A570 Rainford Road. The former coal mine and access has now regenerated with woodland. The site contains 3 derelict buildings with a wheel house and pit head structures associated with the former coal mine.

The new building would replace two derelict buildings. The access and the hardstanding area would be surfaced with hardcore and cover an area of approximately 0.25 hectares. The area to the west of the building would be slightly elevated and would cover an area of 0.87 hectares, be hardcored and be used for

the screening and blending activities to produce the soil and compost, and for the storage of pre and post blended materials. The development would require removal of trees and shrubs covering an area of approximately 1 hectare.

Three car parking spaces would be located adjacent to the proposed building for use by staff while seven spaces would be located along the south side of the access road for users of the mountain bike trails and for visitors to the wheel house and pit head structures that are proposed to be renovated as a monument to former pit workers.

The site is within the Green Belt.

Background

The site is a former coal mine. It was then used as a haulage yard associated with the construction of the M58 Motorway with the two existing buildings on site being used for workshops and garaging for lorries.

The following applications were then considered by West Lancashire Borough Council:

Outline planning permission for the erection of a hotel and leisure development was granted in February 1991 (ref. 8/88/451).

A reserved matters application subsequent to the above outline planning permission was approved in March 1997 (ref. 8/94/0209).

These permissions were not implemented.

Planning Policy

National Planning Policy Framework (NPPF): Paragraphs 11 – 14, 17 - 19, 28, 56 – 66, 79 – 81, 87 – 91, 109, 123 and 125 are relevant with regard to the presumption in favour of sustainable development, core planning principles, building a strong competitive economy, supporting a prosperous rural economy, the requirement for good design, protecting Green Belt land, conserving and enhancing the natural environment, noise and light.

National Planning Practice Guidance

National Planning Policy for Waste

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD

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

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
Policy WM1 Capacity of Waste Management Facilities
Policy WM2 Large Scale Built Waste Management Facilities

West Lancashire Local Plan 2012-2027 Development Plan Document (DPD)

Policy GN1 Settlement Boundaries
Policy GN3 Criteria for Sustainable Development
Policy EN2 Preserving and Enhancing West Lancashire's Natural Environment

Consultations

West Lancashire Borough Council – Originally objected to the application due to the potential for highway safety issues resulting from the shared use of the access to the adjacent mountain biking facility which is considered to be contrary to policy GN3 of the West Lancashire Local Plan. However, in response to the submission of amended plans showing a separate access to the mountain bike facility, the Borough Council have indicated that their objections may be overcome.

Bickerstaffe Parish Council – No objection and provide the following comments:

- A condition should secure the provision of a cycle/ pedestrian access from the A570 Rainford Road so as to separate users of the mountain bike facility from the amended vehicle access. The separate cycle/ pedestrian access should be paid for by the applicant.
- The provision of the separate cycle/ pedestrian access may require some tree felling/pruning. Details should be provided of such as some trees on the site have tree preservation orders on them.
- The separate cycle/ pedestrian access may necessitate the re-directing of the existing red cycle trail. This should be paid for by the applicant.
- The proposed car park and footpath near the entrance should be available for users of the mountain bike facility at all times.
- Safety/ warning signs/ road markings should be provided for users of the cycle route along the A570 Rainford Road as the route crosses the path of the proposed vehicle access to the site.
- The information boards relating to the mountain bike facility would have to be revised and should be paid for by the applicant.

The land forming a part of the Bickerstaffe Cycle Trails has been designated as an Asset of Community Value. The decision to list the land means that the owners cannot dispose of the land without notifying the Council and until Bickerstaffe Parish Council and other qualifying bodies have had an opportunity to purchase it. An entry has been made on the Land Charges Register and a restriction placed on the title to the land. The applicant presumes that they can just use or purchase a section of the Bickerstaffe Cycle Trails (that has been designated as an Asset of Community Value) for use as a part of the proposed amended vehicle access from the A570 Rainford Road.

LCC Developer Support (Highways) – Object on highway safety grounds due to the close proximity of the site to the roundabout junction of M58 / Rainford Bypass (A570) and the proposed number of HGVs entering / exiting the site. LCC's five year data base for injury accidents indicates 12 collisions just on the south side of the roundabout.

Vehicles accessing the site from the north would do so by entering the filter lane leading to the central reservation gap and then crossing the northbound A570 carriageway into the site. However, such manoeuvres would present a hazard to traffic on the fast lane of the southbound A570. To prevent this, a solution could be to send vehicles 2.5km south along A570 to the roundabout junction with Lodge Lane and Bushey Lane, then back 2.5km in a northerly direction to enable them to enter the site from the south. However, this would mean sending these HGVs over the LCC boundary and into St Helen's area and may cause more problems at the roundabout at this point. This could be the subject of a legal agreement but there are doubts about how this could be policed/enforced.

The plans showing swept path and signing would satisfy the concerns regarding how the applicant ensures safety for users of the cycle trail, and the introduction of the splitter island and "one way" sign would ensure vehicles emerging from the site leave in a northerly direction.

Environment Agency - No objection and make the following comments:

- It is unclear as to what the intended purpose/ product of this operation is.
- The blending of waste materials is classed as a waste process and therefore will most likely require a permit.
- A written management system should be provided to assess the possible impacts from dust and bio aerosols from site operations.
- To prevent the blending of inappropriate materials to form soil substitutes, sufficient evidence should be provided to show that the material received at the site is acceptable.

LCC Specialist Advisor (Ecology) – The proposal would result in the demolition of two buildings. The structure of the building would make it suitable for use by bats but the buildings have not been surveyed for bats. The development would also result in the loss of a substantial area of woodland and no proposals have been submitted demonstrating how the loss would be mitigated.

LCC Specialist Advisor (Archaeology) – No objection but comment that no plans or other details have been provided of the proposed renovation works of the existing derelict wheel house and pit head structures. It is recommended that any surviving colliery structures are recorded before any such renovation takes place. Access routes should also be specified from the proposed new parking spaces to the renovated wheel house and pit head structures so as to allow safe and secure access for visitors.

LCC Environment and Community Projects – No objection and provide the following comments:

- The provision near the entrance of the 7 space car park and footpath for users of the mountain bike facility is welcomed but query if there would be restrictions regarding times/days of week that the car park could be used as the mountain bike facility would be at its busiest at times when the soil depot would be closed.
- The provision of a cycle/ pedestrian access from the A570 Rainford Road so as to separate users of the mountain bike facility from the amended access is welcomed but this would have to be achieved by a legal agreement.
- The payment by the developer for a revision to information boards relating to the mountain bike facility would also have to be achieved by a legal agreement.

National Grid Gas and Electricity – No objection.

Coal Authority – No objection subject to the imposition of a condition to require the investigation of the former mine workings on the site and submission of a scheme of remediation.

Representations – The application has been advertised by press and site notice and neighbouring residents have been notified by letter. Three representations have been received objecting to the application for the following reasons:

- The proposal would negatively impact on nearby residential properties and the Green Belt by the removal of a large number of trees.
- The use may create issues of light pollution, noise, dust, odours and emissions. No impact assessments of these have been provided.
- The proposed hours of operation of 0700 to 1800 hours Mondays to Saturdays are excessive, and should be limited to 0800 to 1700 hours Mondays to Fridays to reduce the impact on nearby residential properties.
- Vehicles accessing businesses from the slip road from the A570 located opposite the entrance to the proposed site will experience delays and problems entering the slip road.
- The proposal for HGV's to enter the site from the north by turning right across the existing break in the central reservation of the A570 and of vehicles exiting the site by turning directly on to the A570, would prejudice highway safety. This is because the central reservation is not large enough to accommodate more than one vehicle and there may be a backing up of vehicles to the M58 roundabout. Also, large vehicles exiting the M58 roundabout would have to leave in the fast lane to access the central reservation. Vehicles turning left out of the site and onto the A570 will be slow and impede traffic flow, as would vehicles turning right into the site from the northbound A570. All of the aforementioned would create traffic chaos and hazards especially during busy periods at the start and end of the day.
- Vehicles entering the site will pose a hazard for users of the cycle trail.
- Vehicle access/ egress to the site should be from a new access from the M58 roundabout, perhaps leading off the M58 slip road towards Liverpool.
- The proposed renovation of the existing derelict wheel house and pit head structures would attract more traffic to the site and exacerbate parking problems.
- It is unclear as to what the intended purpose/ product of this operation is.
- The proposed separate cycle/ pedestrian access from the A570 Rainford Road would be close to the amended vehicle access, and the access would cross the

existing cycle route along the A570. Both of these would create a hazard for cyclists.

- The applicant does not own the land where the proposed separate cycle/ pedestrian access would cross and hence it could not be implemented. This would result in cyclists accessing the cycle trail via a shared access with HGV's accessing the proposed development, which would be dangerous.
- An unsupervised parking area could lead to antisocial behaviour.

Advice

Planning permission is sought for the change of use of 1.42 hectares of land for the production of soil and compost and the associated storage of raw materials and final products. The development would comprise the formation of an area approximately 1.1 hectares in size to be covered in hardcore for the vehicle access route from the A570, the provision of an area for vehicle manoeuvring and a working area for the screening and blending activities to produce the soil and compost, and for the storage of pre and post blended materials. The warehouse building would be used for the storage of plant and machinery and the final soil and compost product. There would also be ten car parking spaces, a wheel wash, and an amendment to the existing vehicle access from the A570. Approximately 0.3 hectares of the site would not be developed except for the provision of a new footpath to access former coal mine structures.

The applicant specialises in producing soils and composts for supply to industrial, recreational, domestic and commercial organisations. The company wish to obtain additional premises for their operation and hence the desire to develop the application site. The proposed operations would involve importing waste soils to the site where they would be screened and blended with sand, other minerals and green and organic material, such as manure, to make soils and compost. The majority of these materials would be derived from farms and agricultural land and also from industrial sites. There would be no crushing or screening of aggregates. The final product and plant and machinery would be stored in the warehouse building. The plant and machinery used on site would be a 20 tonne excavator, a loading shovel, a tromel grading machine, a 32 tonne tipper and a 40 tonne tipper.

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

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Core Strategy and Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD and the West Lancashire Local Plan 2012-2027 Development Plan Document (DPD).

National Planning Policy encourages recycling and the re-use of waste to reduce reliance on land filling.

The NPPF seeks to ensure that the planning system supports and secures sustainable economic growth in order to create jobs and prosperity and plan for a low carbon future, whilst at the same time ensuring the environmental impacts of development are acceptable, and to support the sustainable growth and expansion of all types of business and enterprise in rural areas including through the provision of well designed buildings. Policy CS7 of the Core Strategy DPD seeks to manage our waste as a resource, while Policy CS8 of the Core Strategy DPD seeks to ensure an adequate provision of suitable waste facilities across the county to ensure that waste can be managed as a resource. The screening and blending of waste soils with sand, other minerals and green and organic material to make soil and compost products is a recycling and processing operation that complies with National Planning Policy and with Policies CS7 and CS8 of the Core Strategy DPD in terms of ensuring the adequate provision of waste management facilities and to move the management of waste up the waste hierarchy.

The proposal raises issues in relation to highway safety, the location of the site within the Green Belt, relationship with the policies of the Lancashire Minerals and Waste Local Plan, visual impact, the impact on nearby residential properties from noise, odour, dust and bio aerosols, and ecology.

In relation to highway matters, the proposal would involve amending the access by widening and incorporating a splitter island at its junction with the A570 to direct traffic emerging and entering the site, with a cycle access on its south side, the intention being to ensure the safe operation of the access including the adjacent cycle trail facility and the existing cycle lane on the A570 Rainford Road (northbound).

HGV movements to the site would equate to a total of 30-35 two-way HGV movements per day. The existing site access has been used to serve previous uses on this site including a former coal mine and a haulage yard associated with the construction of the nearby M58 Motorway. The access has adequate visibility onto the A570 but the volume and types of traffic would have changed since those uses were in operation.

