

Lancashire County Council

Development Control Committee

Wednesday, 2nd March, 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 20 January 2016** (Pages 1 - 6)

The committee are asked to agree that the Minutes of the last meeting held on 20 January 2016 be confirmed and signed by the Chair.
4. **Chorley Borough: application number 09/13/1075 Environment Act 1995 - application for the determination of conditions for permission 09/98/0049 for the winning and working of minerals at Clayton Hall Landfill Site, Dawson Lane, Whittle le Woods** (Pages 7 - 20)
5. **Chorley borough: application number LCC/2015/0069 Revised working scheme including amended levels and extension of the mineral extraction and landfill areas at Clayton Hall Landfill Site, Dawson Lane, Whittle Le Woods** (Pages 21 - 42)

6. **Preston City: Application number. LCC/2015/0070** (Pages 43 - 54)
Variation of condition 3 of permission 06/10/0169 to vary the hours of operation of the shredder to 07.30 to 17.30 Monday to Friday (except bank holidays), 7.30 to 13.00 on Saturdays with no metal processing operations to be undertaken by the shredder recycling plant at any time on Sundays and public holidays. Recycling Lives, Longridge Road, Preston
7. **Lancaster City: Application number LCC/2015/0092** (Pages 55 - 68)
Retrospective change of use of land from go-kart track to waste transfer station, the retention two demountable units, a bale shed and plant and equipment and erection of storage and sorting building. Unit 26, Stalls Road, Heysham Business Park, Middleton.
8. **Lancaster City: Application number. CRT/2015/0096** (Pages 69 - 76)
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. Lancaster Waste Water Treatment Works, Stodday Lane, Lancaster.
9. **Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.** (Pages 77 - 78)
10. **Urgent Business**
An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.
11. **Date of Next Meeting**
The next meeting of the Development Control Committee will be held on Wednesday 13 April 2016 at 10.00 a.m. in Cabinet Room B - the Diamond Jubilee Room, County Hall, Preston.

I Young
Director of Governance,
Finance and Public Services

County Hall
Preston

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 20th January, 2016 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
B Dawson	P Rigby
K Ellard	A Schofield
M Green	K Sedgewick
P Hayhurst	R Shewan
D Howarth	D T Smith
M Johnstone	D Westley

County Councillors R Shewan, D Smith and D Westley replaced County Councillors K Snape, M Devaney and B Yates on the Committee respectively.

County Councillor A Barnes attended the meeting under Standing Order 19(1).

1. Apologies for absence

None received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor T Aldridge declared a non pecuniary interest in agenda items 4 and 5 as a member of West Lancashire Borough Council.

County Councillor Westley declared a non pecuniary interest in agenda item 4 as a member of the West Lancashire Borough Council. He advised that he 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 9 December 2015

Resolved: 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 Erection of two windturbines and ancillary works. Hillhouse Waste Water Treatment Works, Wood Lane, Great Altcar

County Councillor Westley had previously given his views on this application as a member of the West Lancashire Borough Council Planning Committee and therefore left the room during consideration of the application.

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 committee had considered the application at their last meeting on 9 December 2015 and resolved that further consideration of the application be deferred to allow the committee to visit the site.

The site visit took place on the 14 January 2016.

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.

It was reported orally that since the last meeting, Members had received a letter from the agent on behalf of the applicant to address several points which were raised in debate at the last Committee as follows:

- Pre application consultation – the applicant had produced details of the pre application consultation that was carried out, the address points from where responses were received and the comments that were made.
- An overview of the responses that have been received from consultees in relation to some of the key planning issues.
- Comments on shadow flicker including an explanation of why the shadow flicker issues that were raised in relation to the wind turbine in Skelmersdale would not occur at this site.

The officer advised that the comments contained in the applicant's letter were covered in the committee report.

Officers responded to questions raised by the Members in relation to the June 2015 Ministerial Statement relating to wind energy development and the community response to the consultation. The Officer pointed out that those residents living nearest the site either supported or raised no objection to the proposals.

The Committee was also mindful of other concerns including the impact on wildlife and the cumulative impact of the proposed turbines with another windfarm proposal nearby.

Following further debate with regard to the community response and the proposed mitigation measures, it was:

Resolved: 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 conditions set out in the report to the committee.

5. 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.

A report was presented on an application for the change of use of land at Jubilee Wood 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, Bickerstaffe.

The report included the views of West Lancashire Borough Council, Bickerstaffe Parish Council, the Environment Agency, the County Council's Developer Support (Highways), Specialist Advisors (Ecology and Archaeology) and Environment and Community Projects, National Grid Gas and Electricity, the Coal Authority and three 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 an illustration of the proposed site layout and vehicular access and photographs of the existing site entrance, the access road and the application site.

The Officer reported orally that the applicant had submitted further information to support and justify the location of the development within the Green Belt and had provided a plan of a proposed alteration to the central reservation located opposite the site entrance. The comments of the LCC Developer Support Highways in relation to the alteration were also reported together with details of two further letters of representation received and the officer advice. (Details set out on the update sheet at Annex A to the Minute Book).

A local resident addressed the committee and objected to the proposals for the following summarised reasons:

- No detailed information had been provided about the processes to be carried out on the site.
- No impact assessment had been carried out on the potential detrimental effects from noise, dust pollution and contamination.
- There were highway safety issues associated with the proposal which had the potential to impact on nearby residential properties, businesses and users of the cycle trail.
- The appropriate notices had not been served in relation to the access to the site which forms part of the Bickerstaffe Cycle Trails and which has been designated as an Asset of Community Value.
- The site is unsuitable for the proposed industrial use due to the potential impacts on health and safety.

Following discussion on the impacts of the proposal on highway safety and on the Green Belt it was:

Resolved: That planning permission be **refused** for the reasons set out in the report to the committee.

- 6. 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.**

The Committee was advised that this application had been withdrawn.

- 7. 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**

A report was presented on an application for the demolition of the existing crematorium, office building and stable block and replacement with new crematorium building at Rossendale Pet Crematorium, Co-operation Street, Crawshawbooth.

The report included the views of Rossendale Borough Council, the Council's Developer Support (Highways) and Ecology Service, the Environment Agency, the Coal Authority, Natural England, the lead Local Flood Authority 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 a site location plan, illustrations of the proposed building and photographs of the site from several viewpoints.

It was reported orally that the applicant had submitted a bat survey to seek to address the recommended reason for refusal in relation to bats. However, the survey identified that further investigation would be required to reasonably demonstrate the presence/absence of bats. It was further reported that where there is a likelihood of protected species being present and affected, surveys should be complete, and mitigation in place through planning condition/ obligation, prior to determination of the application. The committee was advised that without this further survey work, the reasons for refusal remained the same as set out in the committee report.

It was also reported that one additional representation had been received raising the same issues to those referred to in the committee report.

County Councillor Alyson Barnes, the local Member for the area, addressed the Committee. Councillor Barnes felt that the proposed development would have an adverse impact on the area and on the local countryside; would be highly visible in

the area despite attempts to mitigate it; would be detrimental to residential amenity; and was inappropriate in an open countryside location. She also pointed out that it was also contrary to the Local Plan.

A representative of CBS UK Ltd spoke on behalf of the applicant and raised the following summarised points in support of the application:

- Cemeteries and crematoriums were generally located outside of the urban boundary so this should not be a reason for refusal;
- The development would create a further 9 jobs;
- The proposed development was in keeping with other buildings in the area and the designs materials were comparable with a barn at nearby farm;
- The applicant would be happy to carry out further bat surveys;
- The proposal would result in higher environmental standards;
- It was not feasible to relocate the crematorium to an industrial area;
- The LCC Highways officer and the borough council's Environment Health Officer had raised no objection to the proposal.

During lengthy debate during which arguments both for and against the application were put, it was Moved and Seconded:

"That planning permission be granted subject to a further bat survey".

On being put to the vote the Motion was Lost.

Following further debate and advice from officers with regard to the bat survey it was:

Resolved: That planning permission be refused for the reasons set out in the report to the committee.

8. 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, seven 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

9. Urgent Business

There were no items of urgent business.

10. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 2 March 2016.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston

Development Control Committee
Meeting to be held on 2 March 2016

Electoral Division affected:
CHORLEY RURAL NORTH,
CHORLEY NORTH, LEYLAND
CENTRAL

Chorley Borough: application number 09/13/1075
Environment Act 1995 - application for the determination of conditions for permission 09/98/0049 for the winning and working of minerals at Clayton Hall Landfill Site, Dawson Lane, Whittle le Woods

Contact for further information:
Robert Hope, 01772 534159
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Executive Summary

Application – Environment Act 1995 - application for the determination of conditions for permission 09/98/0049 for the winning and working of minerals at Clayton Hall Landfill Site, Dawson Lane, Whittle le Woods.

The application is accompanied by an Environmental Statement and Non-Technical Summary for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Recommendation – Summary

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, for the purposes of Section 96 and Schedule 14 of the Environment Act 1995 conditions be imposed on planning permission 09/98/0049 controlling time limits, working programme, hours of working, site operations, highway matters, noise, restoration and aftercare.

Legislative Background Information

Section 96 and Schedules 13 and 14 of the Environment Act 1995 provide for the initial review and updating of old mining permissions granted between 30 June 1948 and 22 February 1982 and the periodic review of all mineral planning permissions thereafter as a means of protecting the environment and amenity, and to provide equal treatment between sites and mineral operators.

Initially the County Council as Mineral Planning Authority (MPA) was required to prepare a list of all relevant mineral permissions and then divide the sites between those permitted between 1948 and 1969 (Phase 1 sites) and those permitted

between 1969 and 1982 (Phase 2 sites). Applications for the determination of new conditions for active Phase 1 sites had to be submitted within a period of time set by the MPA, which was between 1 and 3 years of the date of publication of the MPA's list and within the following 3 years for active Phase 2 sites. Periodic Reviews typically take place every 15 years unless the MPA is satisfied that the existing permission provides sufficient controls. The purpose of periodic reviews is to ensure that the conditions attached to mineral permissions do not become outdated with the passage of time.

The MPA can either approve the applicant's proposed schedule of conditions as submitted or impose their own set of conditions. The conditions imposed by the MPA should meet all the tests of planning conditions and should not restrict working rights nor prejudice adversely, or to an unreasonable degree, the economic viability of operating the site or asset value of the site. If the application is determined on terms different from those set out in the application, the applicant has a right of appeal to the Secretary of State and if his working rights are restricted he may be entitled to compensation. It is not open to the MPA to refuse a valid application.

Applicant's Proposal

The old mining planning permissions relevant to this site were reviewed under the provisions of the Environment Act 1995 and new planning conditions were determined on 6 April 1998 (permission reference number 09/98/049). The reviewed conditions provide for the extraction of minerals followed by progressive restoration of the site involving the importation of non-hazardous waste materials until the end of 30 years from the date of the permission i.e. 6 April 2028. An application has been submitted for the periodic review of permission 09/98/049.

Based on figures derived from the status of the site at the end of 2012 (prior to the application being submitted), the operator estimated that 29,000m³ of sand and gravel remained (approximately 58,000 tonnes) and this relates to an area of some 1.2 hectares within the wider site. The area of landfill operations is some 8.1 hectares and the remaining capacity was approximately 423,000m³, or 5-6 years.

With the passage of time and the continuation of operations at the site the applicant has indicated that the remaining mineral reserves are below 6000m³ and the landfill capacity has fallen to below 320,000m³, with a life of some 4 years.

The area of the site still to be worked comprises Cells 3A, 3B, 3C, 4A and 4B shown on drawing no 08469/99 – *Working Plan*. Cells 3A and 3B are largely complete and await capping and final restoration.

At the time the application was submitted it was considered that the development was a Schedule 1 Project under the Town and Country Planning (Environmental Impact Assessment) Regulations 2015. The application was first submitted without an Environmental Statement and consequently the application could not be determined. The applicant subsequently submitted an Environmental Statement (ES) and Non-Technical Summary. The ES provides details of the site history and the proposed development before examining the impacts associated with the proposal. It assesses key identified potential environmental impacts in respect of

hydrology and hydrogeology, landscape and visual impact, landfill gas, ecology, cultural heritage, and other matters including noise, air quality and highways matters.

The application includes a schedule of proposed new planning conditions regarding site area, updated drawings, time limits, development schemes, site operations, restoration and aftercare.

Description and Location of Site

The site is a largely worked out sand and gravel quarry, which is being restored through the deposit of non-hazardous waste. The site also has an associated waste management and recycling centre. The site is accessed from Dawson Lane and is located between Whittle-le-Woods and Leyland, on the western flank of the River Lostock Valley. The existing waste sorting and recycling centre is located in the service yard to the south of the site.

Open agricultural land extends beyond the site to the north and east. Buckshaw Village is to the south. An established residential estate is located to the north-west.

This site is located within Green Belt.

Background

Site History

Clayton Hall Quarry is a long established sand quarry, which is currently being restored by landfilling. The old mining planning permissions relevant to this site were reviewed under the provisions of the Environment Act 1995 and new planning conditions were determined on 6 April 1998 as part of permission ref. 09/98/049. The reviewed conditions provide for the extraction of minerals followed by progressive restoration of the site involving the importation of waste materials until the end of 30 years from the date of the permission i.e. 6 April 2028.

Planning permission for a waste baling and recycling centre was granted in February 1991 (ref 09/90/0690).

Planning permission for an extension to existing facility to provide new recycling shed weighbridge and office cabin and inert/green waste sorting bays was granted in March 2003 (ref 09/02/1268).

Planning permission for the demolition of existing workshop building and erection of new building on same site for use as transfer station was granted in April 2005 (ref 09/05/0150).

Planning permission for the erection of a concrete leachate tank and landfill gas flare was granted in August 2007 (ref. 09/07/0640).

Planning permission for the erection of 3 leachate tanks was granted in June 2008 (ref. 09/08/0478).

Planning permission for the erection of a landfill gas generator for the generation of electricity from landfill gas, gas flare, plant, switch/meter room and ancillary offices and stores was granted in March 2009 (ref. 09/09/0009).

Planning permission for a proposed additional gas engine, revised layout of renewable electricity generation compound used to generate electricity, and retention of meter and switch/substation cabinets was granted in April 2011 (ref. 09/11/0058).

Planning permission for the construction of a leachate tank, heat exchange unit, pipework and bridges to be used to treat landfill leachate was granted in November 2011 (ref: 09/11/0794).

Planning permission was granted on 30 November 2012 for an extension to the waste sorting and recycling centre building to connect with the existing waste transfer station, increase in the roof height of the existing building to create continuity, additional external water tanks, electrical cabinets and the creation of additional car parking spaces (ref. 09/12/0868).

Planning permission was granted on 19 February 2015 for the construction and use of a new tank for storage of water for fire-fighting, with association pump house and concrete foundation (ref. LCC/2015/002).

Planning Policy

National Planning Policy Framework

Paragraphs 6 – 16, 79 - 92, 109 – 125, 142 -148 are relevant with regard to the definition of sustainable development and the operation of the planning system, protecting green belt land, conserving and enhancing the natural environment and facilitating the sustainable use of minerals respectively.

Planning Practice Guidance accompanying the NPPF (PPG)

Minerals

Waste

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

- Policy CS1 Safeguarding Lancashire's Mineral Resources
- Policy CS3 Meeting the demands for New Minerals
- Policy CS5 Achieving Sustainable Mineral Production
- Policy CS7 Managing our Waste as a Resource
- Policy CS8 Identifying Capacity for Managing our Waste
- Policy CS9 Achieving Sustainable Waste Management

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals
Policy DM2	Development Management
Policy DM4	Energy from Waste
Policy LF1 –	Sites for Non-Hazardous Waste
Policy M1	Managing Mineral Production

Central Lancashire Core Strategy

Policy 22	Biodiversity and Geodiversity
Policy 29	Water Management

Chorley Local Plan 2012-2026

Policy ST1	New Provision or Improvement of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development.
Policy V1	Model Policy
Policy BNE9	Biodiversity
Policy HW3	Valley Parks

Consultations (summary)

South Ribble Borough Council – No observations received.

Chorley Borough Council – No observations received.

Clayton-Le-Woods Parish Council – No observations received.

Whittle-Le-Woods Parish Council – No comments.

LCC Developer Support (Highways) – No objection. Conditions are recommended for wheel cleaning facilities, condition of road, sheeting and travel plan.

County Landscape Service – No observations received.

County Ecology Service – No objection. Retaining overburden mound preferable. Conditions recommended for better control of restoration and aftercare.

County Archaeology Service – No observations received.

Environment Agency – There are existing environmental permits for this site issued under the Environmental Permitting (England and Wales) Regulations 2010. Controls are already in place particularly in terms of monitoring groundwater.

Natural England – No objection.

Ramblers Association – Potential impact on public rights of way should be addressed within the Environmental Statement.

United Utilities - No observations received.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. No representations have been received.

Advice

Clayton Hall Quarry and Landfill site has a long history of mineral extraction and tipping of waste materials for restoration purposes. The applicant has submitted a proposed scheme of continued working at the site, together with an Environmental Statement and a proposed schedule of conditions under the provisions of Section 96 and Schedule 14 of the Environment Act 1995.

The applicant has provided details of a proposed scheme of working and restoration for the remaining operations at the site, which reflects the approved development. Working cells have been reorganised to be consistent with the approved programme of works through the Environmental Permit issued by the Environment Agency. A large overburden mound at the southern end of the site has become vegetated over the passage of time and now represents a valuable ecological asset. With this in mind the applicant has proposed to retain this element, which is reinforced with a proposed condition. There are no other significant changes to the scheme of working or restoration.

The number of HGV movements varies depending on market conditions and there are currently no planning conditions restricting numbers. There is one permitted access route into the site off Dawson Lane, which will continue to be used. A wheel cleaner is located adjacent to the existing waste management buildings and would continue to be used to clean the wheels of HGVs leaving the site via a long internal access road. There would be no additional effect on any public rights of way.

Overall, the applicant's proposed schedule of conditions are reasonable and appropriate and provide a modern update to reflect the current status of the site and scheme of working. The applicant's proposed conditions in relation to restoration and aftercare are recommended to be made more precise with reference to the current approved scheme. Additionally, a condition is recommended to seek to ensure that tipping of waste materials does not take place above accepted pre-settlement levels.

The applicant has submitted an Environmental Statement to assess any likely significant effects of the existing site and the remaining development. It is accepted that subject to the proposed conditions and protection that is afforded under the terms of the existing Environmental Permit, there should be no detrimental impact on local amenity, the environment or the highway network as a consequence of continued operations.

A draft set of proposed conditions was issued to the applicant who confirmed agreement.

Human Rights Act

In view of the location and nature of the development in relation to the existing environment and permitted rights of the developer it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Conclusion

Clayton Hall Quarry and Landfill site has had a long history of mineral extraction and tipping of waste. Current operations are undertaken in accordance with a number of existing planning permissions. Under the provisions of Section 96 and Schedule 14 of the Environment Act 1995 the applicant submitted a proposed scheme of continued working and restoration and a schedule of proposed conditions. It is recommended that the proposed scheme of working and restoration be approved subject to a number of minor changes as referred to above. It is considered that the recommended conditions set out below would meet all the tests for planning conditions, they would not restrict working rights in respect of the site and would not prejudice the economic viability of the applicant's working of the minerals at the site or the asset value of the site.

It is considered that continued operations at the site, carried out in accordance with the submitted scheme of working and conditions set out below, would not give rise to any unacceptable adverse impact on local amenity, the Green Belt, the environment or the landscape and would comply with the policies of the NPPF and the development plan.

Recommendation

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2015, for the purposes of Section 96 and Schedule 14 of the Environment Act 1995 the following conditions be imposed on permission 09/98/0049:

Time Limits

1. The mining operations authorised by this permission shall cease not later than 6 April 2028 and the site shall be progressively restored in accordance with the conditions of this permission and shall be finally restored by 6 April 2029.

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

Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application received on 28 October 2013 (as amended)

b) Submitted Plans:

Drawing no. 08469/97 - Site and Planning Permission Boundary
Drawing no. 08469/99 - Working Plan
Drawing no. 08469/101 - Access and Parking
Drawing no. 08469/103 - Pre-settlement Restoration Contours
Drawing no. 08469/105 - Proposed Revised Post Settlement Contours
Drawing no. 08469/106 - Cross Sections
Drawing no. 08469/112 - Cross section Location Plan
Drawing no. 08469/113 - Cross Sections - Sheet 1 of 3
Drawing no. 08469/113 - Cross Sections - Sheet 2 of 3
Drawing no. 08469/113 - Cross Sections - Sheet 3 of 3
Drawing no. 08469/127A - Current Scheme- Base of Waste Contours
Drawing no. 08469/133 - Current Scheme Pre-Settlement Levels (in relation to Cells 4A and 4B)
Drawing no. 08469/137A - Basal Layout - Cross Sections
Drawing no. T239-001, Rev 1 - Final Landscape Proposals
Drawing no. T239-002, Rev 1 - Landscape Phasing Plan
Drawing no. 11.171/11 - Site Layout - Sprinkler tank

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

3. No material shall be excavated from the 'overburden mound' shown on drawing no 08469/95.

Reason: To safeguard biodiversity interests and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

4. A copy of the conditions and all documents referred to in this permission, shall be made available at the site office at all times throughout the development.

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

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

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

6. The provisions of Part 17, Class A and B of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amendment, replacement, or enactment thereof are excluded and shall not apply to this development. Any development referred to in that part shall only be carried out pursuant to a planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment replacement or re-enactment thereof.

Reason: To maintain the County Planning Authority's control of the development and to safeguard the local landscape and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

7. No waste or restoration materials shall be deposited permanently on any part of the site at a higher level than the levels shown on drawing no. 08469/103 - 'Pre-settlement Restoration Contours' and drawing no. 08469/133 - 'Current Scheme Pre-Settlement Levels' (in relation to Cells 4A and 4B). Any waste previously tipped above these levels shall be regraded to comply with the levels shown on drawing no. 08469/103 within 6 months of the date of this permission. Restoration materials may be stored temporarily in the area shown hatched on drawing no. 08469/99 up to a height of 3 metres above the pre-settlement levels shown on drawing no. 08469/103.

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

8. Waste materials arising from the wining, working or processing of minerals under this permission shall not be deposited outside the excavated area except in the formation of approved landscape mounds, or areas shown for the storage of site materials on the submitted plans referred to in condition 2.