The A570 Rainford Road is a strategic route with a speed limit of 60mph. The access to the site is located on the northbound side of the dual carriageway (A570) within 100m of the roundabout junction with the M58. There is an existing break in the central reservation directly opposite the proposed site access. The proposal is for vehicles approaching from the northerly direction (from the M58) to enter the filter lane leading to the central reservation gap and cross the north bound carriageway into the site. It is proposed that vehicles emerging from the site to travel south will turn left onto the A570, drive around the roundabout and then proceed south along the southbound carriageway. The splitter island would direct the traffic entering/exiting the site. However, the use of the gap in the central reservation by HGV's entering the site would require vehicles to move into the overtaking lane on the A570 in order to turn left. There may also be issues with queuing onto the A570 if more than one HGV is waiting to turn into the site. LCC Developer Support

(Highways) is concerned about the implications of such movements for highway safety and objects to the application on this basis.

In terms of Green Belt, the NPPF seeks to prevent inappropriate development that would be harmful to the Green Belt and which 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. Policy GN1 of the West Lancashire Local Plan DPD states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies.

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings in the Green Belt as inappropriate development in the Green Belt. The only exemptions to this policy within which this proposal may fall are, firstly, the replacement of a building, provided the new building is the same use and not materially larger than the one it replaces, and, secondly, the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

In relation to the first possible exemption, the proposed warehouse would be larger both in footprint and height than the combined size of the two derelict buildings it would replace, and it would not have the same use being for a waste recycling use rather than associated with coal mining operations.

In relation to the second possible exemption, the pertinent question is whether the application site can be classed as brownfield land. The NPPF defines previously developed land or brownfield land as the following:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.'

The site is a former coal mine. Whilst it is very unlikely that any development control procedures exist requiring the restoration of the site upon closure of the mine, remains of the former mine buildings and access infrastructure have blended into the landscape in the process of time and the site now has the appearance of a woodland. The land therefore cannot be classed as brownfield land and so the development would not comply with Paragraph 89 of the NPPF. A planning permission was granted in 1991 for the development of the site as a hotel. However, this planning permission was never implemented and therefore there is no fall back

position that the applicant can now claim as justifying the further development of the site.

Paragraph 90 of the NPPF states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. The development types referred to are mineral extraction, engineering operations, local transport infrastructure which can demonstrate a requirement for a Green Belt location, the re-use of buildings provided that the buildings are of permanent and substantial construction, and development brought forward under a Community Right to Build Order.

The applicant argues that the proposed soil blending operation would be an engineering operation and hence should not be regarded as inappropriate development in the Green Belt. Whilst the proposal would involve some engineering operations such as changes in ground levels and the laying out and formation of roads, the application is primarily for the change of use of land to an industrial use. Changes of use are not amongst the types of development listed as not inappropriate and the application proposal would conflict with one of the five purposes of the Green Belt, namely to assist in safeguarding the countryside from encroachment. The proposed use is therefore considered to be inappropriate development in the Green Belt and hence, does not comply with Paragraph 90 of the NPPF. Very special circumstances therefore need to be demonstrated to justify the location of the development within the Green Belt.

The applicant's justification for the development is that additional premises are required for his existing soil and compost production operations. They have provided a sequential approach to site selection to demonstrate that there are no alternative sites in suitable locations that could accommodate the proposed development. The applicant states that as there would be some movement of vehicles between his existing site and any additional site, then a distance of more than 10km between the sites would mean that the operation of the second site would not be financially or logistically viable. Four sites in industrial locations have been considered; Land at Simonswood Industrial Estate, Knowsley, Pimbo Industrial Estate at Skelmersdale, Gillibrands and Stanley Industrial Areas at Skelmersdale, and Burscough Industrial Estate, plus other rural locations within the Green Belt. The sequential assessment concluded that the industrial sites were unsuitable for various reasons including economic viability due to the cost of rent or purchasing or undertaking the required improvements to the site, and the lack of available sites. The other rural locations within the Green Belt were considered unsuitable as they had no natural screening. The tree screening that the application site possesses is the reason why it was selected by the applicant.

The applicant has referred to Policy WM2 of the LMWLP that supports large scale built waste management facilities at the strategic sites listed in the policy and exceptionally, on other vacant, previously developed or greenfield sites where the applicant can demonstrate three points; that land is not available on the allocated sites for development at a time to meet the applicant's needs, that a sequential approach to site selection has been followed, and that there is equally good or improved access to the road network. The policy also states that where in

exceptional circumstances the development is proposed on a greenfield site, the applicant must include provision for additional land surrounding the development to create an effective new landscape.

The applicant considers that these three tests are satisfied and therefore the development complies with Policy WM2 of the LMWLP. However, even if the development were considered to be acceptable in terms of Policy WM2, the development would still conflict with the policies of NPPF relating to the protection of the Green Belt. It is not considered that the factors referred to by the applicant amount to very special circumstances to justify the location of the proposal in the Green Belt, and hence the development would not accord with Green Belt policy within the NPPF and Policy GN1 of the West Lancashire Local Plan.

Notwithstanding the applicant's views in relation to Policy WM2, it is officer's conclusions that the development does not conform with this policy. Policy WM2 directs waste developments with a capacity exceeding 200,000 tonnes per year to certain strategic sites and that development on other vacant, greenfield or previously developed sites will only be supported where sites in the strategic locations are not available, where there has been a sequential approach to site selection and where there is an equally good or improved access to the road network. However, for the reasons set out above, it is considered that the highway impacts of this development are not acceptable and therefore the proposal conflicts with Policy WM2.

There are concerns from a local resident in relation to contamination risks, fire safety concerns and from potential hazards, such as explosions, associated with the storage of the type of waste materials that the site accepts. Issues relating to the types of waste received at the site and contamination risks are a matter for the Environment Agency and it is not considered that there would be any fundamental pollution or safety concerns with the type of operation proposed. The operations at the site would be covered by controls under an exemption to the Environmental Permitting Regulations, a copy of which has been submitted with the application. The EA only issue such an exemption if activities do not cause harm to human health and amenity and do not cause risk to water, air, plants and animals.

In relation to ecology, an Ecological Walkover Assessment and Protected Species survey has been submitted. However, two buildings which are proposed to be demolished and which have potential for bats have not been surveyed for this species. Bats are European Protected Species and are material considerations in the determination of planning applications. Therefore the value of a development site for bats must be properly established before planning permission can be granted. This application does not contain sufficient information to properly establish the value of the site for bats contrary to policy DM2 of the Lancashire Minerals and Waste Local Plan and policy EN2 of the West Lancashire Local Plan. The County Council's Specialist Advisor Ecology has also commented upon the loss of trees that would arise from the development. Whilst the trees that would be lost have all self seeded since the closure of the coal mine, a substantial area of tree cover would be lost which would have ecological impacts requiring mitigation. The mitigation proposals have not been sufficiently developed in order to demonstrate that the impacts can be adequately offset.

Concerns have been expressed in relation to the impact on the mountain biking trails in the woodland to the south of the application site which are reached from the access to the application site. Bickerstaffe Parish Council have commented that the red cycle trail may have to be redirected as a consequence of the amended access but that would not be the case. LCC Environment and Community Projects have queried if there would be restrictions regarding times/days of week that the proposed car park could be used as the mountain bike facility would be at its busiest at times when the soil depot would be closed. However, the lockable gated access and security fence to restrict access to the proposed soil blending operation would be located to the west of the car park and hence access will be available to the car park at all times. The cycle access from the A570 would be adjoined to the south side of and form a part of the amended vehicle access and hence would not have to be secured by a legal agreement. The payment by the developer for a revision to information boards relating to the mountain bike facility could be achieved by a legal agreement if it was considered necessary.

The Environment Agency have expressed concerns as to the possible impacts from dust and bio aerosols from the site operations, while concerns from local residents refer to potential detrimental effects from noise, odour, lighting and hours of operation. Given the distance to the nearest properties, it is considered that such impacts would not be significant or could be controlled through suitable conditions. Other aspects of the development that could be the subject of conditions are the suggestion by the LCC Specialist Advisor (Archaeology) that access routes should be specified from the proposed new parking spaces to the renovated wheel house and pit head structures so as to allow safe and secure access for visitors, and also those suggested by the Coal Authority.

The applicant has proposed to restore the former pithead and remnants of the mine workings as a tourist attraction. However, the benefits of such works are not considered to outweigh the impacts of the development.

Conclusion

The proposal is for the development of a facility that would produce soil materials from waste products and other soil making materials. It would therefore reduce the landfilling of such wastes through reuse and thereby secure a movement up the waste hierarchy. However such benefits have to be balanced against the impacts of the development. The development would constitute inappropriate development in the Green Belt for which no very special circumstances can be demonstrated to justify over riding the protection of the Green Belt. The proposal would also conflict with Policy WM2 of the Lancashire Minerals and Waste Local Plan in that it is not located on one of the strategic sites allocated in that policy and the applicant has not demonstrated why the exemptions to the policy should apply in this case.

Furthermore, it is also considered that the proposed access route across the A570 to access the site would give rise to unacceptable highway safety impacts. In addition, the applicant has not undertaken sufficient surveys for bats and therefore the impact on European protected species cannot be properly established. The application is therefore considered to be contrary to Policies GN1, GN3 and EN2 of the West Lancashire Local Plan and Policies WM2 and DM2 of the Lancashire Minerals and Waste Local Plan.

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 secure the proper location of waste development in order to protect the openness of the Green Belt, highway safety and to ensure the protected species of wildlife are adequately safeguarded 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 place a disproportionate burden on the applicant.

Recommendation

That planning permission be **refused** for the following reasons:-

1. The development would be inappropriate development within the Green Belt. Very special circumstances have not been demonstrated to justify the location of the development within the Green Belt and hence the development would be contrary to Green Belt policy within the NPPF and Policy GN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document.
2. The use of the central reservation to the A570 by HGV's accessing the site would result in unacceptable highway safety impacts contrary to Policy GN3 of the West Lancashire Local Plan.
3. The application does not contain sufficient information to allow a proper assessment of the likely impacts on bats. The application is therefore contrary to policy EN2 of the West Lancashire Local Plan and policy DM2 of the Lancashire Minerals and Waste Local Plan.
4. The proposal is not located within one of the strategic sites listed in Policy WM2 of the Lancashire Minerals and Waste Local Plan and the proposed site does not comply with the exemption tests listed in policy WM2 for development outside of the allocated sites.