Reason: To enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

9. No mining operations, landfill operations or restoration works shall be carried out and no movement of heavy goods vehicles from the site shall take place except between the hours of 7.30am and 6.30pm Monday to Friday inclusive, 8.00am to 12.00 noon on a Saturday, and at no time on a Sunday or Public Holiday. For the purposes of this permission a heavy goods vehicle shall be defined as a vehicle designed to carry a payload of 1,500kg or more.

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

10. All plant and machinery shall be silenced effectively in accordance with the manufacturer's specification and shall be maintained in that condition at all times.

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

11. Where reversing alarms are employed on site on mobile plant and equipment, only broadband multi-frequency sound alarms (white sound) shall be used.

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

12. Within 6 months of the completion of restoration works as provided for in condition 1 of this permission, a scheme and programme shall be submitted to the County Planning Authority for approval in writing to include the following matters:

- a) a plan showing the position of all plant, equipment, buildings and structures which are to be retained beyond the period required to complete the restoration of this site in accordance with condition 18, and a timeframe for that retention;
- b) the works necessary to make good any subsidence of or damage to the land brought about by the repair or provision of the control equipment involved in the management of leachate or landfill gas;
- c) details of all additional plant, equipment, buildings, structures, pipelines or similar which involve disturbance of the land and will be required in addition to those shown on the plan referred to in a) above; and
- d) details of the final restoration of the land following the removal or cessation of the use of the plant, equipment, buildings, structures and pipelines referred to in a), b) and c) above.

The approved scheme and programme shall be carried out.

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

13. All buildings, structures, plant and equipment other than those referred to in the preceding condition shall be removed from the site by 6 April 2030.

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

14. The site shall be the final place of deposit for waste and no waste shall be removed from the site once it has been used in the restoration of the site.

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

15. No machinery, plant or equipment, which is not directly concerned with the actual mining or restoration operations, shall be stored on the site.

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

16. The existing wheel cleaning facilities shown on drawing no. 11.171/11 - 'Site Layout - Sprinkler tank' shall be retained and shall remain available for use at all times during the operational life of the site so as to ensure no mud or other materials from the site are deposited on the public highway. Such facilities shall be used and maintained in full working order at all times and shall be used by all vehicles leaving the site.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

17. All vehicles transporting minerals of a size less than 100 mm in any dimension from the site shall be securely sheeted.

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

Restoration

18. Restoration and aftercare of the site shall be carried out in accordance with the details approved under condition 10 of permission 09/98/049 as set out in the approval letter dated 20 December 2011.

Reason: To secure the proper restoration of the site

19. If the approved pre-settlement levels have not been achieved within the permitted time limit of this permission, details for revised lower restoration levels utilising existing materials on the site and a revised landscaping scheme shall be submitted to the County Planning Authority for approval in writing within 1 month of the expiry of the permitted time period to this permission. The approved details shall be completed within 12 months of the date of approval. All landscaping works including the planting of trees and shrubs approved as part of the approved scheme and programme shall be implemented within the first planting season, as defined in this permission,

following the completion and restoration of the site and shall thereafter be maintained for a period of five years including replacement of dead and dying species and maintenance of protection measures.

Reason: To secure the proper restoration of the site.

Aftercare

20. Upon certification in writing by the County Planning Authority of the completion of restoration, as defined in this permission, aftercare of the site to promote the agricultural/amenity after use of the site shall be carried out in accordance with the conditions of this permission for a period of five years.

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

Definitions

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

Planting Season: The period between 1 October in any one year and 31 March in the following year.

Notes

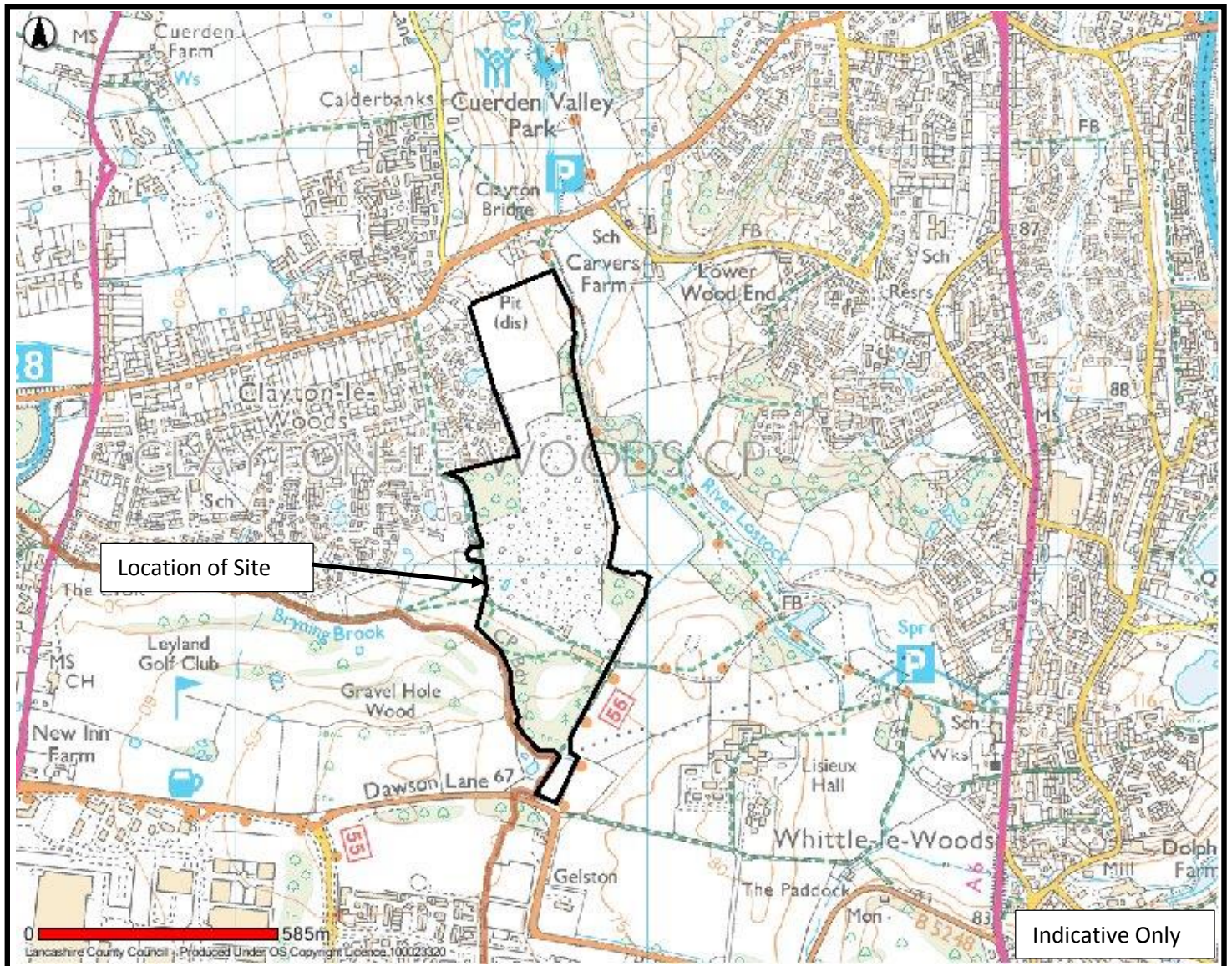
The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

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

Paper	Date	Contact/ext.
09/13/1075	Feb 2016	R Hope/34159

Reason for Inclusion in Part II, if appropriate

APPLICATION 09/13/1075 ENVIROMENT ACT 1995 APPLICATION AND SCOPING OPINION FOR DETERMINATION OF CONDITIONS FOR PERMISSION 09/98/0049 FOR THE WINNING AND WORKING OF MINERALS. CLAYTON HALL LANDFILL SITE, DAWSON LANE, WHITTLE LE WOODS.



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Development Control Committee
Meeting to be held on 2 March 2016

Electoral Division affected: CHORLEY NORTH, CHORLEY RURAL NORTH

Chorley borough: application number LCC/2015/0069
Revised working scheme including amended levels and extension of the mineral extraction and landfill areas at Clayton Hall Landfill Site, Dawson Lane, Whittle Le Woods

Contact for further information:
Robert Hope, 01772 534159
DevCon@lancashire.gov.uk

Executive Summary

Application – Application – Revised working scheme including amended levels and extension of the mineral extraction and landfill areas at Clayton Hall Landfill Site, Dawson Lane, Whittle Le Woods.

The application is accompanied by an Environmental Statement and Non-Technical Summary for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Recommendation – Summary

That, subject to the applicant first entering into a s.106 Agreement for the extended management of landscape and habitats for a period of 5 years in addition to 5 years of aftercare controlled by condition (including the site area under permission 09/98/0049), and the maintenance and management of footpaths and public access in perpetuity, and 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, site operations, hours of working, highway matters, noise, restoration and aftercare.

Applicant's Proposal

Planning permission is sought for a revised working scheme at Clayton Hall Landfill Site including amended levels and extension of the mineral extraction and landfill areas at the southern boundary of the current active landfill area.

The applicant has stated that the proposal would include the excavation of some 72,000m³ of sand/overburden over an area of approximately 0.6 hectare along with the landfilling of some 288,000m³ of non-hazardous municipal, commercial and

industrial waste over a wider area of 5.7 hectares incorporating the extension area and part of the existing site. Final contours would also be adjusted to accommodate the likely need to retain landfill gas and leachate control infrastructure beyond cessation of landfilling. The maximum height of proposed levels would not exceed those currently permitted.

The applicant has indicated that the remaining mineral reserves are below 6000m³ and the landfill capacity has fallen to below 320,000m³, with a life of some 4 years. The proposal is likely to increase the life of the overall site from about 4 years to 8 years (notwithstanding the existing permission expires in 2028).

The area of the existing site still to be worked comprises Cells 3A, 3B, 3C, 4A and 4B shown on drawing no 08469/99 – *Boundary of Proposed Revised Working Scheme*. Cells 3A and 3B are largely complete and await capping and final restoration.

There would be no change to site accommodation, buildings, waste types, vehicle numbers (typically 16 HGV visits to the landfill each day) and operating hours.

The application is accompanied by an Environmental Statement (ES) and Non-Technical Summary. The ES provides details of the site history and the proposed development before examining the impacts associated with the proposal. It assesses key identified potential environmental impacts in respect of hydrology and hydrogeology, landscape and visual impact, landfill gas, ecology, cultural heritage, and other matters including noise, air quality and highways matters.

Description and Location of Site

Clayton Hall is a largely worked out sand quarry, which is being restored through the deposit of non-hazardous waste. The site also has an associated waste management and recycling centre. The site is accessed from Dawson Lane and is located between Whittle-le-Woods and Leyland, on the western flank of the River Lostock Valley.

Agricultural land and woodland extends beyond the site to the north and east. Buckshaw Village is to the south. An established residential estate is located to the north-west of the existing site.

This site is located within Green Belt.

Background

History

Clayton Hall Quarry is a long established sand quarry, which is currently being restored by landfilling. The old mining planning permissions relevant to this site were reviewed under the provisions of the Environment Act 1995 and new planning conditions were determined on 6 April 1998 as part of permission ref. 09/98/049. The reviewed conditions provide for the extraction of minerals followed by progressive restoration of the site involving the importation of waste materials until

the end of 30 years from the date of the permission i.e. 6 April 2028. The site is subject of first periodic review for the determination of modern working conditions (see application ref. 09/13/1075).

Planning permission for a waste baling and recycling centre was granted in February 1991 (ref 09/90/0690).

Planning permission for an extension to existing facility to provide new recycling shed weighbridge and office cabin and inert/green waste sorting bays was granted in March 2003 (ref 09/02/1268).

Planning permission for the demolition of existing workshop building and erection of new building on same site for use as transfer station was granted in April 2005 (ref 09/05/0150).

Planning permission for the erection of a concrete leachate tank and landfill gas flare was granted in August 2007 (ref. 09/07/0640).

Planning permission for the erection of 3 leachate tanks was granted in June 2008 (ref. 09/08/0478).

Planning permission for the erection of a landfill gas generator for the generation of electricity from landfill gas, gas flare, plant, switch/meter room and ancillary offices and stores was granted in March 2009 (ref. 09/09/0009).

Planning permission for a proposed additional gas engine, revised layout of renewable electricity generation compound used to generate electricity, and retention of meter and switch/substation cabinets was granted in April 2011 (ref. 09/11/0058).

Planning permission for the construction of a leachate tank, heat exchange unit, pipework and bridges to be used to treat landfill leachate was granted in November 2011 (ref: 09/11/0794).

Planning permission was granted on 30 November 2012 for an extension to the waste sorting and recycling centre building to connect with the existing waste transfer station, increase in the roof height of the existing building to create continuity, additional external water tanks, electrical cabinets and the creation of additional car parking spaces (ref. 09/12/0868).

Planning permission was granted on 19 February 2015 for the construction and use of a new tank for storage of water for fire-fighting, with association pump house and concrete foundation (ref. LCC/2015/002).

Planning Policy

National Planning Policy Framework

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

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

Planning Practice Guidance accompanying the NPPF (PPG)

Minerals

Waste

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

- Policy CS1 Safeguarding Lancashire's Mineral Resources
- Policy CS3 Meeting the demands for New Minerals
- Policy CS5 Achieving Sustainable Mineral Production
- Policy CS7 Managing our Waste as a Resource
- Policy CS8 Identifying Capacity for Managing our Waste
- Policy CS9 Achieving Sustainable Waste Management

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

- Policy NPPF1 Presumption in Favour of Sustainable Development
- Policy DM1 Management of Waste and Extraction of Minerals
- Policy DM2 Development Management
- Policy DM3 Planning Obligations
- Policy DM4 Energy from Waste
- Policy LF1 – Sites for Non-Hazardous Waste
- Policy M1 Managing Mineral Production

Central Lancashire Core Strategy

- Policy 22 Biodiversity and Geodiversity
- Policy 29 Water Management

Chorley Local Plan 2012-2026

- Policy ST1 New Provision or Improvement of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development.
- Policy V1 Model Policy
- Policy BNE9 Biodiversity
- Policy HW3 Valley Parks

Consultations (summary)

Clayton-le-Woods Parish Council – Object to the extension and length of time for proposed operations. Concerns regarding breaches of planning and permitting regulations.

Whittle-le-Woods Parish Council – The Parish Council is concerned that conditions are set for the existing site but are regularly disregarded such as in relation to smells and levels.

Chorley Borough Council – No observations received.

LCC Developer Support (Highways) – No objection. Conditions are recommended in relation to wheel cleaning and travel plan.

County Landscape Service – No observations received.

County Ecology Service – The application is supported by an adequate assessment of potential impacts upon biodiversity; no additional ecological information is needed to enable determination of the application. In general, significant impacts on biodiversity do seem reasonably unlikely. There is however a need to secure mitigation and compensation through any planning permission for this site, to include, standard precautions for the avoidance of impacts on nesting birds; Watercourse/ aquatic environment protection (pollution prevention); Revised landscaping proposals (layout plan, establishment, aftercare and management scheme).

Further revisions to landscaping may need to be considered including changes to planting around newt ponds, more areas of species rich/rough grassland, a greater range of habitats and the inclusion of bird and bat boxes. Details are required for the establishment, aftercare or management (woodland, scrub, grassland, hedgerow, ponds), avoidance of impacts on protected species, and should be secured as part of any planning permission.

County Archaeology Service –The site is immediately to the east of the Clayton Hall medieval moated site, which is designated as a Scheduled Monument (Monument number 1012313). It is recommended that Historic England be consulted directly on the possible implications of the proposed works on the setting of the monument. Beyond this, it does not appear that the changes to the existing scheme will have any direct or significant indirect impacts on non-designated heritage assets.

Environment Agency – No objection. It is assumed that the existing operational groundwater monitoring network installed and maintained for Environmental Permit purposes provides an enclosing envelope of groundwater level monitoring, which will provide continued monitoring data until mineral extraction has been completed and restoration has taken place. The site is subject to an existing permit and the EA is aware that there are issues on the site including amenity impacts, leachate storage and implementation of management systems, which they are working with the operator to address. Enforcement notices have been served, which have led to improved management of the site and subsequent reductions in complaints.

United Utilities – No observations received.

National Planning Case Work Unit – No observations received.

Natural England – No objection.

National Grid Gas and Electricity - No observations received.

National Grid Company P. L. C. - No observations received.

LCC Public Rights Of Way - No observations received.

Health & Safety Executive – No objection.

Lead Local Flood Authority – No objection subject to conditions controlling flood risk mitigation and sustainable drainage.

Ramblers Association – Provisions should be in place to ensure that the proposed development does not have a detrimental impact on users of public footpath number 11.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. 11 representations have been received with objections raised on the following grounds:

- The existing landfill site is already too high.
- Existing problems with noise, odour, bird nuisance, flies, rats and litter.
- Poor site management
- Visual impact of current landfill site
- For the extension to be granted there must be continued capping of the existing site and the Environment Agency must continue to inspect the site and apply standards rigorously.
- Proximity of the site to housing.
- Impact on users of the surrounding footpaths.

Advice

This application is for a revised working scheme including amended levels and extension of the mineral extraction and landfill areas.

The minerals and waste policies of the Development Plan seek to ensure that Lancashire makes an appropriate contribution to meeting local, regional and national supplies of minerals and also encourage sustainable waste management practices, which reduce the need to transport waste great distances.

It is necessary to consider the need for mineral extraction and additional landfill capacity along with an assessment of the potential impacts of the proposal on the local environment including impacts on the public highway, the amenity of the residents who live nearby and the impact on the Green Belt. Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The application is accompanied by an Environmental Statement which gives further consideration to any likely significant effects on the environment and details of mitigation where considered necessary.

Minerals

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

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

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

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

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

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

These could include:

- significant future increases in demand that can be forecast with reasonable certainty;*
- the location of the consented reserve is inappropriately located relative to the main market areas;*
- the nature, type and qualities of the aggregate such as its suitability for a particular use within a distinct and separate market; and*

- *known constraints on the availability of consented reserves that might limit output over the plan period.'*

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

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

Based on the 10 year average of sales at 2013 the permitted reserves of 8.2 million tonnes are expected to last 15 years, and the 7 year landbank is expected to begin to be eroded in 2028. However, in order to ensure the continued steady and adequate provision of aggregate to market, the ability of permitted sites to meet the forecast annualised demand must be considered. The LAA indicates that it is likely that a number of these sites will not be worked out before the expiry of their permission. If this is the case, in the event that their permitted life is not extended, the permitted reserve and landbank will need to be revised. More crucially, in 2013 nearly half of the permitted reserve was held in one quarry (Runshaw Quarry) and this remains inactive. More recently, planning permission was granted in May 2015 for a small extension to Sandons Farm Sand Quarry. This has been implemented and provides an additional 60,000m³ of sand and gravel.

In view of the updated information that is available in the LAA, known constraints on the availability of consented reserves that might limit output over the plan period, and given that the proposed extension relates to an almost insignificant volume of mineral it is considered that there is sound justification to override the 'no need' position set out in Policy M1 of the JLMWLP. Furthermore, rejection of this application on a 'no need' basis would be likely to result in a sterilisation of a known reserve given that the existing surrounding landfill site is likely to be completed in the near future.

A more contentious issue, perhaps relates to the creation of additional non-hazardous landfill void space by mineral extraction and the amendment of existing levels.

Landfill and restoration

One of the aims of Government waste policy is to promote the movement of waste management up the waste hierarchy from prevention at the top, down through preparing for re-use, recycling, other recovery, and disposal at the bottom. The principles of proximity are also promoted whereby waste should be managed at one of the nearest appropriate facilities and disposed of as near as possible to its place

of production so as to reduce the distances travelled and the associated economic, environmental and social costs of transport.

Policy DM1 of the JLMWLP states that developments will be supported in accordance with site specific policies with the plan for provision of a network of new waste management facilities based on strategic locations and local sites, and the management of a limited and declining number of existing landfill facilities.

Policy LF1 of the JLMWLP refers to site for non-hazardous landfill and states that long term landfilling of non-hazardous waste will only be supported at Whinney Hill Landfill Site in Accrington. Elsewhere, landfilling of non-hazardous waste will be supported at existing permitted sites.

Clayton Hall Quarry and Landfill site is a largely worked out sand quarry that is being restored through the importation of non-hazardous waste to previously approved levels under the provisions of permission ref 09/98/049. A small lateral extension within the confines of the existing site boundary is proposed along with revisions to the working programme and amendments to the slope profiles to provide additional void space and to account for the extended site. Sustainable management of waste materials is achievable as a major waste management facility exists at the site in conjunction with the landfill, and landfill gas is used to power existing gas engines. The proposal would provide a relatively small increase in capacity and would generally relate to an area of the existing site that is furthest removed from residential properties.

Clayton Hall is the only landfill site in the south area of Lancashire and therefore provides a local facility for residual waste material that is not currently re-used, recycled or recovered for other purposes, in accordance with the proximity principle.

The permitted highest levels for tipping at the site would not be increased. Existing operations are now moving away from residential properties and the site is being progressively restored. Consequently, previous concerns of local residents in relation to noise, dust, vermin and odour are likely to diminish.

The existing site is already subject of an approved restoration and landscaping scheme. As part of this application a restoration masterplan has been provided illustrating additional areas of tree/shrub planting and species rich meadow. The general arrangement is considered largely acceptable although a number of recommendations have been suggested by LCC's County Ecology Service, which are supported. The applicant has subsequently provided an amended restoration plan to include changes to planting around newt ponds, more areas of species rich/rough grassland, and a greater range of habitats.

Further details of restoration, landscaping and aftercare can be secured by condition. Additionally, in view of the nature of the restoration and habitat creation proposals and the need to manage the site for the protection of great crested newts, it is considered reasonable and necessary to require the applicant enter into a s.106 agreement for longer term management and maintenance of the site beyond the 5 year aftercare period limited by statute, by a further 5 years to seek to ensure satisfactory establishment of planting and habitats.

This application also presents an opportunity to provide public access through the creation and maintenance of a footpath link, in perpetuity, around part of the development site in the recreational interests of the local area and to contribute to the aspirations of Policies ST1 and HW3 of the Chorley Local Plan regarding the establishment of a network of footpaths and links with the Cuerden Valley Park. The applicant is amenable to this suggestion following further discussions, has amended the illustrative restoration masterplan accordingly, and is willing to enter into a s.106 agreement for the delivery of this. The alignment of footpath access around the site has been carefully considered to seek to ensure that there would be protection of more valuable habitat areas and sufficient distance from neighbouring properties so as not to compromise security and privacy.