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

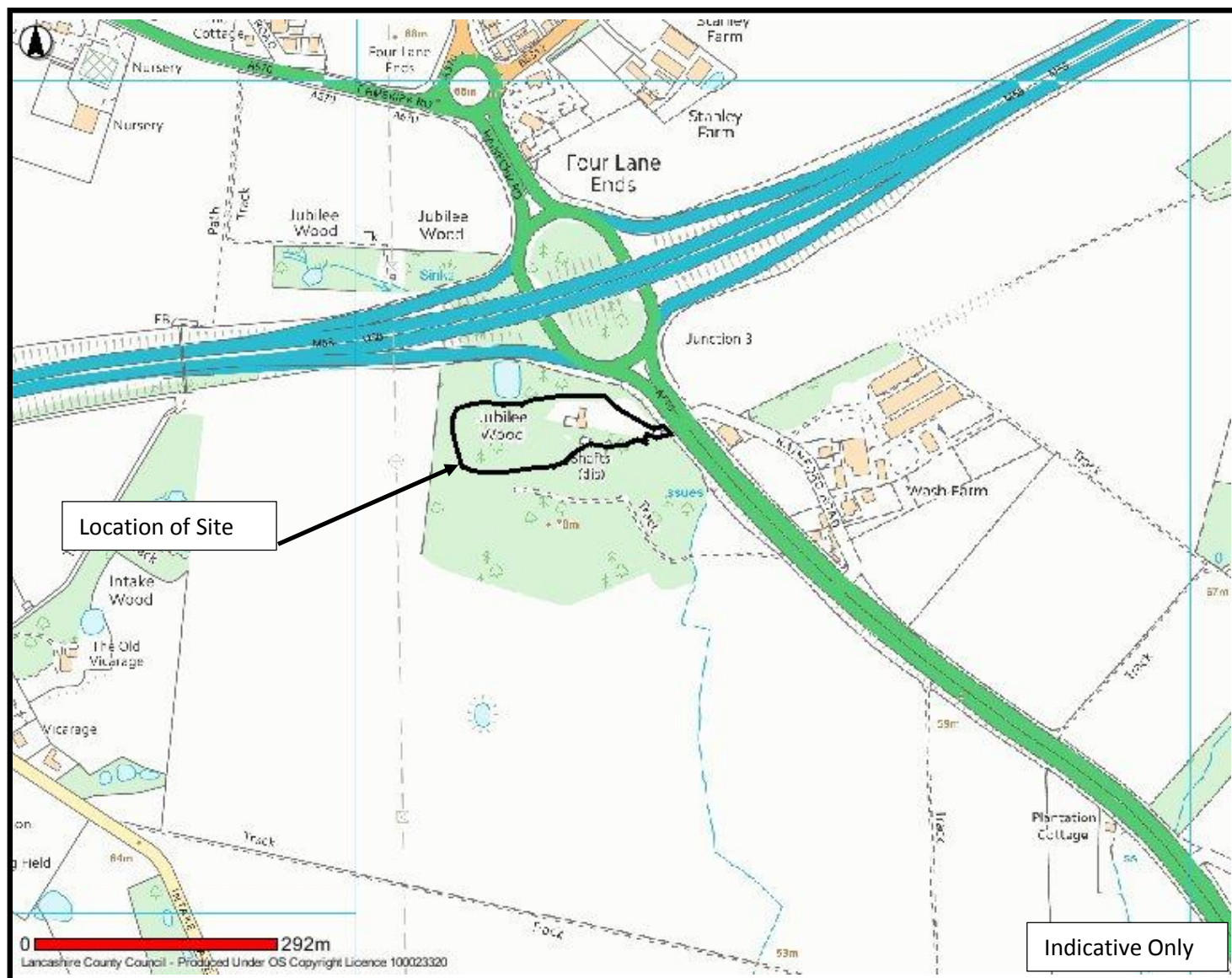
Paper	Date	Contact/Ext
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LCC/2015/0067

Rob Jones
Planning and Environment
534159

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

APPLICATION LCC/2015/0067 CHANGE OF USE OF LAND TO STORAGE AND BLENDING OF SOILS, SAND/MINERALS AND GREEN AND ORGANIC COMPOST TOGETHER WITH ERECTION OF A BUILDING, CAR PARK TO PROVIDE 10 SPACES AND VEHICULAR ACCESS. JUBILEE WOOD, RAINFORD ROAD, BICKERSTAFFE.



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Development Control Committee

Meeting to be held on 20th January 2016

Electoral Division affected: Skelmersdale East

West Lancashire Borough: Application Number LCC/2015/0088

Pyrolysis plant to convert low worth waste plastic into diesel and gasoline, and to comprise a fuel reception hall, conveyors, chemical treatment plant, fractionation columns, fuel storage tanks, a generator set and offices. West Quarry Railway Pad, Appley Lane North, Appley Bridge.

Contact for further information:

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Executive Summary

Application - Pyrolysis plant to convert low worth waste plastic into diesel and gasoline, and to comprise a fuel reception hall, conveyors, chemical treatment plant, fractionation columns, fuel storage tanks, a generator set and offices. West Quarry Railway Pad, Appley Lane North, Appley Bridge.

Recommendation – Summary

That planning permission be **refused** for the following reasons:-

1. The application site is located on land that is safeguarded by Policy IF2 of the West Lancashire Local Plan for a small scale rail facility. The location and scale of the development would prejudice the use of the site for a small scale rail based facility and the applicant has not conclusively demonstrated that such a use is unviable. The development is therefore contrary to Policy IF2 of the West Lancashire Local Plan.
2. The applicant has not demonstrated that the proposal would not give rise to detrimental impacts on air quality. In the absence of such demonstration, the proposal is considered to be contrary to policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.
3. The application is not accompanied by a noise assessment. In the absence of such information, it cannot be concluded that the development would not give rise to noise levels resulting in unacceptable harm to local and residential amenity. The development is therefore contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.

Applicant's Proposal

The application is for a pyrolysis plant to chemically convert 6000 tonnes per annum of non-recyclable, non-hazardous, low worth waste plastic into diesel, gasoline, synthesis gas, white spirit and char (carbon by product). The application area measures approximately 120m x 30m (0.36 hectare) and would contain the pyrolysis plant to be enclosed by palisade fencing with the remaining 0.12 hectares to be vehicular access and turning space.

The pyrolysis plant would include a building for the reception of fuel measuring 29m x 13m x 10.6 high and an office building measuring 17m x 8m x 10.6 m high. The process plant would consist of a 17.3m high extruder, reactor and fractionation tower, a 15.2m high emergency flare, a petrol condenser and stripper tower, a used oil separation tank, waste water treatment, a 10m high water cooling tower, a gas oil separator, a generator, product processing plant, storage tanks, and a fuel storage facility consisting of 8 x 9 m high tanks (3 diesel, 3 petrol and 2 waste water) and a parking area for seven vehicles plus one disabled space.

The diesel would be exported from the site. Some of the petrol and the synthesis gas produced would be burnt on site to generate power for the facility with the remainder exported along with white spirit and char.

The process feedstock would undergo preliminary sorting before being delivered to the site in bales. After being received at the application site, the baled feedstock would undergo a final sorting process to remove any remaining recyclables and undesirable residual fractions.

The site would generate an average of five HGV and eight employee car and LGV's trips per day. The facility would not utilise the adjacent railway line in any way. The facility is proposed to operate 24 hours a day, 7 days a week.

Description and Location of Site

The proposed development would be located on the west side of the disused West Quarry Railway Pad, off Appley Lane North, Appley Bridge. The railway pad covers an area of approximately 1.1 hectares and measures 350m long by 45m wide as its widest point. The section of railway pad where the development would be located is 30m wide. The development site would occupy a third of the area of the railway pad and outside a fenced off area on the north side of the railway pad previously used to accommodate electricity generators associated with the former West Quarry landfill site. The whole of the 0.36 hectare application site is currently an open area with a concrete surface and is vacant.

The former railway pad is located on the north side of the Manchester-Southport railway line to the west of Appley Bridge. The restored West Quarry landfill site is immediately to the north of the site with a fish farm located to the west. An industrial complex is located 25m away on the south side of the railway line with the Leeds-Liverpool canal 50m due south of the application site. The closest residential properties are situated on Appley Lane North approximately 350m to the north-east of the site and 410m to the south-east of the site.

The site is accessed via a private road on the west side of Appley Lane North.

The entrance to Appley Bridge train station is 70m to the south, off the east side of Appley Lane North.

The site is outside of the Green Belt but the boundary runs between the West Quarry landfill site and application area.

Background

History: West Quarry has a long history of mineral extraction and subsequent landfill operations.

Planning permission for an alternative restoration scheme providing for temporary retention of a rail terminal and pad and gas/ leachate management facilities was granted in September 1999 (ref. 8/99/206).

Planning permission for the installation and operation of a 5MW bioliquid to power generation facility was granted in April 2013 (ref. 08/13/0140).

A non material amendment to planning permission 8/13/0140 to allow the use of tallow along with cooking oil as a bio liquid for the use of energy generation on site and to amend condition 10 to allow no more than a total of 5 HGV's delivering waste cooking oil and tallow to the site per day was approved in December 2013 (ref. 08/13/0140/NM1).

Planning Policy

National Planning Policy Framework (NPPF): Paragraphs 11 – 14, 17 - 19, 22, 28, 56 – 66, 109, 111, 122 - 125 are relevant with regard to the presumption in favour of sustainable development, core planning principles, building a strong competitive economy, supporting a prosperous rural economy, the requirement for good design, conserving and enhancing the natural environment, pollution control, noise, air quality and light.

National Planning Practice Guidance

National Planning Policy for Waste

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD

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

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
Policy DM4 Energy from Waste
Policy WM1 Capacity of Waste Management Facilities

West Lancashire Local Plan 2012-2027 Development Plan Document (DPD)

Policy SP1	A Sustainable Development Framework for West Lancashire
Policy GN1	Settlement Boundaries
Policy GN3	Criteria for Sustainable Development
Policy IF2	Enhancing Sustainable Transport Choice
Policy EN2	Preserving and Enhancing West Lancashire's Natural Environment

Consultations

West Lancashire Borough Council – Object on the basis that insufficient information has been submitted in respect of air quality and that there has been inadequate demonstration as to the viability of the use of the railway pad for a small scale rail facility. The Borough Council also considers that there could be a detrimental impact on the amenities of nearby residents through increased noise and disturbance contrary to Policies IF2 and GN3 of the West Lancashire Local Plan DPD.

Wrightington Parish Council – Object for the following reasons:

- The requirements for the restoration of the West Quarry landfill site included that the railway pad should have been removed and the land returned back to the Community. However, as this never happened, the Parish Council has, at every available opportunity, suggested that the Pad be utilised as a car park for commuters using Appley Bridge Railway Station thereby alleviating significant parking problems on Appley Lane North.
- Not enough consultation has been undertaken with local residents who will be significantly affected by these proposals.
- The strength of public objection to the proposal is significant.
- The results of the Air Quality Assessment (AQA) submitted with the application are compromised by the fact that it has been undertaken by the agent for the project. Therefore, the AQA is neither independent or truly objective.
- Furthermore, the information contained within the AQA has been obtained as part of a desk exercise. No account is taken of the fact that the location of the proposed plant will be at one of the lowest parts of the village, at the base of the Douglas Valley. Major factors such as temperature inversion, the prevailing southerly winds and the impact on the air quality for residents of the village have been completely ignored.
- The proposal would have a significant detrimental impact on the quality of life of the residents of Appley Bridge. The air quality in Appley Bridge, surrounding villages and amenity areas in the Parish, such as Fairy Glen Biological Heritage Site, would be seriously compromised by the pollutants from the plant.
- A Health Impact Assessment should be undertaken by an independent body to determine the short and long term effects of the pollutants from the exhaust stack on local residents living close to the plant and, on the children attending All Saints Primary School which is 500 metres from the proposed plant, and also on the local wildlife found in the nearby Fairy Glen BHS and along the Canal Bank and Parbold Hill.

- An assessment of whether leakage of contaminants from the plant could pollute local watercourses or farmland where stock may be affected and the food-chain contaminated should be undertaken.
- The impact of resultant carcinogenic compounds left once the plastic has been through the plant process gives serious cause for concern.
- The fact that the sorting process will be reliant on manual work means that there is the potential for human error which could result in significant health and safety issues.
- The site is located on, and adjacent to, contaminated land where methane levels are still being monitored and leakages of methane in the past have resulted in explosions and fires. The methane leakage from the neighbouring landfill site has been completely ignored in the safety assessments. The proposals to produce highly flammable liquids from waste plastic, combined with the possible leakage of methane from the adjacent site, must not be overlooked.
- The existing parking problems on Appley Lane North would be exacerbated by the addition of another 20 vehicular HGV movements per day to and from the site together with, an increase in car movements depending on the number of employees entering and exiting the site both during the day and in the unsociable hours associated with a plant that would operate 24 hours per day, 7 days per week.
- The noise from the 24/7 operations and odour produced from the storage of the imported plastic, and from the chemical process used to breakdown the plastic into diesel and gasoline, would significantly impact on the residents and wildlife in Appley Bridge.
- The visual impact of the 17.5m stack and the distillation column are considered inappropriate in the Douglas Valley and would not accord with the West Lancashire Borough Council Supplementary Planning Guidance for natural areas and areas of landscape historical importance which states that “tall, columnar construction is inappropriate” for the Douglas Valley Area.
- The Joint Lancashire Minerals and Waste Local Plan details all locations throughout Lancashire which have been identified for the processing of waste and this site is not included in the list.
- The Leeds Liverpool Canal is defined by West Lancashire Borough Council as “an important habitat and corridor through the area” whilst Fairy Glen is described as “a designated Local County Biological Heritage Site” - both are located less than 500metres from the proposed plant.
- The proposed plant does not hold an EU patent and has not been tested anywhere else in this country and would result in Appley Bridge being used as a test site for experimental purposes. The residents and wildlife in Appley Bridge would also be test cases for the short and long term effects of locating this type of plant/factory in residential areas. It is impossible to predict the impact that these proposals would have.
- LCC's recycling plant at Farrington would be a more suitable location for this type of plant. The carbon footprint would also be reduced if the Pyrolysis Plant was incorporated into the Farrington Recycling site as there would be no need to use HGV's to transport the plastics to Appley Bridge.
- There are unsubstantiated reports that LCC has been in discussion with P-fuels for 2 years and, have already agreed to be a contributor of plastics to the facility. If

this is the case there is clearly a conflict of interest in the decision making process.

- The Parish Council would urge Planning Officers to take this application to Planning Committee and would urge Planning Committee Members to arrange a site visit so that they can see for themselves the significant impact these proposals will have on Appley Bridge and the surrounding area.

Shevington Parish Council object to the application for the following reasons:

- Despite the doubts of the viability of the application site to be used for a rail based facility, the proposal would be contrary to Policy IF2 of the West Lancashire Local Plan
- The site will not be completely obscured by vegetation, as the applicant suggests, due to the scale of the plant and also because trees shed leaves in the winter. Longer distance views should have been included from the canal towpath approaching Appley Bridge from Gathurst.
- A transport assessment should have been submitted with the application that takes into account the impact of the scheme on the transport network immediately adjacent to the site and in the adjoining areas. There are roads in the local network, such as Mill Lane and Skull House Lane/ Miles Lane that are not suitable for the type of vehicle that would be used to service the site. The routes that vehicles would use to access the site have not been specified. The plant would operate on a 24 hour basis but there is no indication if site deliveries and collections would be on a 24 hour basis.
- The exact make and model of the plant to be installed at the site has not been confirmed, so how can an assessment of noise and emissions be made?
- The AQA includes impacts on air quality at eight specific sites, but only as far east as Appley Lane North. Given the prevailing wind direction, and the proximity of certain areas of Shevington Parish, why were no areas in the parish covered in the analysis? This gives no comfort that the impact of smells and atmospheric pollution will not be felt further away.
- There are concerns that the emissions could be carcinogenic.

Dalton Parish Council: object to the application for the following reasons:

- The requirements for the restoration of the West Quarry landfill site included that the railway pad should have been removed and the land returned back to the Community. However, as this never happened, the Parish Council has, at every available opportunity, suggested that the Pad be utilised as a car park for commuters using Appley Bridge Railway Station and so thereby alleviating significant parking problems on Appley Lane North.
- Not enough consultation has been undertaken with local residents.
- The strength of public objection to the proposal is significant.
- The AQA submitted with the application is not independent as the agent for the project, the Managing Director of Stopford Energy and Environment, is also a joint owner of the site.
- The site is located in a valley but the AQA does not acknowledge the local topography. The wind roses are for Manchester Airport on a plain but not the local area where the wind direction is different.

- The exact make and model of the plant to be installed at the site has not been provided.
- No noise assessment has been provided even though the plant would operate 24 hours a day, 7 days a week.
- No odour assessment has been provided even though sulphur dioxide would be emitted.
- There is no environmental assessment detailing the plastic travelling from the point of origin to the site and for waste leaving the site.
- The development would be contrary to Policy EN3 Part 2 (e) (ii) of the West Lancashire Local Plan DPD as it would prejudice the delivery of the informal countryside recreational activity at Parbold Hill.
- The development would be contrary to Policy EN3 Part 2 (f) (iii) of the West Lancashire Local Plan DPD as it would prejudice the protection and improvements of facilities at Fairy Glen.
- There are two adjacent landfill sites that still produce methane. There is no monitoring of the sites. Burning waste next to such locations could create explosion.
- The site must be contaminated.
- Residential amenity will be affected due to odours and impacts from traffic.
- A primary school and two residential homes would be located within the fallout zone of the chimney.
- Any run-off would contaminate the Leeds-Liverpool canal which is a designated wildlife corridor but no assessment has been made of the potential impacts.
- The proposal does not comply with the Joint Lancashire Minerals and Waste Development Framework Core Strategy or Policies DM2 and WM3 of the Joint Lancashire Minerals and Waste Local Plan
- No transport assessment has been carried out.
- Congestion around Appley Bridge train station obstructs traffic on both sides of Appley Lane North and would increase.
- There is no room for articulated vehicles to enter the site due to parked cars along Appley Lane North. There would be no alternative place for the cars to park if double yellow lines were introduced. The problem would be moved elsewhere.
- There are no time or weight restrictions, or designated routes for wagons going to or leaving the site.
- Wagons coming from/ going to the south will have to negotiate a humped backed canal bridge canal, and a 90 degree bend between two listed buildings where Appley Lane North joins Bank Brow.

Wigan Council – No observations received.

LCC Developer Support (Highways) – It is considered that the overall traffic generation would not significantly impact the efficient operation of the local highway network and hence there is no objection subject to the imposition of conditions requiring the provision of car parking, the use of wheel cleaning facilities during construction operations and submission of a construction management plan.

Environment Agency – No objection but provide the following comments:-

- The operation would be defined as a 'small waste incineration plant' in the Environmental Permitting (England and Wales) Regulations 2010 (as amended). The pyrolysis plant would therefore be regulated by the Local Authority, based on a capacity of less than 3 tonnes per hour. The regulation includes assessment of the submitted air quality assessment. It should also require a comprehensive fire and accident management plan, due to the nature of the materials to be stored.
- It is unclear as to where the feedstock for the operation is to be sourced, the quality of which can vary significantly.
- Consideration needs to be given to odour controls for any waste streams contaminated with organic material such as those that originate from municipal sources.
- There should be robust duty of care procedures in place for waste materials being handled, both those received by the site and those that are produced from the site processes.
- A suitable noise assessment should be carried out to ensure a good understanding of how the operation would impact on the local area in relation to background noise and to allow any noise attenuation measures to be considered.
- Maps show that Sprodley Brook, an ordinary watercourse, is approximately 380m WNW of the site but outside the boundary but do not show any watercourses within the site boundary. This does not preclude their existence, however, but as the site is within the boundary of a landfill site it seems unlikely. There may be watercourses draining from the fish farm to the west that are culverted under the railway pad but it is likely these would be outside the application boundary. In terms of the potential risks it would be an ordinary watercourse so any issues around flooding from blockages or surface water management would be LCC's responsibility as LLFA. From a pollution control perspective the site will be regulated and any surface water or groundwater issues will need to be dealt with under the appropriate regime.

LCC Specialist Advisor (Ecology) – No objection. The following comments have also been provided:

- The emergency flare would be enclosed and would operate infrequently. On this basis, and because of the nature of the application area, it does seem reasonably unlikely that the proposals would result in any significant impact on bats or birds.
- Due to a range of habitats in the surrounding area suitable to be used by waterfowl and wading birds, it is possible that birds will over-fly the site (e.g. between roosting/ foraging areas). However, there is no evidence to suggest a regular flyway and hence any significant impacts seem reasonably unlikely.
- Provided construction and operational impacts on adjacent habitats are avoided/ minimised, significant adverse impacts on protected or priority species appear unlikely.

Network Rail – No objection and comment that, with regard to the prospect of the West Quarry railway pad being used for a small-scale rail facility, there are issues to consider of capacity on the railway line, and whether it is feasible to install a crossover. The type and frequency of proposed freight traffic would also need to be assessed in detail, and any scheme would need to be funded by the developer.

If permission is granted, then a number of conditions are suggested to ensure protection of the railway line.

Canal and River Trust – Cannot provide any substantive comments as no details have been provided of the surface water that would be disposed into an existing watercourse.

LCC Lead Local Flood Authority – No objection subject to the imposition of a condition to require the development to be undertaken in accordance with a surface water drainage scheme.

Coal Authority - No objection.

Health and Safety Executive – No comment as the proposed development does not lie within the consultation distance of a major hazard site or major accident hazard pipeline.

Representations – The application has been advertised by press and site notice, and neighbouring properties informed by individual letter. 1120 representations have been received objecting to the application for the following summarised reasons:

Traffic and Location

- A detailed Transport Assessment should be included with the application detailing the HGV movements delivering and despatching materials from the site. Surrounding roads close to the site are used as a school route and parking is limited due to the close proximity to the train station. The access roads and general road layout were not built to accommodate large vehicles as the road is already in a poor condition due to lack of maintenance. A Primary school, two care homes and a hospital are all close to the proposed site and further tests need to be done to protect vulnerable people in the area.

Environmental

- There is an implicit classification of low value plastic waste as 'biomass', this term is incorrect as plastics are not produced by living organisms. Plastics have completely different chemical compositions and properties the correct term should be used. The modelling assessment should be based on data from the local area not Manchester Airport as stated.
- Carcinogenic fumes are generated from burning which are hazardous. As low grade plastics can contain phthalates which can change hormone levels and cause birth defects, full detailed Air Quality Assessments and Health Impact Assessments need to be completed. Tests need to be done on contamination of water supply in local area.
- The 17.5m flue does not have the capability to disperse emissions out of the valley and beyond the residential community. Further studies need to be done on environmental impacts, as there is a general absence of emissions data in the report. An Environmental Impact Assessment and a Screening Opinion should be made publically available.

- The Environmental Assessment does not account for any residue present in the plastic waste. Some of the wastes may come from industry with potential for trace quantities of carcinogenic compounds. The by-product of the pyrolysis and gasification process (char) can contain Cadmium, Mercury and Lead. There is a possibility of these toxins entering neighbouring farmland and cadmium exposure through the air, as toxins do not break down in the environment. Acceptance levels tests do not define whether these levels are for adults or for children.

Odour, Noise and Ecology

- Storage of waste plastics whilst awaiting processing will lead to odour issues. Leachate from liquids contained in the plastic containers could also enter the local watercourses and soak into the local water table. A noise pollution assessment should be done.
- Odour, noise and light pollution will be emitted from the site resulting in ecology and visual impacts. Kingfishers, hawks and bats will need to be considered when assessing the application. Leeds Liverpool Canal and Fairy Glen site are close and at lower elevation - should any leakage occur it will flow towards the watercourse. There are also Tree Preservation Orders in place along the site which will need to be addressed. The application does not consider lower ambient noise levels overnight which will need to be addressed given the 24-hour nature of the proposed facility.

Health and Safety - Disaster Plan

- Fire risk and risk of explosion due to methane from the adjacent landfill and proximity to the IKO plant. No assessment has been made with regards to outages, additional off site gas releases or what will happen in the case of a catastrophic emergency. Also no risk assessment has taken place with local emergency services or Environmental Agencies.

Planning Policy

The development would be contrary to policies IF2, EC1 and EN2 of the adopted Local Plan 2012 to 2027 as the site is safeguarded for small scale rail based uses, would harm the amenities of nearby occupiers and would prejudice the protection of designated countryside recreation sites.

General

- Lack of consultation with local residents - all neighbourhood residents within a 3 mile radius from site should have been consulted due to nature of application. Insufficient time has been provided for consideration for this application and the proposal should not be determined under delegated powers but reported to committee and for them to make a site visit.
- Location is in green belt, surrounded by pockets of brownfield land, therefore the land cannot be deemed suitable for this type of development. Also the land was originally earmarked (after landfill) to be given to the community of Appley Bridge after landfill ceased.