The proposed restoration scheme is considered acceptable subject to the s.106 agreement and conditions controlling the management of existing soils, soil storage and waste operations, final restoration and aftercare.

Green Belt

The site is located in the Green Belt. Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

Paragraph 80 of the NPPF explains that the purposes of including land in Green Belt include checking the unrestricted sprawl of large built up areas, preventing towns merging into one another, assisting in safeguarding the countryside from encroachment, preserving the setting and special character of historic towns, and assisting in urban regeneration.

Paragraph 87 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 90 of the NPPF states that mineral extraction and engineering operations are not inappropriate development in the Green Belt provided that the openness of the Green Belt is preserved and there is no conflict with the purposes of including land in Green Belt.

The proposed extension is small in relation to the existing site and amendments to existing approved levels would not change the use of the site or result in a significantly different restored site. Although the timeframe for mineral workings and restoration operations would be likely to be extended for an additional number of years, the temporary nature of the quarrying activity and the final proposed restoration scheme would not affect the openness of the Green Belt in the longer term and would not conflict with the purposes of including land in Green Belt. On this basis the proposed development would not be inappropriate in the Green belt and therefore very special circumstances do not need to be demonstrated.

Impact upon local amenity

The NPPF and the JLMWDF recognise that minerals and waste developments have the potential to give rise to adverse impacts on the quality of life of people for a variety of reasons including noise, dust and vibration. More specifically, Policy DM2 of the JLMWLP supports development for minerals or waste management operations where it can be demonstrated that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals, account should be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts could be controlled in accordance with current best practice and recognised standards.

The applicant has submitted an Environmental Statement to accompany the planning application, which addresses matters such as noise, air quality and landfill gas. The noise assessment concludes that the extension would produce no more noise than those similar operations that are already being carried out at the existing site and noise levels fall with acceptable levels set out in the NPPF. The extension area is at the furthest point from the main residential area at and around Spring Meadow and therefore noise, odour and general disturbance would be unlikely to be intrusive. Furthermore, the extension would have no greater impact on visual amenity or landscape character. Planning conditions are recommended which reflect those relating to working practices imposed on the permission for the existing quarry/landfill to seek to ensure equivalent controls. Further scrutiny and control of the restoration works, in terms of waste types, groundwater protection, working practices, vermin control, and pollution control would be undertaken by the Environment Agency through the Environmental Permitting process.

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

Highway Matters

The policies of the Development Plan in particular Policy DM2 of the JLMWLP seek to ensure that proposals for mineral development do not give rise to unacceptable traffic and road safety problems or unacceptable effects on amenity along the routes used.

The applicant has submitted a traffic statement that identifies the local highway network, the local road safety record and a review of the transport implications in relation to the proposed development. The report concludes that overall the existing highway network that serves the site is acceptable and has sufficient capacity. Although, the proposed development is unlikely to lead to any increase in the daily input of waste at the site or volumes of traffic compared with levels that have existing for many years, it is acknowledged that the proposed extension would increase the duration of operations at the site for several more years. Nevertheless, the road network appears to be capable of continuing to accommodate the traffic generated

with no unacceptable impact. The County Council's Developer Support (Highways) has raised no objection and has recommended conditions to seek to ensure the cleanliness of the highway and for a travel plan. The latter is considered unreasonable given the existing site and waste management operations and given what the proposed development relates to.

Concern has been raised in relation to the potential impact on the local footpath network. Although quarrying operations and landfilling would take place closer to footpath number 11 than is currently approved (from typically 60m to around 20m at the closet point) the overall impact would be negligible with the transient nature of passage along the path, the temporary nature of operations and the site boundary vegetation.

Water Management

The application and Environmental Statement is accompanied a section on water resources and with a flood risk assessment report.

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

The Environment Agency have raised no objection and consider that the proposed extension could be adequately controlled as part of the existing Environmental Permit for the site (subject to any amendments that are necessary) including groundwater monitoring and assessment. It is considered that conditions would be unnecessary in this respect other than to restrict the depth of working.

Cultural Heritage

The site is to the east of the Clayton Hall medieval moated site, which is designated as a Scheduled Monument (Monument number 1012313). However, it is considered that the proposal would have no direct or indirect effect on the monument or its setting, particularly given the long established operations at the site and the proposed end use.

Human Rights

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

Conclusion

The proposed extension and re-profiling of the existing site would release a small volume of sand and gravel and would provide a void for the deposit of a relatively

small volume of non-hazardous waste materials for appropriate restoration of the site. Need for the mineral reserve can be demonstrated contrary to the policies of the Joint Lancashire Minerals and Waste Local Plan largely given the small volume of mineral involved and, in view of guiding principles within the NPPF. The extension area would be unlikely to generate any detrimental impacts on neighbouring land uses, local residents, the highway network, Green Belt or the environment in general especially when considered in relation to the existing site.

Recommendation

That, subject to the applicant first entering into a s.106 Agreement for the extended management of landscape and habitats for a period of 5 years in addition to 5 years of aftercare controlled by condition (including the site area under permission 09/98/0049), and the maintenance and management of footpaths and public access in perpetuity, and 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. The mining operations authorised by this permission shall cease not later than 6 April 2028 and the site shall be progressively restored in accordance with the conditions of this permission and shall be finally restored by 6 April 2029.

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

Working Programme

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

a) The Planning Application validated on 20 July 2015

b) Submitted Plans:

Drawing no. 08469/136 - Site Location Plan

Drawing no. 08469/124B - Boundary of Proposed Revised Working Scheme

Drawing no. 08469/128 - Revised Scheme - Base of Waste Contours

Drawing no. 08469/132A - Revised Scheme Post Settlement 5m Contours
Drawing no. 08469/134D- Revised Scheme Pre-Settlement Levels (1m)
Drawing no. 08469/137 - Basal Layout Cross Sections
Drawing no. 08469/138A- Final Contours - Cross Sections - Sheet 1 of 2
Drawing no. 08469/138A- Final Contours - Cross Sections - Sheet 2 of 2
Drawing no. T239.202, Rev 2 - Restoration Masterplan
Drawing no. 11.171/11 - Site Layout - Sprinkler tank
Drawing no. T239.204 - Sandstone Surface Footpath Details

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

4. A copy of the conditions and all documents referred to in this permission, shall be made available at the site office at all times throughout the development.

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

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

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

6. The provisions of Part 17, Class A and B of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amendment, replacement, or enactment thereof are excluded and shall not apply to this development. Any development referred to in that part shall only be carried out pursuant to a planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment replacement or re-enactment thereof.

Reason: To maintain the County Planning Authority's control of the development and to safeguard the local landscape and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

7. Mineral extraction shall not take place below the base levels shown on drawing no. 08469/137 - 'Basal Layout Cross Sections' and drawing no. 08469/128 - Revised Scheme - 'Base of Waste Contours'.

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

8. No waste or restoration materials shall be deposited either temporarily or permanently on any part of the site at a higher level than the levels shown on drawing no. 08469/134D - 'Revised Scheme Pre-Settlement Levels (1m)'.

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

9. All available topsoil and subsoil shall be stripped from any part of the site before that part is excavated or is traversed by heavy vehicles, plant or machinery. All stripped topsoil and subsoil shall be stored in separate mounds within the site for use in the restoration of the site, including the site covered by permission 09/98/049.

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

10. No mining operations, landfilling or restoration works shall be carried out and no movement of heavy goods vehicles from the site shall take place except between the hours of 7.30am and 6.30pm Monday to Friday inclusive, 8.00am to 12.00 noon on a Saturday, and at no time on a Sunday or Public Holiday. For the purposes of this permission a heavy goods vehicle shall be defined as a vehicle designed to carry a payload of 1,500kg or more.

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

11. All plant and machinery shall be silenced effectively in accordance with the manufacturer's specification and shall be maintained in that condition at all times.

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

12. Where reversing alarms are employed on site on mobile plant and equipment, only broadband multi-frequency sound alarms (white sound) shall be used.

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

13. Within 6 months of the completion or cessation of mining operations/restoration works as provided for in condition 2 of this permission, a scheme and programme shall be submitted to the County Planning Authority for approval in writing to include the following matters:
- a) a plan showing the position of all plant and equipment, which is to be retained beyond the period required to complete the restoration of this site in accordance with condition 19, and a timeframe for that retention;
 - b) the works necessary to make good any subsidence of or damage to the land brought about by the repair or provision of the control equipment involved in the management of leachate or landfill gas;
 - c) details of all additional plant, equipment, buildings, structures, pipelines or similar which involve disturbance of the land and will be required in addition to those shown on the plan referred to in a) above; and
 - d) details of the final restoration of the land following the removal or cessation of the use of the plant, equipment, buildings, structures and pipelines referred to in a), b) and c) above.

The approved scheme and programme shall be carried out.

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

14. All plant and equipment other than that referred to in the proceeding condition shall be removed from the site by 6 April 2030.

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

15. The site shall be the final place of deposit for waste and no waste shall be removed from the site once it has been used in the restoration of the site.

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

16. No machinery, plant or equipment, which is not directly concerned with the actual mining or restoration operations, shall be stored on the site.

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

17. The existing wheel cleaning facilities shown on drawing no. 11.171/11 - 'Site Layout - Sprinkler tank' shall be retained and shall remain available for use at all times during the operational life of the site so as to ensure no mud or other materials from the site are deposited on the public highway. Such facilities shall be used and maintained in full working order at all times and shall be used by all vehicles leaving the site.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

18. All vehicles transporting minerals of a size less than 100 mm in any dimension from the site shall be securely sheeted.

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

Restoration

19. No development shall commence until details of the working, restoration and aftercare of the site (including the site area under permission 09/98/0049), in general accordance with drawing no. T239.202, Rev 2 - Restoration Masterplan have been submitted to and approved in writing by the County Planning Authority.

The submitted details shall include:

- a) The nature of the intended after-use of the site;
- b) The removal of any plant, machinery, erections and their foundations, including the removal of all internal haul roads, subsidiary site roads and hardstanding areas;
- c) The final excavation levels of the site;
- d) The final configuration of the excavated areas and determination of the angles of slope;
- e) The respreading of any available soil making materials and seeding specification;
- f) Full detail of proposed soil types and depths within surface horizons to demonstrate that the soils will be capable of supporting the desired habitats and plant communities.
- g) The drainage and treatment of silt traps, lagoons and water areas;
- h) Native tree/shrub planting, seed specification and planting densities;
- i) The methods to be employed to promote normal plant growth;
- j) Full detail of habitat establishment and management methods.
- k) The maintenance and aftercare of the site for a period of 5 years following the completion of restoration, as defined in this permission.
- l) Details of management responsibilities.

m) A schedule of management prescriptions.

Thereafter the restoration of the site shall be carried out in accordance with the approved details.

Reason: To secure the proper restoration of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy 22 of the Central Lancashire Core Strategy.

20. If the approved pre-settlement levels have not been achieved within the permitted time limit of this permission, details for revised lower restoration levels utilising existing materials on the site and a revised landscaping scheme shall be submitted to the County Planning Authority for approval in writing within 1 month of the expiry of the permitted time period to this permission. The approved details shall be completed within 12 months of the date of approval. All landscaping works including the planting of trees and shrubs approved as part of the approved scheme and programme shall be implemented within the first planting season, as defined in this permission, following the completion and restoration of the site and shall thereafter be maintained for a period of five years including replacement of dead and dying species and maintenance of protection measures.