- This site will be affecting local properties in the future due to all the negative impacts. These include public buildings holding children and adult social clubs. The 24-7 hour operation on the site would have a detrimental impact on local residents and the use of non-local employees would not help the local economy.
- Visual impact will affect tourism in area and local businesses. Shevington Parish Council needs to be included on list of consultees due to its close proximity to the site. The applicant does not own the land where the alternative entrance is proposed.
- The proposal should be located on Farrington Waste Park.
- An independent assessment on the use of the site needs to be conducted - the applicant should not be allowed to monitor itself. The Air Quality Assessment has used Emissions Limits rather than actual Process Plant Data. Douglas Valley needs to be accounted for in the Air Quality Assessment. The Environmental Assessment does not account for any remaining liquid waste. Prevailing westerly wind conditions have not been accounted for. These occur for 80% of the time across Appley Bridge which could cause the emissions to travel into other surrounding areas.
- There are unanswered questions including the origins of the plastic and the carbon and sulphur dioxide levels being generated from the site. More information is needed as the application is too simplistic for this type of scheme. Also off site monitoring has not even been considered which is a cause for concern. Land is classed as redundant in the report but have tests been done to prove this.

A number of letters have also been received from Rosie Cooper MP and Lisa Nandy MP supporting the objections that have been raised by their constituents.

Advice

Planning permission is sought for a pyrolysis plant on the West Quarry Railway Pad, off Appley Lane North, Appley Bridge. The plant would utilise a process known as thermal cracking to chemically convert non-hazardous, low worth non-recyclable waste plastic into hydrocarbons in the form of diesel, petrol and synthesis gas, white spirit and a carbon rich by-product known as char. The development area measures approximately 120m x 30m (0.36 hectare) and would contain the pyrolysis plant (measuring 98m x 25m (0.24 hectares) which would be enclosed by palisade fencing with the remaining 0.12 hectares to be vehicular access and turning space.

The thermal cracking of waste plastic uses a chemical reaction known as plastic pyrolysis. Pyrolysis in general terms is a reaction that involves molecular breakdown of larger molecules into smaller molecules in the presence of heat. At any given temperature molecules are vibrating and the frequency at which molecules vibrate is directly proportional to temperature. During pyrolysis molecules are subjected to temperatures leading to very high vibration where every molecule in the object is stretched and shaken to such an extent that molecules start breaking down into smaller molecules.

Plastic pyrolysis involves subjecting plastic to temperatures of 350-550 Celsius, in the absence of oxygen. If oxygen is present then the plastic will start burning. During pyrolysis, plastic breaks down into smaller molecules of pyrolysis oil and gas and

carbon black hydrocarbons. The hydrocarbons would be cleaned and converted to diesel, petrol, synthesis gas, white spirit and char.

The proposal would involve accepting up to 6000 tonnes per annum of waste plastic at the site. The plastic feedstock to be processed would be sorted before being delivered to the site in bales. The applicant has advised that criteria have been developed for the acceptance of waste at the site to ensure that the volume of undesirable material brought to the site is kept to a minimum. After being received at the reception hall, the baled feedstock would be stacked until required when it would undergo a final sorting process to remove any remaining recyclables and undesirable materials. The plastics would then be subject to pyrolysis treatment using the process plant. The diesel and petrol produced would be stored in 3 diesel and 3 petrol tanks. There would be 2 tanks for the storage of waste water produced from the pyrolysis process.

The diesel produced would be exported from the site. Some of the petrol and the synthesis gas produced would be burnt on site to generate power for the facility, with the remainder exported along with white spirit and char. All waste plastics and products would be delivered to and from the site by HGV. The pyrolysis plant would operate 24 hours a day, 7 days a week.

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 Development Framework Core Strategy DPD, the Joint Lancashire Minerals and Waste Core Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), and the West Lancashire Local Plan 2012-2027 Development Plan Document (DPD).

National Planning Policy encourages recycling and the re-use of waste to reduce reliance on land filling.

The NPPF seeks to ensure that the planning system supports and secures sustainable economic growth in order to create jobs and prosperity and plan for a low carbon future, whilst at the same time ensuring the environmental impacts of development are acceptable. Policy CS7 of the Core Strategy DPD seeks to manage our waste as a resource, while Policy CS8 of the Core Strategy DPD seeks to ensure an adequate provision of suitable waste facilities across the county to ensure that waste can be managed as a resource. Policy DM4 of the LMWLP seeks to ensure that processes capable of recovering energy from waste will include measures to capture electricity produced as a by-product of the waste treatment process and use it on site. Policy WM1 of the LMWLP seeks to support waste management facilities across the county so as reduce the amount of waste to be

landfilled. The policy includes figures as to the amount of waste that should be recovered.

The chemical conversion of waste plastic into hydrocarbons is a recycling operation which would divert waste from landfill thereby securing the management of such waste at a higher level in the waste hierarchy. The pyrolysis process would also be powered by utilising some of the petrol and the synthesis gas that have been produced by the pyrolysis plant. The proposal therefore complies with National Planning Policy for Waste and with Policies CS7 and CS8 of the Core Strategy DPD and Policy WM1 of the LMWLP in terms of recovering value from waste and ensuring that waste is managed at a higher level in the waste hierarchy.

The proposal raises issues in relation to the acceptability in policy terms of the proposed development on the application site, visual impact, highway impacts and safety, emissions and odour, noise, ecology, and safeguarding of watercourses and surface and foul water drainage.

Acceptability of the location of the proposed site in terms of Local Plan policies

The proposed site is on part of a large concrete hardstanding located between the former West Quarry Landfill site and the Manchester to Southport railway line.

The concrete pad was originally constructed as part of the operation to restore West Quarry and Parbold Hill Quarry through the importation of waste which took place in the 1980's. Municipal waste was imported to these sites by rail from Greater Manchester in containers. A siding was constructed off the main rail line and the containers were then off loaded onto the concrete pad to allow the containers to be transported to the quarry sites for landfilling of the contents.

At the time of the landfill operations, the concrete pad along with the adjacent landfill site was designated as Green Belt and therefore the planning permissions for the waste development required restoration of the landfill and pad area upon cessation of the landfill activities. A further planning permission was granted which permitted use of part of the pad for plant associated with the extraction of landfill gas and its utilisation to generate electricity. The permission for this plant required restoration of the pad upon cessation of commercial electricity generation.

As part of the former Lancashire Structure Plan, a number of rail sidings around Lancashire (including that at West Quarry) were safeguarded in order to comply with Central Government policy at that time relating to the need to promote movement of freight by rail whenever possible. As a result of the policy in the Structure Plan, the previous edition of the West Lancashire Local Plan removed the area of the pad from the Green Belt and included a policy safeguarding the site for small scale rail based uses. The safeguarding of the site for this purpose has been continued in the present edition of the Borough Local Plan (Policy IF2).

Policy IF2 of the West Lancashire Local Plan DPD states that development that would prejudice the use of the site for small scale rail based uses will not be permitted unless there has been a conclusive demonstration that such a use is unviable. West Lancashire Borough Council have objected to the application on the

basis that insufficient information has been submitted to demonstrate that the railway pad is unviable for a small scale rail facility.

In considering Policy IF2, the applicant states that the railhead has not been in operation since 1994 and it has fallen into a state of dereliction. Network Rail have been asked for a quote for the cost of returning the railhead to a state that is fit for commercial activities. Network Rail provided an indicative quote in November 2012 based on similar work required elsewhere and estimate the cost of refurbishing the railhead at £1.5 million to £2 million. It should also be noted that Network Rail has no plans to restore the railhead and have clearly stated that the cost of such works will need to be incurred by the site developer. The applicant is therefore of the view that "small scale" enterprises will not be able to incur such charges as part of an economically viable development. The applicant also notes that there would be significant disruption to passenger travel and the rail provider during an upgrade of the scale that is required to return the railway pad and its siding to active use.

In view of the issues outlined above, the applicant's view is that designating the railway pad at Appley Bridge for a 'small-scale rail based facility' as suggested in Policy IF2 is contradictory and unsustainable. The applicant feels that the policy as it currently stands will prevent the use of a site in an already industrialised locality, and that Policy IF2 is not in line with Policy GN1 of the West Lancashire Local DPD. Furthermore he considers that the safeguarding of the site conflicts with the advice in paragraph 22 of the NPPF which states that planning policies should avoid the long term sterilisation of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, the NPPF states that applications for alternative uses of land should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Whilst the proposed development would not occupy the whole of the pad, it would affect a significant proportion of the site, and if approved, would reduce the area remaining available to develop for rail based uses. Sites with potential to link to the rail network are scarce and should therefore be safeguarded for rail based uses where possible in line with Policy IF2.

Whilst the applicant argues that Policy IF2 is contradictory and unsustainable, the policy is recent and up to date. Various objections to the draft policy were made during the preparation of the Local Plan raising similar issues to that now raised by the applicant. The Local Plan was adopted in October 2013 and therefore post dates the NPPF. The Inspector considering the draft plan, including the wording of policy IF2, therefore considered the matter in the light of the objections that had been received and the policy in the NPPF including paragraph 22. Whilst the Inspector did make some changes to the policy IF2, the policy was found to be sound and was retained, with modification, in the adopted Local Plan. The Local Plan was adopted in 2013 and as a recent expression of policy in accordance with the NPPF, it is considered that considerable weight should be attached to policy IF2. There has not been a conclusive demonstration that such a use is unviable and hence the development would not accord with the requirements of Policy IF2 of the West Lancashire Local DPD.

Visual Impact

In relation to the visual impact of the proposal, the main public views of the site would be in three locations; the road bridge where Appley Lane North crosses the Manchester-Southport railway line approximately 400m to the east of the site, the Leeds-Liverpool Canal tow path approximately 90m to the south of the site, and from Lees Lane located on the opposite side of the valley approximately 650m to the south-west of the site. The view from the road bridge is partially obscured by vegetation and is fleeting, the view from the Leeds-Liverpool Canal tow path would be prolonged given the relatively slow nature of walking but would be partially obscured by vegetation in the summer and offset by the industrial complex on the south side of the Manchester-Southport railway line. The view from Lees Lane would be distant with the plant appearing next to the aforementioned industrial site so that the visual impact would be minor. Views from the south generally would be obscured by the existing industrial complex.

The railway pad is at 30m AOD. The highest parts of the proposed plant would be the 17.3m high extruder, the 15.2m high emergency flare and the 10.6m high reception hall so the overall heights of these items of plant would be 47.3m, 45.2 and 40.6m AOD, respectively. The restored West Quarry landfill site directly to the north of the railway pad has an overall height of 45m or more and so would screen the site from the north. To the west, the land is countryside with limited views of the site. The site is located on the edge of the Green Belt but because of the relatively low height of the plant, the proposal is not expected to affect the openness or character of the area including the adjacent areas of Green Belt. It is therefore considered that the proposed development would not lead to any unacceptable visual impact on the area or on the Green Belt.

The application only provides some limited detail as to the proposed materials and colour of plant and buildings. It is considered, that a condition could require details of the materials and colour of the plant and buildings to be submitted for approval to ensure that it would be suitable for the location. It is the intention to provide lighting to the site in the form of a lamppost/s and sodium lighting. To restrict any light spill to the surrounding area, the details of such lighting could also be the subject of a condition.

Highway Impacts and Safety

In relation to highway matters, the site would be accessed using the existing road to the West Quarry Railway Pad from Appley Lane North. The development would generate an average of five HGV and eight employee car/ LGV trips per day. Traffic levels may be higher during the construction phase, albeit for a short period. The primary flow of vehicles would be from/to the north along Appley Lane North.

The applicant has undertaken some traffic analysis of the access which concludes that some improvement by widening of the existing access would be necessary. The applicant has not provided any details of the works that would be required and has not confirmed that these works would be on land within his control. However, should planning permission be granted, it is considered that this matter could be controlled

through the use of a 'Grampian' style condition such that no other development could take place until the access had been approved in accordance with a scheme of access improvements to be first approved by the County Planning Authority.