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

Aftercare

21. Upon certification in writing by the County Planning Authority of the completion of restoration, as defined in this permission, aftercare of the site to promote the amenity after use of the site shall be carried out in accordance with the conditions of permission for a period of five years.

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

Definitions

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

Notes

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

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

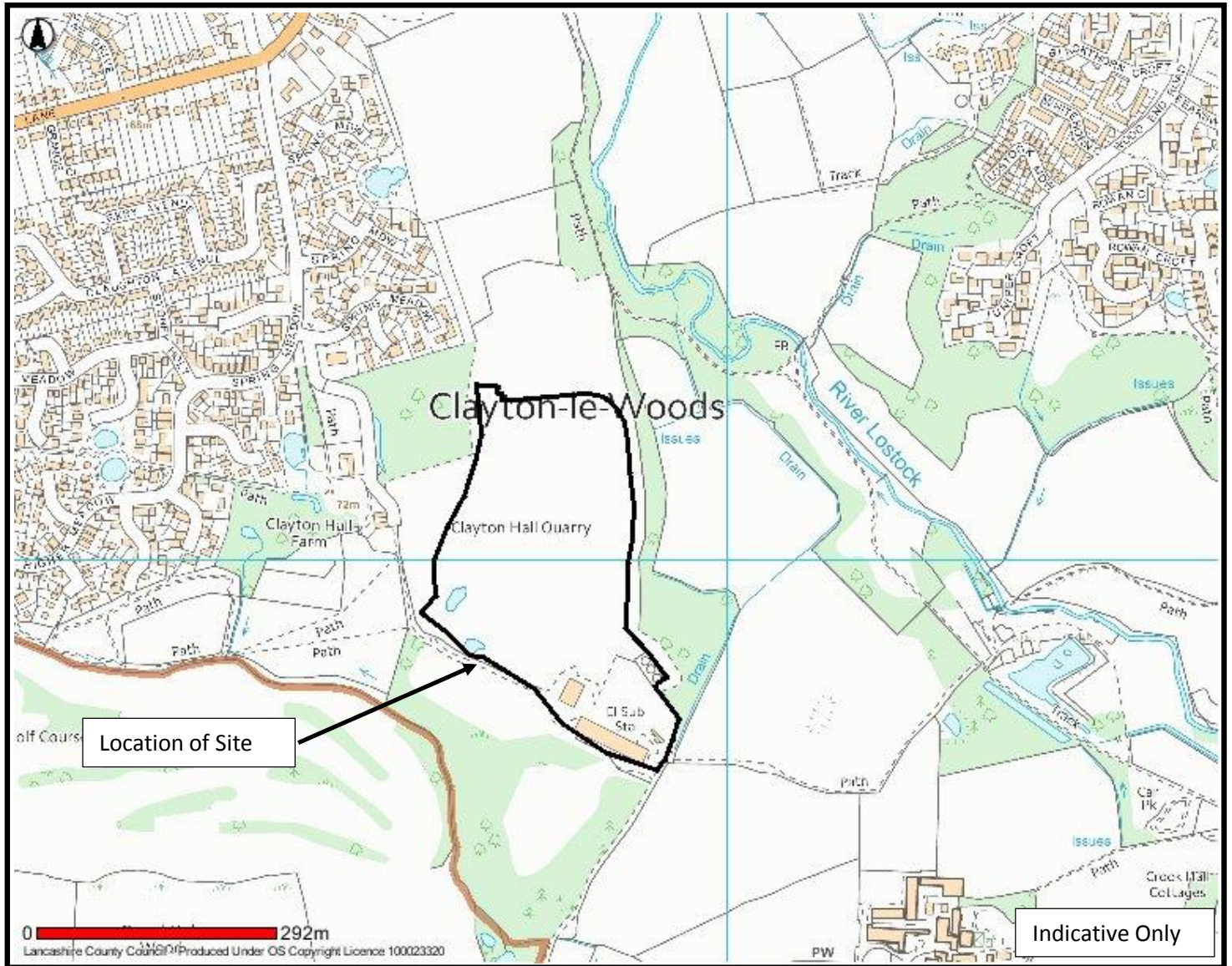
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LCC/2015/0069 Feb 2016 R Hope/34159

Reason for inclusion in part II, if appropriate

N/A

APPLICATION LCC/2015/0069 REVISED WORKING SCHEME INCLUDING AMENDED LEVELS AND EXTENSION OF THE MINERAL EXTRACTION AND LANDFILL AREAS. CLAYTON HALL LANDFILL SITE, DAWSON LANE, WHITTLE LE WOODS.



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Development Control Committee

Meeting to be held on 2nd March 2016

Electoral Division affected:
Preston East

Preston City: Application number. LCC/2015/0070

Variation of condition 3 of permission 06/10/0169 to vary the hours of operation of the shredder to 07.30 to 17.30 Monday to Friday (except bank holidays), 7.30 to 13.00 on Saturdays with no metal processing operations to be undertaken by the shredder recycling plant at any time on Sundays and public holidays.

Recycling Lives, Longridge Road, Preston.

Contact for further information:

Jonathan Haine, 01772 534130

DevCon@lancashire.gov.uk

Executive Summary

Application - Variation of condition 3 of permission 06/10/0169 to vary the hours of operation of the shredder to 07.30 to 17.30 Monday to Friday (except bank holidays), 7.30 to 13.00 on Saturdays with no metal processing operations to be undertaken by the shredder recycling plant at any time on Sundays and public holidays.

Recycling Lives, Longridge Road, Preston.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling working programme, hours of operation, review of boundary treatments, noise, stockpiling and protection of water resources.

Applicant's Proposal

The application is for a variation of condition 3 of planning permission 6/10/0169 to vary the hours of use within which the metal shredding machinery can be used.

Condition 3 currently restricts the use of such machinery to between 07.30 – 14.00 hours on Mondays to Fridays and from 07.30 – 13.00 hours on Saturdays with no operations on Sundays or Public Holidays.

The applicant wishes to vary this condition so that the metal shredding equipment can be used between the hours of 07.30 – 17.30 hours Monday to Friday and from 07.30 - 13.00 hours on Saturdays with no operations on Sundays or public holidays.

Description and Location of Site

The application site is an existing metal recycling facility located off the B6243 Longridge Road, Preston approximately 1 km south west of Grimsargh and 4km east of Preston city centre. The recycling site measures around 6 ha in area and lies to the north of Longridge Road from where access is gained and is separated from the road by a landscaped strip. To the northeast of the site are a number of industrial units including car dismantlers and scrapyards on the Rough Hey Road Industrial Estate. Running along the south western boundary is the Guild Wheel cycle path beyond which is the distribution warehouse and central offices belonging to EH Booths Ltd. To the north west is the former Preston – Longridge railway line beyond which is the distribution warehouse belonging to James Hall Ltd.

The application site itself is comprised of a large industrial building measuring 120 metres by 120 metres which is used for the processing of non ferrous metals and recycling of electronic equipment. To the rear is a yard area which is used for the depollution and breaking of end of life vehicles and processing of ferrous metals. The yard area includes a large processing plant which is used to shred and fragment metals.

The nearest residential properties to the fragmentiser plant are located 450 metres to the north east of the site off Longridge Road and on the Hills Estate, Grimsargh.

Background

History: Planning permission was granted for the change of use of use of land from storage and distribution to a metal recycling site was granted in 2010 (planning permission 6/10/0169). The permission provided for the erection of a metal fragmentising plant in the northern part of the site.

A further permission (ref 6/12/0984) was granted in 2013 for the erection of a concrete panel screen wall to part of the site boundaries.

Planning Policy

National Planning Policy Framework : Paragraphs 6 – 14, 17 and 122 -123 of the NPPF are relevant with regards to the definition of sustainable development, core planning principles, and prevention of pollution and noise impacts.

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

Policy CS9 Achieving sustainable waste management.

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 Development Management

Central Lancashire Core Strategy

Policy 10 Employment Premises and Sites

Preston City Local Plan – Site Allocations and Development Management Plans

Policy V1 Model Policy

Consultations

Preston City Council: The City Council objects to the application as the proposed extension in hours of operation would create undue noise which would impact on residential amenity.

LCC Developer Support (Highways): No objection.

Environment Agency: The EA have no objection in principle to the extension of the operating hours. However, they consider that the operation of the fragmentiser plant is currently contributing to a number of amenity impacts including noise, dust and explosion events and that an extension of hours would lead to an increase in the frequency of such events. The EA consider that the hours should not be extended until such improvements are in place.

In a further response, the EA note that the applicant has now proposed a number of improvements to the plant including installation of a pre shredder which is due to be completed imminently. The EA also note that off site dust levels appear to comply with standards but that further monitoring is required. In relation to noise, the EA state that their latest monitoring indicates that current daytime noise levels are not giving rise to impacts due to background noise levels but that there are still some concerns about noise in the late afternoon period (17.00 – 17.30) and on Saturdays but that a further review of the management systems for noise and vibration control will be carried out with the Company.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Ten representations have been received objecting to the application which can be summarised as follows:-

Three representations are from residential properties on the Hills Estate or on Longridge Road who raise the following issues:-

- Noise from the site, including crashing metal, often continues until 1.30 am and any planning applications that would result in more noise should be rejected.
- Noise from site interferes with sleep at the nearest residential properties.

The other representations originate from other industrial and commercial properties which adjoin the application site and which raise the following issues:-

- The site has given rise to explosions, a major fire, smell and a fly infestation which as affected employees working in adjacent industrial units.

- The site gives rise to significant levels of noise and the increased working hours would worsen these problems.
- The shredding plant has already worked outside permitted hours.
- The operations on site have given rise to dust impacts.
- The explosions are frightening to staff and have caused damage to adjacent buildings.
- Windows in adjacent units cannot be opened due to the impacts of noise, fumes and odour and the site has an unacceptable impact on staff welfare.
- The site is an inappropriate location for a metal fragmentiser plant and longer hours should not be permitted.
- The site is adjacent to EH Booths warehouse and central offices. The central offices have a high quality design and the explosion events have had impacts upon the structure of the building, including the glass curtain walling and have caused distress to staff.
- Booths state that they objected to the original planning application in 2010 for the change of use of the site to a scrapyards but later withdrew their objections as their concerns were allayed by the applicant company. However, their earlier fears have been exceeded and therefore no further permissions should be granted.
- The installation of additional plant may require planning permission and an environmental impact assessment.

Advice

Planning permission was originally granted in 2010 for the change of use of a former distribution warehouse and attached yard area to a metal recycling site. The permission included provision of plant and machinery located at the rear of the site for the shredding and fragmentising of metals.

The fragmentising plant is located on the north western and north eastern boundaries of the site and is of significant scale. The highest part of the plant is around 13 metres high and 90 metres in length. The plant includes a feed hopper, a main fragmentising plant incorporating a hammer mill for the mechanical breaking and shredding of scrap metal and a number of 'downstream' screening plants linked by conveyors for separating different metal types.

In the planning application, the applicant proposed that the fragmentising plant would be used between the hours of 07.30 - 14.00 Mondays to Fridays and 07.30 – 13.00 on Saturdays with no operation of the plant on Sundays and public holidays. These hours were incorporated into condition 3 of the planning permission. No other controls were imposed with respect to hours of operation and therefore metal recycling operations within the general yard area and within the building are currently unrestricted.