The LCC Developer Support (Highways) considers that the overall traffic generation would not significantly impact upon the efficient operation of the local highway network and hence there is no objection to the pyrolysis plant subject to the imposition of conditions to require the submission of adequate car parking provision within the site so as not to increase the already high level of on-street parking in the area and the submission of details of a construction plan so as to maintain the operation of local streets and through routes in the area during construction, particularly during peak periods.

Appley Lane North is subject to considerable levels of on street parking predominately associated with the use of the nearby railway station. The applicant has suggested that 'no parking' restrictions should be applied to the length of Appley Lane North opposite the site access in order to ease the passage of HGV's into the site. However, LCC Developer Support (Highways) is of the opinion that such vehicles could safely access and egress the site without difficulties and that if waiting restrictions were introduced on the east side of Appley Lane North within the proximity of the site access, then parking would potentially be displaced further to the residential areas and so leading to unsatisfactory parking conditions in those areas with adverse effects on residential amenity, which would be unacceptable and which could not be supported

Taking into account the traffic and highway information that has been submitted, and the comments of the LCC Developer Support (Highways), it is considered that the development would be acceptable on highway grounds, subject to conditions to include one requiring the improvement of the site access in accordance with approved details prior to the commencement of any other development.

Emissions and Odour

In relation to emissions from the site, an Air Quality Assessment (AQA) has been submitted with the application that examines the likely air emission impacts of the development. The AQA concludes that the proposed stack height would be adequate to disperse the pollutants and that the development would have an insignificant impact on local air quality. However, a high number of concerns have been received from local residents and Wrightington, Shevington and Dalton Parish Councils as to the impact on health as a consequence of dispersed pollutants.

The County Council has commissioned an Independent Critical Review of the AQA. The aim of this review is to provide an evaluation of the likely air quality impacts of the proposed development to inform the determination of the planning application. The review also provided specific responses to questions raised by the County Council and to consider comments raised in consultation responses including that from Dalton Parish Council. The review highlighted five high priority issues that must be addressed by the applicant as they are potentially important for understanding the impact of the development.

The “High” priority issues identified in the review are as follows:

- No confirmation has been provided that the proposed emission limits could be achieved by the proposed gas engine plant. It is recommended that the applicant should be requested to provide confirmation that the emission limits can be achieved in practice. If this cannot be provided, confidence in the findings of the air quality impact assessment may be reduced.
- The AQA may have under-estimated background concentrations of nitrogen dioxide. No baseline data at all is provided for other substances. It is recommended that the applicant should be requested to review the AQA results in the light of a detailed review of background air quality data.
- The stack height assessment and interpretation of AQA results is based on outdated guidance. It is recommended that the applicant should be requested to revise the assessment of the impacts of the proposed development on the basis of the current guidance. Using the new guidance, and taking the emission limit data at face value, it is estimated that the proposed development would give rise to a “slight” impact on nitrogen dioxide levels at some locations.
- The air quality assessment highlights a potentially significant issue in respect of modelled levels of cadmium. It is recommended that the applicant should be requested to review and provide further substantiation for the conclusions in respect of cadmium.
- The AQA does not take into account indirect exposure pathways for dioxins and furans, which are likely to account for the majority of exposure to dioxins and furans. It is recommended that the applicant should be requested to revise this assessment.

The review also identified a number of medium and low priority and editorial issues.

The review advised that some of the points raised in the consultation response from Dalton Parish Council are closely aligned to issues highlighted in the review – in particular, relating to the achievability of the proposed emission limits.

In relation to the specific questions raised by officers, the review comments as follows:

- The overall approach to the air quality assessment is considered to be appropriate. However, a number of areas in which the methodology for the air quality assessment should be improved are identified.
- The atmospheric dispersion model used in the AQA is appropriate for the assessment of air quality impacts of the proposed facility.
- It is recommended that the applicant should be requested to provide further detail on the nature and composition of the feedstocks in order to support the assessment.
- It is considered that the AQA does not demonstrate that the proposed development would give rise to a “negligible” impact on air quality and does not support the conclusion that “the air quality impact would be 'insignificant' for all pollutants except cadmium”. The comments in relation to the impact of cadmium are not supported by evidence. The feedstocks to be processed at the site are unlikely to be strongly odorous. Further information on the nature of the process

would need to be provided in order to assess whether there would be a significant potential for odorous emissions due to escape of process gases.

- It is considered that the AQA does not demonstrate that the proposed stack height of 17.5 m would be appropriate. The AQA does not demonstrate that this stack height would give rise to a “negligible” impact.

Paragraph 122 of the NPPF requires that planning authorities should not seek to control processes or emissions where these are subject to approval under separate pollution control regimes and that LPA's should assume that these regimes will operate effectively. However, the planning authority does need to reach a judgement as to whether the development would have any unacceptable impacts on air quality, health or local amenity. The applicant has submitted an air quality assessment which has been subject to independent scrutiny through the County Council's air quality consultant. The independent assessment has identified a number of shortcomings in the way that the assessment has been undertaken and its conclusions.

The operation would fall under the definition of a 'small waste incineration plant' in the Environmental Permitting (England and Wales) Regulations 2010 (as amended) and would therefore be regulated by the Local Authority based on a capacity of less than 3 tonnes per hour. West Lancashire Borough Council could therefore impose detailed controls on the emissions and odour from the pyrolysis plant through their regulatory powers for such plants. However, as part of the determination of the planning application, it is necessary for the County Council to reach a view as to whether the proposal is an acceptable land use in this location. Having regard to the information that has been submitted in support of the application and the findings of the County Council's independent assessment, it cannot be concluded at present that the proposed development would not have detrimental impacts on air quality which would result in harm to local and residential amenity. In the absence of such demonstration, the application is considered to be contrary to policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.

Issues relating to health and safety and fire risks can be adequately addressed through site design and working practices that are covered by other legislation. The HSE have provided no comment as the proposed development does not lie within the consultation distance of a major hazard site or major accident hazard pipeline.

A number of residents are concerned about the implications of the location of the site adjacent to the West Quarry landfill site, particularly in terms of landfill gas and other contamination. Whilst the landfill site is still producing some gas, although at a much lower rate than has previously taken place, the gas is controlled through the use of flaring and venting to ensure that it is managed safely. The proposed plant is not located on the landfill itself and would not increase rates of gas production or increase the likelihood of gas migrating outside of the site. Therefore it is not considered that there would be any implications in terms of landfill gas or other contamination arising from the previous uses of the land.

Noise

The applicant has not submitted a noise assessment as the exact make and model of the plant has not been confirmed. They intend to submit such an assessment when they have chosen the plant. The applicant believes that the proposed facility would not contribute to significant changes in ambient noise levels at the nearest receptors. However, the impacts of noise on residential amenity is a material planning consideration and therefore sufficient information must be submitted as part of a planning application to allow adequate consideration of this issue.

The EA have commented that a suitable noise assessment should be carried out to ensure a good understanding of how the operation would impact on the local area in relation to background noise and to allow any noise attenuation measures to be considered. There are concerns from residents in the area that there would be a constant noise from a plant that would operate 24 hours a day, 7 days a week. West Lancashire Borough Council have objected due to detrimental impact on the amenities of nearby residents through increased noise and disturbance.

The nearest houses are located approximately 350m to the north-east of the site on the west side of Appley Lane North, and 410m to the south-east of the site fronting the east side of Appley Lane North. Noise would arise from vehicles and outside machinery associated with the site. While there are no houses close to the site, the fact that the restored landfill site would provide some noise screening, and that there are other noise generating land uses in the area, namely the industrial estate to the south of the railway line and the traffic on Appley Lane North, it cannot be ruled out that there would not be noise arising from the site to a level that would not create a disturbance. In the absence of a noise assessment it cannot be concluded that the proposal would not cause unacceptable noise impacts and, the development is contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local, and Policy GN3 of the West Lancashire Local Plan.

Ecology

The proposal is located on an existing concrete hardstanding and the development would not result in the loss of any wildlife habitats. Therefore no ecological assessment was submitted with the application. However, a Bat and Bird Risk Assessment was submitted. The Manchester-Southport railway line on the south side of the railway pad is allocated as a Major Wildlife Corridor and is subject to Policy EN2 of the West Lancashire Local Plan DPD.

The LCC Specialist Advisor (Ecology) has not objected and is satisfied that the proposal is unlikely to result in any significant impact on bats or birds because the emergency flare would be enclosed and operate infrequently, the nature of the application site and because there is no evidence to suggest a regular flyway of the site by birds. Provided construction and operational impacts on adjacent habitats are avoided/ minimised, significant adverse impacts on protected or priority species appear unlikely and the Major Wildlife Corridor and the nearest protected wildlife sites would not be affected. The application is therefore considered acceptable in relation to ecological impacts and complies with Policy EN2 of the West Lancashire Local DPD.

Safeguarding of Watercourses and Surface and Foul Water Drainage

The Canal and River Trust commented that no details have been provided of the surface water that would be disposed into existing watercourses. However, the site is already hardsurfaced and therefore it is unlikely that the development would result in an increase in run off from the site. There would be no direct impacts on any watercourses and it would be possible to impose conditions to control any pollution impacts including the bunding of any fuel or other liquid storage tanks. Subject to such conditions, it is considered that the development accords with Policy EN3 of the West Lancashire Local Plan DPD.

Conclusion

The proposed pyrolysis plant would convert 6000 tonnes per annum of waste plastic in to a range of hydrocarbon products. The development would therefore be a recycling operation that would divert waste from landfill securing the management of such waste at a higher level in the waste hierarchy. In this respect, the proposal would comply with National and Local Planning Policy.

However, the application site is located on land that is safeguarded by Policy IF2 of the West Lancashire Local Plan for a small scale rail facility. The location and scale of the development would prejudice the use of the site for such a use and the applicant has not conclusively demonstrated that such a use is unviable as is required by the policy. The development is therefore contrary to Policy IF2 of the West Lancashire Local Plan. In addition, no noise or suitable air quality assessment has been submitted, and in the absence of such, it cannot be concluded that there would not be air or noise emissions arising from the site to a level that would not create unacceptable disturbance to local and residential amenity. The development is therefore contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.

The other impacts of the development in terms of the visual impact, highway access and safety, ecology, and the safeguarding of watercourses and surface and foul water drainage, are acceptable or can be made so by planning conditions. However, the acceptability of the development in these terms together with the benefits of the development outlined above are not sufficient to outweigh the conflict with the policies of the development plan relating to safeguarding of the rail pad and protection of local amenity.

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 secure the proper location of waste development in order to safeguard protected rail head facilities and to ensure the protection of local amenity 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 place a disproportionate burden on the applicant.