The applicant has now applied to amend condition 3 of planning permission 6/10/0169 so that the metal fragmentising plant can be used between the hours of 07.30 – 17.30 Mondays to Fridays with no change to the hours on Saturdays and Sundays. Longer hours are required to maximise production and to allow for maintenance during normal working hours.

Scrap metal including end of life vehicles is imported to the site for recycling. End of life vehicles are normally crushed for ease of transport. Scrap metal is then loaded into a hopper at the start of the fragmentising plant and passes through a hammer mill which breaks down the feedstock into smaller pieces so that it can be separated into different metal types through magnetic separators. The hammer mill is able to accept crushed cars to reduce them to fragmented metal and is therefore a large and powerful piece of equipment which can generate significant levels of noise. There are also occasions where items such as fuel tanks or particularly gas bottles concealed within larger bails of metal are fed into the process and which then give rise to explosions or 'flame events' when they are passed through the hammer mill. The shredded product then passes along a series of conveyors and other separation plant situated adjacent to the north eastern boundary of the site.

The application for longer operating hours for the fragmentising plant has given rise to a number of objections including from residents who are concerned about noise levels including in the night time period. A number of businesses on the Rough Hey Road Industrial Estate which are located immediately adjacent to the fragmentiser plant have objected due to the incidence of the explosion events causing vibration and disturbance, flies, general dust and noise levels. Agents for EH Booth Ltd who have a distribution warehouse and main office to the south east of the application have objected particularly in relation to the disturbance to staff and structural damage to their head office building caused by the explosions.

The plant subject to this application is part of a significant recycling operation and therefore makes an important contribution towards the recycling of metals in the north west. The facility as a whole therefore contributes to ensuring that waste metals are managed at the highest level possible within the waste hierarchy. The extension of working hours for the fragmentising plant would further enable that objective to be achieved by increasing the volume of material that can be processed by the plant. However, it is also important to ensure that such operations are undertaken with due regard to local amenity and the health and safety of other adjacent landusers.

Paragraph 120 – 123 of the NPPF requires that planning decisions should ensure that new development is appropriate to its location and that the effects of pollution on general amenity should be taken into account. In carrying out this exercise, it states that LPA's should focus on whether the development itself is an acceptable use of 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. In such circumstances LPA's should assume that these regimes will operate effectively.

In their response to the planning application, the Environment Agency state that the site is regulated by them through an environmental permit. The EA state that they consider that the operation of the fragmentising plant is currently contributing towards a number of off site amenity impacts and that an increase in operating hours could increase the risk of impact pending implementation of further control measures including enclosure of the fragmentiser, installation of a pre shredder and further monitoring. In a further response, the EA state that the applicant Company are current working to install a pre shredder and that they are in discussions with the Company regarding a range of other measures to mitigate for noise and dust. The

pre shredder would reduce explosion events as it would allow vehicles and other crushed metal to be slowly pulled apart enabling a visual inspection before waste is admitted into the hammer mill. The EA consider that installation of the pre shredder would prevent the majority of the explosion events.

In response to recent explosion events, (most recently on the 9th February), the EA have served a notice on the applicant Company which prohibits certain waste streams from being imported to the site – these waste streams are end of life vehicles which are imported in crushed form from elsewhere and which the EA consider are responsible for the majority of the explosion events.

The principle of the use on this site has already been established. The planning issue to consider is whether the use of the fragmentiser plant for an additional 3.5 hours on Monday to Friday afternoons will result in unacceptable impact on local amenity by reason of noise, dust or other impacts. In relation to noise, the EA state that their most recent monitoring indicates that current noise levels from general site operations are not causing an off site impact due to the generally high background noise levels in this area. It is considered that the background noise levels over the proposed extended period will not be dissimilar to those during the current permitted working hours and therefore, it is unlikely that noise from normal operations between the hours of 14.00 – 17.30 would give rise to unacceptable impacts. There are still issues with particularly high instantaneous noise events and vibration levels arising from the explosion events. However, the EA have the controls within the permitting system to exclude the waste streams that are likely to cause such events and can also require the operator to install improvements (such as the pre shredder) to reduce the incidence of such events. Given the main detrimental impacts of the site arise from particular aspects of the operation, which the EA have the power to control, it is considered that the extension of operating hours is acceptable.

The boundaries of the external yard area are currently formed by a concrete panel wall which is constructed between metal columns. This wall was permitted in 2013 (planning application 6/12/0964) and varies in height between 6 and 4.5 metres high and provides some screening to the metal recycling operations. However, the metal columns extend beyond the height of the concrete panels. A condition to the planning permission requires the metal columns to be reduced in height so that they equate with the height of the columns but to date this condition has not been complied with. It is considered that there would be some merit in reviewing the design of the wall including the addition of a further row of concrete panels to raise the height of the wall, particularly on the north eastern boundary of the site where the fragmentiser plant adjoins other industrial units. Such works would provide additional screening of noise and dust and the visual impacts arising from the raising of the wall would be acceptable in this industrial location. It is therefore considered that a condition should be imposed requiring a further review of the boundary treatments to the site.

Objections have also been received in relation to odours and flies. It is understood that these issues arose through the importation of metal cans derived from household waste collections. The extension of working hours for the fragmentiser would not increase the likelihood of such impacts and in any event, odours and pests are matters for the EA to control through the permit.

There are currently no restrictions on the hours of operation for the site outside of the fragmentiser. A number of objections, particularly from local residents, are concerned with noise disturbance arising from activities on this site in the evening and night time period. The applicant has agreed that they would accept a control on the hours of general site operations in the external yard as part of a new permission to allow the fragmentiser to be operated for an extended period. Such controls would clearly reduce the impact of the operation on local amenity particularly for the nearest residential receptors.

In conclusion, the concerns of local residents and other adjacent land users with regard to the operations on this site are acknowledged. However, the principle of the use of the fragmentiser plant on this site has already been approved through the 2010 permission and it is considered that the extension in the hours of use of the plant in normal operation would not give rise to unacceptable impacts on local amenity or health and safety. Whilst there are concerns in relation to particular aspects of the operation of the plant, these are matters that can be controlled effectively by the Environment Agency and the planning system should proceed on the basis that these regimes will operate effectively. On this basis, the application is considered acceptable in relation to Policy DM2 of the Lancashire Minerals and Waste Local Plan.

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

Recommendation

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

Working Programme

1. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application ref 6/10/0169 and supporting statement received by the County Planning Authority on 18th March 2010 as amended by the planning application ref LCC/2015/0070 received on 15th July 2015.

- b) Submitted Plans and documents:

Plans and Drawings submitted with planning application 6/10/0169: _

Drawing E5800098105 -01-ZNG1 Rev A - Installation Drawing
Drawing 649/SK/01 Rev B - Existing site layout plan
Drawing 649/PL/01 Rev A - Location Plan
Drawing 649/SK/05 Rev D - Proposed Site Layout Plan
Environmental Noise Impact Study - R0243-REP01A-SJW (as amended May 2010)
Preliminary Services Drawing

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

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development] and to minimise the impact of the development on the amenities of the local area, and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

2. No metal recycling operations including operation of the fragmentising plant shall take place outside the hours of:

07.30 to 17.30 hours, Mondays to Fridays (except Public Holidays)
08.30 to 13.00 hours on Saturdays

No metal recycling operations or operation of the fragmentising plant shall take place at any time on Sundays or Public Holidays.

The requirements of this condition shall not apply to the depollution of end of life vehicles, to metal recycling operations taking place within the building or carrying out essential repairs to plant and machinery used on site.

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

3. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

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

4. Within three months of the date of this planning permission, a scheme and programme for the review of the existing boundary treatments to the site shall be submitted to the County Planning Authority for approval in writing.

The scheme and programme shall include details of the following:-

a) a review of the heights of the existing boundary treatments on the south western, north western and north eastern boundaries permitted under permission ref 6/12/0964 including the heights of concrete panels and steel uprights and the positioning of the floodlighting with respect to the concrete panels.

b) the need for additional fencing along the south western boundary of the site including design and heights of fencing.

c) the need for additional landscaping to screen the existing or proposed fencing to include details of areas to be planted, sizes and species of plants, planting techniques and protection measures.

d) a timescale for the installation of the additional boundary treatments and landscaping measures.

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

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

Reason: For the avoidance of doubt and to ensure that all site operatives are aware of the planning conditions and approved documents and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

6. No waste materials or recycled materials shall be stockpiled outside the areas shown for this purpose on Drawing 649/SK/05 rev D and such stockpiles shall not exceed 5 metres in height.

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

7. No waste other than ferrous and non ferrous metals, waste electronic and electrical equipment and end of life vehicles shall be deposited at or brought onto the site.

Reason: Waste materials outside these categories raise environmental and amenity issues which would require consideration afresh and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

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

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

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

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

Notes

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

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

Paper	Date	Contact/Ext
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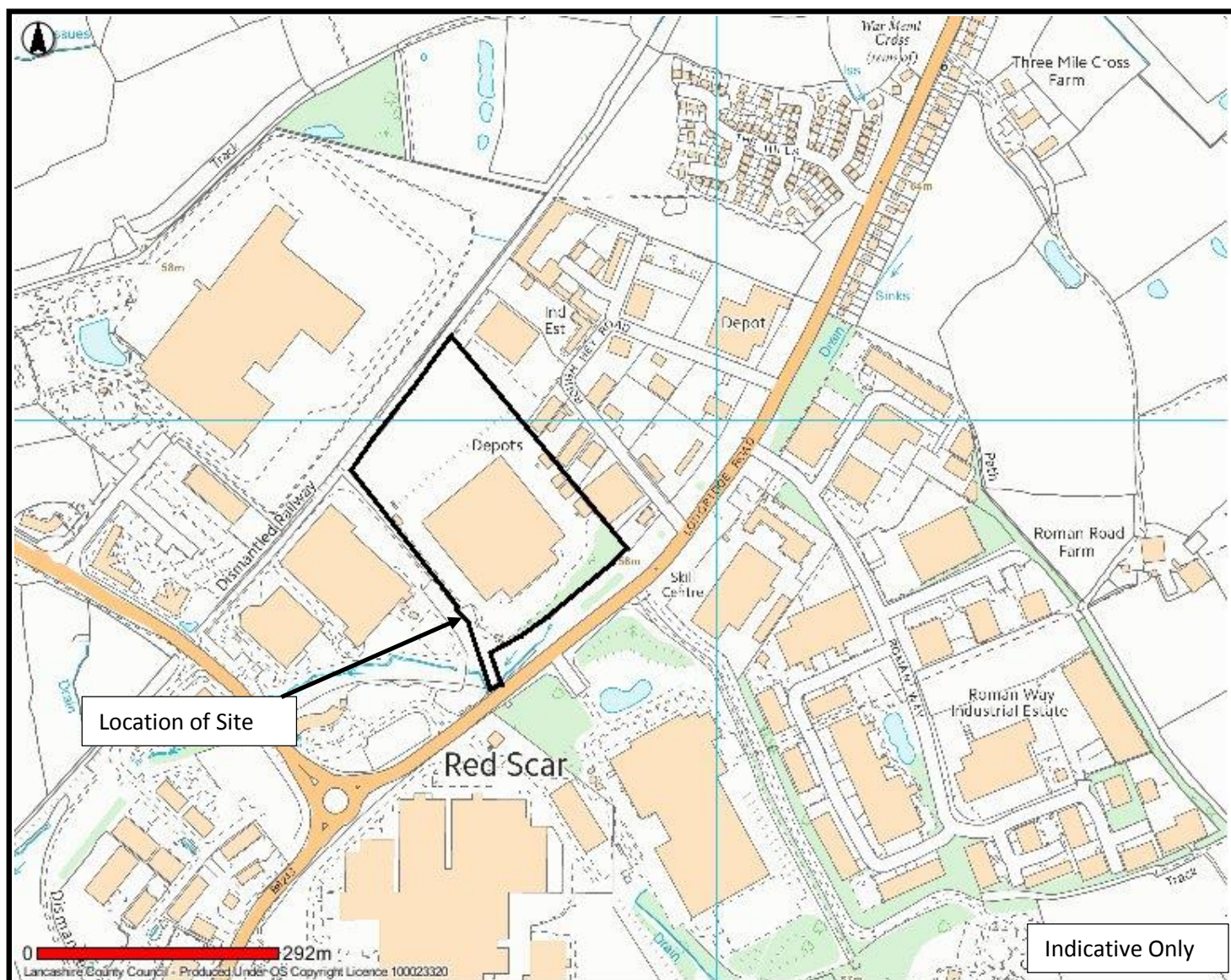
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15th July 2015		
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Jonathan Haine Planning and Environment 534130		
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Reason for Inclusion in Part II, if appropriate
N/A