Recommendation

That planning permission be **refused** for the following reasons:-

1. The application site is located on land that is safeguarded by Policy IF2 of the West Lancashire Local Plan for a small scale rail facility. The location and scale of the development would prejudice the use of the site for a small scale rail based facility and the applicant has not conclusively demonstrated that such a use is unviable. The development is therefore contrary to Policy IF2 of the West Lancashire Local Plan.
2. The applicant has not demonstrated that the proposal would not give rise to detrimental impacts on air quality. In the absence of such demonstration, the proposal is considered to be contrary to Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan
3. The application is not accompanied by a noise assessment. In the absence of such information, it cannot be concluded that the development would not give rise to noise levels resulting in unacceptable harm to local and residential amenity. The development is therefore contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Ext
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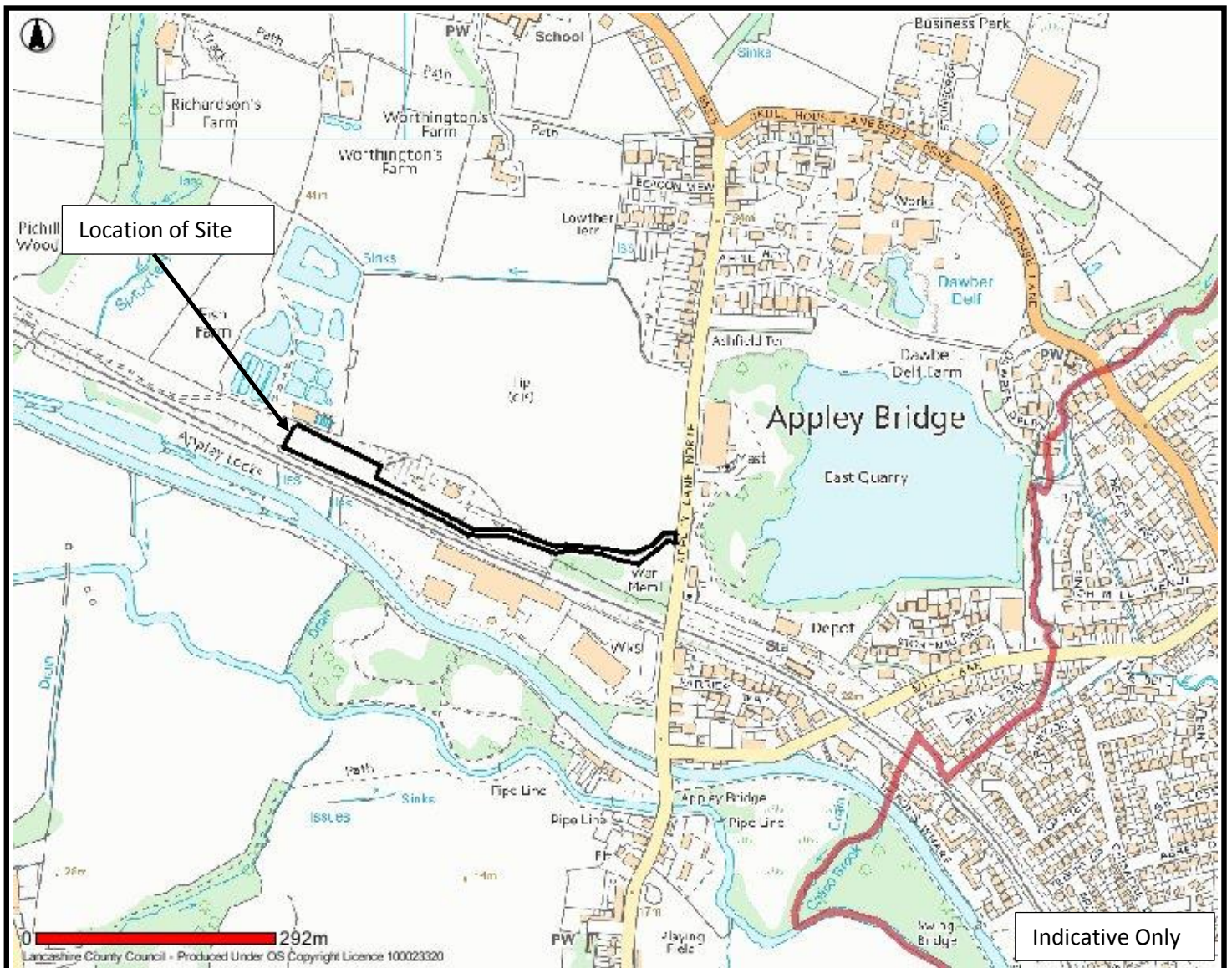
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Rob Jones Planning and Environment 534128		
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Reason for Inclusion in Part II, if appropriate		
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N/A		
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APPLICATION LCC/2015/0088 LOW TEMPERATURE PYROLYSIS PLANT TO CONVERT LOW WORTH WASTE PLASTIC IN TO DIESEL AND GASOLINE. THE FACILITY INCLUDES A FUEL RECEPTION HALL, CONVEYORS, CHEMICAL TREATMENT, FRACTIONATION COLUMNS, FUEL STORAGE TANKS A GENERATOR SET AND OFFICES. THE FACILITY USES THE NON-CONDENSABLE GASES AND SOME OF THE PRODUCT GASOLINE AS FUEL TO MEET THE PLANTS HEAT AND POWER REQUIREMENTS. APPLEY BIOMASS TO ENERGY LTD DEPOT, WEST QUARRY RAILWAY PAD, APPLEY LANE NORTH, APPLEY BRIDGE



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Development Control Committee
Meeting to be held on 20 January 2016

Electoral Division affected: Rossendale North
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Rossendale Borough: application number LCC/2015/0106
Demolition of existing crematorium, office building and stable block and replacement with new crematorium building at Rossendale Pet Crematorium, Co-operation Street, Crawshawbooth

Contact for further information:
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Executive Summary

Application – Demolition of existing crematorium, office building and stable block and replacement with new crematorium building at Rossendale Pet Crematorium, Co-operation Street, Crawshawbooth.

Recommendation – Summary

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

1. The new crematorium building would be constructed outside the defined urban boundary (Local Plan saved policy DS.1). The crematorium does not need to be located in the countryside and would therefore be contrary to Policy 1 of the Rossendale Core Strategy.
2. The new crematorium building would be incompatible with its surroundings in terms of its size, scale and visual impact contrary to Policies 23 and 24 of the Rossendale Core Strategy.
3. The applicant has failed to satisfactorily demonstrate that there would be no unacceptable impact on bats as a consequence of the demolition of existing buildings, contrary to Policy 18 of the Rossendale Core Strategy.

Applicant's Proposal

Planning permission is sought for the demolition of an existing crematorium, office building and stable block and replacement with a new crematorium building for the cremation of animals and management of veterinary waste. An existing yard area would be retained for overnight parking of light goods vehicles. There would be 9 parking spaces including 1 disabled space.

The new crematorium building would measure approximately 40m x 15m x 9m to ridge height. The building would be cut into the hillside allowing for a two storey design at the frontage and one upper storey towards the rear. There would be four

stacks exiting the roof from internal cremators that would terminate at 12m above ground level. There would also be four heat extraction units positioned along the roof ridge. Land immediately surrounding the building would be re-profiled and a retaining wall would be provided along with a tarmac surfaced access area, vehicle washing area, a brown paviour surface to entrance forecourt and in ground wastewater holding tanks with soakaway.

The building would be constructed with pitch faced natural stone to the lower storey and timber plank cladding with dark brown stain finish to the upper storey. The roof would be covered with reclaimed natural blue slate (as stated on the submitted drawings) or plastic coated corrugated steel coloured olive green (as stated on the application form).

The applicant has noted that the floor areas of the buildings to be demolished would be 87m² for the existing office, 66m² for the existing stables and 127m² for the existing crematorium with building heights in the range of 2.2m to 3.7m. The total gross new internal floor space would be 768m², an increase of 496m² above existing.

Description and Location of Site

The proposed development relates to an existing pet crematorium and cemetery complex including a crematorium building, storage area and parking, office building, burial grounds, and also adjacent grazing land featuring a stable block. The moorland extends upwards beyond the site to the west.

The site is located on a hillside in an area of open countryside (as allocated in the Rossendale Local Plan). The site is accessed via a long, narrow and steeply sloping private access road off Co-operation Street from Crawshawbooth in the valley below. The private access road includes a public right of way footpath number 92 along some of its length and two passing places.

The nearest resident property is some 60m from the most northerly point of the proposed development at 'Sunny Bank'.

Background

History

There has been a pet cemetery and crematorium on part of the site since the 1970s. The land for the proposed new building is grazing land.

Planning Policy

National Planning Policy Framework

Paragraphs 6 – 16, and 109 – 125 are relevant with regard to the definition of sustainable development and the operation of the planning system, and conserving and enhancing the natural environment

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy NPPF1 Presumption in Favour of Sustainable Development
Policy DM2 Development Management
Policy DM4 Energy from Waste

Rossendale District Core Strategy

Policy 1 – General Development Locations and Principles
Policy 18 – Biodiversity, Geodiversity and Landscape Conservation
Policy 23 – Promoting High Quality Design and Spaces
Policy 24 – Planning Application Requirements

Rossendale Local Plan

Policy DS.1 – Urban boundary

Consultations

Rossendale Borough Council – Policy 1 directs new development to the urban boundary unless it has to be located within the countryside. The application site lies within the countryside, outside of the defined urban boundary. It is in a relatively inaccessible location (compared to many more urban locations) approximately 500m from Burnley Road via a single track lane with no footways. This is also a public right of way. The policy also seeks development that makes best use of under-used, vacant and derelict land and buildings. The policy's supporting text points out the considerable amount of such land and buildings in the area, the re-use of which would help to improve the quality of the local environment as well as helping to reduce pressure to build on 'greenfield' peripheral locations. Although parts of the wider site where buildings are to be demolished are previously developed, the site subject to the new building is greenfield.

The submission makes no reference to Policy 1 and no justification is made for the new crematorium building to be located within countryside and not within the urban area. There is no justification for the chosen site within the submission. It does not appear to be necessary for the building (which is not for agricultural or rural use) to be in the countryside rather than the urban area.

Policy 1 also requires planning applications to "enhance and protect the countryside". The scale of the proposed building at some 825sqm with 4 x 5m high chimneys and a ridge height of 9m, will be large, and will have an appearance akin to an industrial building. Whilst it will replace some smaller scale existing buildings, there is a net increase in over 500sqm, which is a significant increase in scale. It will be sited on higher level land further up the hill from the existing stable building, further into the open countryside. There are a number of PROW's surrounding the site, the nearest being just 50m away to the north from where the building will be visible. For these reasons there are concerns that the proposal will fail to "enhance and protect" the countryside, and it will cause harm to the character of the countryside.

Policy 21 states that the rural environment and economy will be protected and enhanced and outside of existing rural settlement boundaries and major developed sites (the application site is not located within either) proposals should demonstrate

the social and or economic needs / benefits for the local rural community and strict consideration will be given to the impact of rural development on the countryside. Other than making reference to the Pet Cemetery being an established business, the submission does not demonstrate social or economic needs / benefits for the local rural community, and again, for the reasons above there is concern that the proposal will have a harmful impact on the countryside by reason of its siting, scale and design. The proposal fails to comply with Policies 23 and 24 in this regard also.

LCC Developer Support (Highways) – Raise no objection to the proposal subject to an amendment to the plan which would see the proposed parking spaces using the yard area to turn and exit onto the lane in forward gear, rather than using the lane to reverse turn. The reason is to reduce the risk of a collision with a pedestrian on the lane which is a public footpath, especially during the hours of darkness due to the lane being unlit.

There would be an increase in the vehicle movements on the lane, which have been considered. There are two passing places for vehicles and pedestrians on the lane which is single track for most of its length. There are opportunities for pedestrians to stand on the grass verge on other sections of the lane should a vehicle be passing by. This would not be a highway safety concern.

County Ecology Service – Whilst significant harm to biodiversity does seem reasonably unlikely, there are potential impacts (primarily protected species) which will need to be addressed. Inspection of buildings to be demolished would be required before determination of the application to assess the likelihood of impact on bats. Demolition or other development should avoid potential impacts on nesting birds. Appropriate working practices would have to be employed in the event that Japanese knotweed, Himalayan balsam, and monkeyflower are encountered.

Environment Agency – There is a current Environmental Permit EPR/DP3591LV for the waste operations performed at the Rossendale Pet Crematorium Ltd site. The proposed development might require an Environmental Permit variation.

The development proposal includes a tank to hold wastewater from a vehicle washing area and an internal waste holding area. This cannot be discharged to surface water or ground (soakaway), and should either be discharged to sewer under consent from United Utilities or tankered for off-site for disposal.

The development proposal also includes a biodisk with discharge to soakaway. If the discharge to soakaway is less than 2 cubic metres per day, the discharge and sewage treatment plant meets the requirements of the 'general binding rules'. If the discharge is only sewage in nature (toilets, hand wash sinks) and does not contain any trade effluent or wash down water, then the applicant will not need an Environmental Permit for this discharge. If not, then they will require an Environmental Permit.

Coal Authority – No objection.

Natural England – No objection.

Lead Local Flood Authority (LLFA) – No objection subject to conditions relating to sustainable drainage.

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

- The proposed development would be inappropriate in an open countryside location. An industrial site would be more appropriate.
- The proposal would be a major increase in scale of development at the site when compared with the existing with stacks a minimum of 12.2m high.
- The proposed development would be detrimental to residential amenity.
- Reference to Rossendale Core Strategy and the general requirements to seek to avoid any harmful impacts of development on all aspects of Rossendale's natural environment, and to ensure high quality design and be in keeping with the local area.
- Access to the site would be inadequate for additional traffic.
- The proposal includes an equine cremator. The access road will not be suitable for horse transportation.
- The access road is also a public right of way but there is no footpath. Walkers have to step off the road onto the rough verge when a vehicle passes. Reference to Rossendale Core Strategy, which refers to the value of footpaths
- Concerns about clinical veterinary waste on-site.
- No independent water supply on-site. Water is provided via a pump from third party land and would not be able to accommodate an intensification of use.
- The application does not include a flood risk assessment.
- Proposed hours of opening have not been provided in the application form.
- No biodiversity or geodiversity assessment.
- The application does not consider visual impact from neighbouring property.
- Trees on application site recently removed.

Advice

The applicant has stated that the pet cemetery is an established business in Rossendale and that the proposed facility would be an improvement on the existing crematorium in that it would be more efficient and, being sited further up the hill, would give an improved dispersion from the chimneys.

The application site is located in open countryside as allocated in the Rossendale Local Plan and as referred to in Policy 1 of the Rossendale Core Strategy. Policy 1 of the Rossendale Core Strategy states that development should take place within the defined urban boundary unless it has to be located in the countryside, and should be of a size and nature appropriate to the size and role of the settlement. It is appreciated that the proposed development would involve the rationalisation and expansion of an existing business, which would present economic benefits. However, there is no reason why the construction of a new large crematorium building on previously undeveloped land has to be located in the countryside. It is considered that the presence of the existing small scale crematorium and ancillary facilities on adjacent land would not be sufficient reason to support the application in principle where there is such a significant increase in the scale of the facility.

Notwithstanding the new crematorium building would be set into the hillside and the proposed design and selection of materials would ordinarily be appropriate for the setting (and could be subject of conditions requiring further details including earthworks, landscaping, revised parking layout, and sustainable drainage), it would still be of a significant size and scale. 12m high exhaust stacks extending some 3m above the ridge height would also add to the visual impact experienced by users of the adjacent public footpath and neighbouring landowners, which would be incompatible with the countryside setting contrary to Policies 23 and 24 of the Rossendale Core Strategy. Distant views are less likely to be significant given the flow of the local topography and the woodland coverage on lower slopes of the valley below.

The site is reached via a long steeply sloping, private access road from Co-Operation Street in Crawshawbooth. The road incorporates a definitive public right of way along part of its route although the full length of the access road is believed to be regularly used to access the wider footpath network beyond the site. The existing crematorium and cemetery has been in existence for many years and the number of vehicle movements by members of staff, visitors and light goods vehicles is not expected to increase so significantly for there to be reasonable grounds for refusal in this respect. Lancashire County Council's Developer Support (Highways) has raised no objection subject to an amendment to the plan which would see the proposed parking spaces using the yard area to turn and exit onto the lane in forward gear, rather than using the lane to reverse turn. This would be to reduce the risk of a collision with a pedestrian on the lane, especially during the hours of darkness due to the lane being unlit. This could be dealt with by way of condition.

Crematoria are well understood and practiced facilities that are subject to Environmental Permitting controlled by the Environment Agency. The existing facility is already subject of an Environmental Permit and could be applied or amended for the purposes of the proposed development. This should adequately control matters relating to noise, odour, air and water quality.

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. It should be assumed that the permitting regime operates effectively and there is no reason to doubt that air emission could be controlled to acceptable levels.

Demolition of the existing buildings could have the potential to impact on bats. No qualified assessment has been submitted to demonstrate whether or not it would be reasonably likely that there would be any impact. Bats are European Protected Species and are therefore a material consideration in the determination of planning applications. The application does not contain sufficient information to allow the value of the existing buildings for bats to be adequately assessed. On this basis there are grounds for refusing planning permission.

The demolition of buildings and construction of the new crematorium building could impact on nesting birds. However, this matter could satisfactorily addressed by way of condition to restrict the timing of development works.

Overall it is considered that the proposed development would conflict with the policies of the development plan whose purpose is to protect the openness and character of the countryside. The applicant has not demonstrated that the new crematorium building needs to be located outside the urban boundary in the open countryside and the size and scale of the proposed new crematorium building would be incompatible with its surroundings in the countryside. Furthermore, the applicant has not satisfactorily demonstrated that there would be no detrimental impact on bats. Other matters relating to details of drainage, landscaping, nesting birds and parking could be satisfactorily addressed by way of condition should permission be granted but this does not outweigh the conflict with the policies designed to protect the countryside outlined above.

Human Rights

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 proposed development are properly assessed in accordance with the policies of the development plan and any material considerations. The proposal would conflict with the policies of the development plan designed to ensure the protection of the countryside 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 the application and that this would not be a disproportionate interference with the rights of the applicant.

Recommendation

That planning permission be refused for the following reasons:

1. The new crematorium building would be constructed outside the defined urban boundary (Local Plan saved policy DS.1). The crematorium does not need to be located in the countryside and would therefore be contrary to Policy 1 of the Rossendale Core Strategy.
2. The new crematorium building would be incompatible with its surroundings in terms of its size, scale and visual impact contrary to Policies 23 and 24 of the Rossendale Core Strategy.
3. The applicant has failed to satisfactorily demonstrate that there would be no unacceptable impact on bats as a consequence of the demolition of existing buildings, contrary to Policy 18 of the Rossendale Core Strategy.

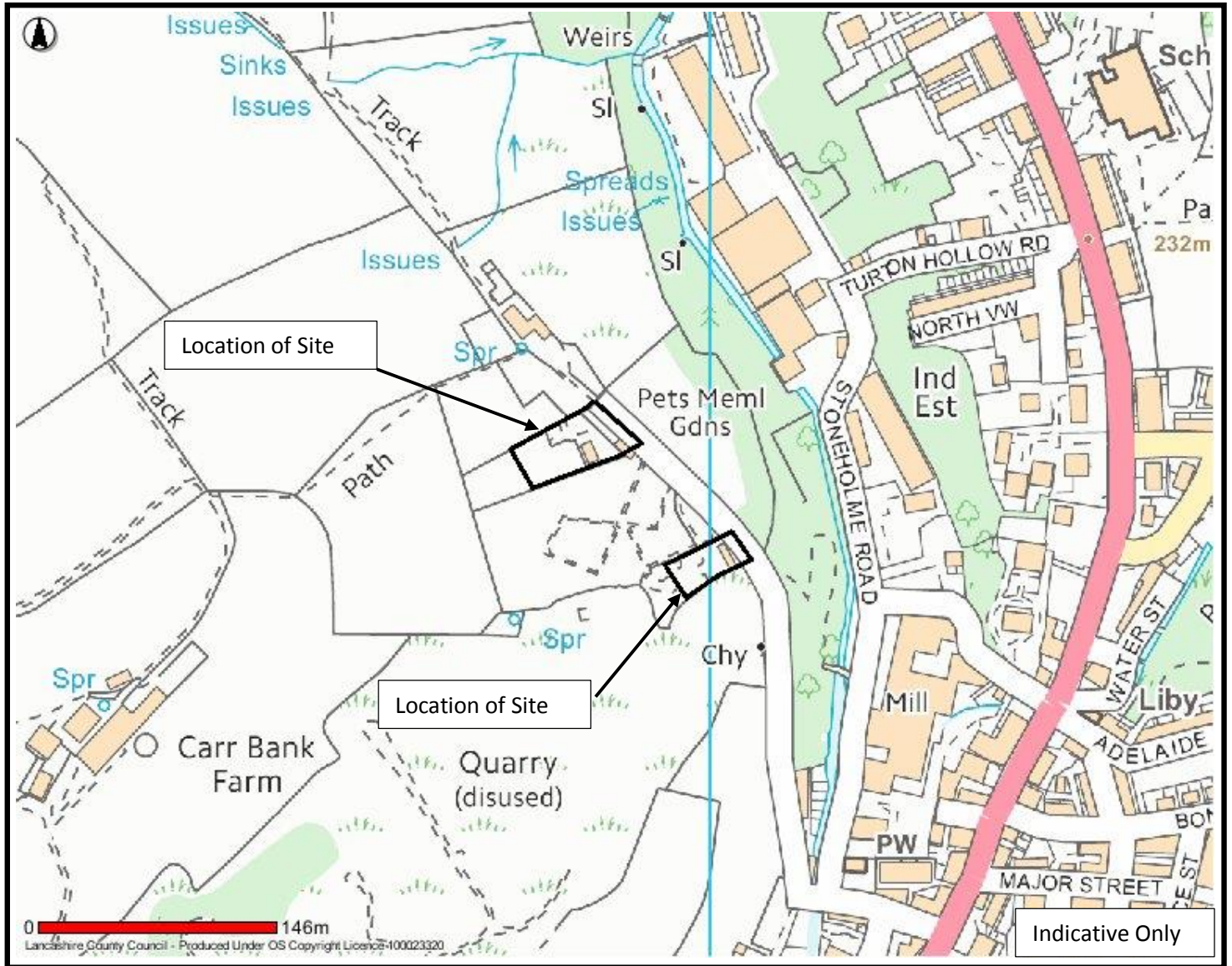
Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Ext
LCC/2015/0106	Jan 2016	R Hope/34159

Reason for Inclusion in Part II, if appropriate

N/A

APPLICATION LCC/2015/0106 DEMOLITION OF EXISTING CREMATORIUM, OFFICE BUILDING AND STABLE BLOCK AND REPLACEMENT WITH NEW CREMATORIUM BUILDING. ROSSENDALE PET CREMATORIUM, CO OPERATION STREET, CRAWSHAWBOOTH.



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Development Control Committee

Meeting to be held on 20 January 2016

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

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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 9 December 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.

Wyre Borough

Application: No. LCC/2015/0102

Verge to the North of Rawcliffe Road to the North East of Hornby Cottage
Construction of a pressure relief column

Application: No. LCC/2015/0101

Verge, North of Rawcliffe Road and East of Catterall Farm, St Michaels
Construction of a Pressure Relief Column

South Ribble Borough

Application: No. CRT/2015/0095

Leyland Wastewater Treatment Works, Emnie Lane, Leyland

Application for a lawful development certificate for proposed erection of solar photo voltaic arrays

West Lancashire Borough

Application: No. LCC/2015/0105

Elm Tree Community Primary School, Elmers Wood, Skelmersdale

Variation of condition 3 of permission LCC/2015/0068 to allow the use of the modular building for a period of 5 years

Application: No. LCC/2015/0103

Whitemoss Horticultural, North Perimeter Road, Knowsley.

Variation of condition 6 of planning permission ref 8/11/0528 to allow the importation of green wastes and aggregates between the hours of 06.00 to 18.30 Mondays to Fridays, 07.30 to 17.30 hours on Saturdays and 10.00 to 16.00 on Sundays and public holidays

Application: No. CRT/2015/0097

Land at Skelmersdale Waste Water Treatment Works, Deans Lane, Hoscarr.

Application for a lawful development certificate for proposed erection of a solar photo voltaic array, switchgear housing, ring main unit underground cabling and 2.4m high security fence

Burnley Borough

Application: No. CRT/2015/0093

Burnley Waste Water Treatment Works, Woodend, Off Barden Lane, Burnley.

Application for a lawful development certificate for proposed erection of solar photo voltaic arrays

Recommendation

That the report be noted.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper

Contact/ /Ext

Susan Hurst, Ext: 34181

LCC/2015/0105	LCC/2015/0101
LCC/2015/0103	LCC/2015/0102
CRT/2015/0097	CRT/2015/0094
CRT/2015/0095	CRT/2015/0093