APPLICATION LCC/2015/0070 VARIATION OF CONDITION 3 OF PERMISSION 06/10/0169 TO VARY THE HOURS OF OPERATION OF THE SHREDDER TO 07.30 TO 17.30 MONDAY TO FRIDAY (EXCEPT BANK HOLIDAYS) 7.30 TO 13.00 ON SATURDAYS, NO METAL PROCESSING OPERATIONS SHALL BE UNDERTAKEN BY THE SHREDDER RECYCLING PLANT AT ANY TIME ON SUNDAYS AND PUBLIC HOLIDAYS. WORK CAN BE CARRIED OUT OUTSIDE THESE HOURS FOR ESSENTIAL REPAIRS TO PLANT AND MACHINERY USE ON THE SITE. RECYCLING LIVES, LONGRIDGE ROAD PRESTON.



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Development Control Committee

Meeting to be held on 2nd March 2016

Electoral Division affected: Heysham

Lancaster City: Application number LCC/2015/0092

Retrospective change of use of land from go-kart track to waste transfer station, the retention two demountable units, a bale shed and plant and equipment and erection of storage and sorting building. Unit 26, Stalls Road, Heysham Business Park, Middleton.

Contact for further information:

Rob Jones, 01772 534128

DevCon@lancashire.gov.uk

Executive Summary

Application - Retrospective change of use of land from go-kart track to waste transfer station, the retention two demountable units, a bale shed and plant and equipment and erection of a storage and sorting building. Unit 26, Stalls Road, Heysham Business Park, Middleton.

Recommendation – Summary

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

1. The proposed site layout and design fails to demonstrate that waste and recycled materials, particularly plastics, paper, putrescible materials and crushed and screened materials, can be managed, processed or stored in an acceptable enclosed environment to prevent the migration of waste materials, odour and dust off site contrary to Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document (DPD).

Applicant's Proposal

Retrospective planning permission is sought for the change of use of land from a go-karting track to a waste transfer station for the sorting of mixed non-hazardous commercial and industrial wastes, the retention of existing structures and plant and machinery together with the erection of a new building . The buildings and plant and equipment to be retained are two demountable units for use as office accommodation, a building for use as a bale shed, plant and equipment including a weighbridge, trommel screen, a conveyor belt and screening and crushing equipment. The proposed building for use as material containment, storage and

sorting would measure 41.2m x 15.2m with a pitched roof to measure 4.6m high to the eaves and 5.2m to the ridge. It would be steel framed with a corrugated iron roof and be partially enclosed by the use of steel sheeting to some of the elevations; the north and west elevations would be fully enclosed, the south elevation would have sheeting to a height of 2m from ground level and the east elevation would be open to allow access for machinery.

The operations involve the importation of waste material to the site mainly in skips, which is then sorted and screened within the buildings by a combination of fixed machinery and by hand, with plant and machinery used to screen and crush aggregates and soils outside in the yard area.

Waste materials delivered to the site are deposited on an apron area located between the edge of a private road within the industrial estate and the opening to the south side of the munitions building. The waste is then moved into the building and stored in a 'holding' area before being loaded onto a conveyor which serves a sorting line consisting of a trommel and further conveyor within a metal shed like structure where waste is sorted by hand for bulking up with other similar waste types. Rubble is collected in a pile after dropping off the end of the open conveyor in the sorting line. Adjacent is an open sided steel framed building used for the storage of baled paper and plastic. A screen and crusher for processing of inert waste are located in the yard area on the south side of the site.

The sorted materials are stored outside in piles or are baled and stored under cover or in the yard area before removal from site for further recycling or disposal.

The hours of operation are 0730 to 1830 hours, Mondays to Fridays, 0800 to 1200 hours on Saturdays, with no development on Sundays or Public Holidays.

The applicant states that the maximum throughput of the site is approximately 75,000 tonnes per annum reflective of the waste management permit issued by the Environment Agency.

Description and Location of Site

The site is located on the east side of Stalls Road within Heysham Business Park approximately 600m to the west of Middleton. Access to the industrial estate is from Middleton Road via Main Avenue. The site is then accessed by Stalls Road, a private road within the industrial estate.

The site is a flat and rectangular shaped piece of land with maximum dimensions of 125m x 57m, approximately 0.54ha. Access and egress is taken from Stalls Road on the west side of the site. A weighbridge and two stacked demountable units are located adjacent to the edge of Stalls Road and the site access. An open yard is located in the northern half of the site which is hard surfaced and used for the stockpiling of screened and sorted spoil, aggregates, soil and wood, and baled paper and plastic, between 3-9 metres high. The southern half of the site also has an open yard area with a building for use as a bale shed, and machinery in the form of trommel screens, a conveyor belt and screening and crushing equipment, used for the processing of waste materials. An existing former munitions building is located

on the south side of the site fronting Workshop Road within the industrial estate. Concrete sectional walls approximately 1.8m high bound the west side of the site fronting Stalls Road. The east side of the site is open beyond which is scrubland and other units within the industrial estate. An existing industrial building and yard area is adjacent to the north boundary. The surrounding land uses are industrial. The nearest houses are a group of three properties located on Carr Lane, between 120 - 190m to the south-east of the site.

The proposed building for material containment, storage and sorting would be located against the western boundary of the site adjacent to the site access.

Background

The site has been used as a waste transfer station since mid-2011. Previously, the last use of the site was as a 'go-cart' circuit.

Retrospective planning permission for the change of use of land from go-kart track to Waste Transfer Station was refused in March 2013 for the following reason (ref. 01/12/0949):

'Waste materials and recycled materials, particularly plastics, paper and putrescible materials would not be processed, managed or stored in an acceptable enclosed environment to prevent the migration of waste materials off site to the detriment of the local environment and adjoining land users contrary to Policies 2 and 88 of the Lancashire Minerals and Waste Local Plan, Policy E1 of the Lancaster City Core Strategy and Policy EC6 of the Lancaster City Local Plan.'

Retrospective application for the change of use of land from go-kart track to Waste Transfer Station, the retention of buildings, plant and equipment and a proposed new sorting/ storage building was refused in November 2013 for the following two reasons (ref. 01/13/0945):

1. 'The proposed site layout and design fails to demonstrate that waste and recycled materials, particularly plastics, paper, putrescible materials and crushed and screened materials, can be managed, processed or stored in an acceptable enclosed environment to prevent the migration of waste materials, odour and dust off site contrary to Policies DM2 and WM3 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies, Policies SC5 and E1 of the Lancaster District Core Strategy and Policy EC6 of the Lancaster District Local Plan.
2. Waste materials and recycled materials, particularly plastics, paper and putrescible materials, are not processed or stored in an acceptable enclosed environment resulting in the migration and tracking out of waste materials off site and onto adjoining land and the public highway to the detriment of the local environment, highway and adjoining land users contrary to Policies DM2 and WM3 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies, Policies SC5 and E1 of the Lancaster District Core Strategy and Policy EC6 of the Lancaster District Local Plan.'

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 - 19, 56 - 66, 109, 111, 120, 122 - 125 are relevant with regard to the requirement for sustainable development, core planning principles, building a strong competitive economy, good design, conserving and enhancing the natural environment, use of brownfield land, noise, air quality and light pollution.

National Planning Practice Guidance

National Planning Policy for Waste

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (LMWDF)

Policy CS7	Managing Our Waste as a Resource
Policy CS8	Identifying Capacity for Managing our Waste
Policy CS9	Achieving Sustainable Waste Management

Joint Lancashire Minerals and Waste Local Plan – Site 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

Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document (DPD)

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM35	Key Design Principles
Policy DM40	Protecting Water Resources and Infrastructure

Consultations

Lancaster City Council – No objection subject to the imposition of conditions relating to the suppression of dust, and the restriction hours of operation to between 0800-1800 Monday to Friday, and 0800-1400 on Saturdays, with no work on Sundays or on Public Holidays. The City Council also comment that LCC should be satisfied that odour arising from the use would not be detrimental to the amenities of local businesses and surrounding residential dwellings, and that gas/radon mitigation measures should be considered.

Middleton Parish Council – No observations received.

Environment Agency - No objection and comment that the site is currently operating as a waste transfer station under the Environmental Permitting (England and Wales)

Regulations 2010. The EA states that the site has not been operated in compliance with the Permit and that they have taken enforcement action in this regard and following a hearing, the operator is awaiting sentencing. As the operation is already covered by a permit there would be no need to obtain any additional permits from the Environment Agency.

There is a very large quantity of waste on the site that poses a significant fire risk. There have also been on-going problems suffered by the Estate owner and other unit holders in terms of dust, litter and pests. The proposal of an additional building on this site may improve these matters and help bring the site into compliance. It must be noted that the existing bale shed is in a poor state of repair and is presently full of waste.

LCC Developer Support (Highways) – No objection.

LCC Specialist Advisor (Ecology) – No observations received.

Representations – The application has been advertised by site notice and press notice and the surrounding businesses in the Industrial Estate have been notified by letter. Three representations have been received; one from the landlord of the industrial estate, one from a neighbouring business within the industrial estate, and from a nearby resident objecting to the proposal for the following reasons:

- The current application bears no discernible difference to the two previously refused planning applications that sought retrospective consent for the waste transfer station and therefore should be refused on the same grounds. The application site continues to operate in an uncontrolled manner and causes harm to the amenity of the locality whilst failing to adequately deal with the waste in a sustainable and environmentally friendly manner.
- The land owner has not and will not give consent to construct any of the buildings and structures applied for. On the basis that the structures will not be permitted by the land owner and as the existing buildings and site clearly cannot perform the waste transfer function in its current form, a waste transfer function operated by the applicant should not be permitted on this site.
- The applicant has an on-going issue with the Environment Agency regarding non-compliance with their environmental permit conditions and it is evident from the length of time these unauthorised operations have taken place that there is no willingness from the applicant to adhere to any planning or environmental permissions or conditions. As such, the granting of any planning permission and imposition of conditions cannot be considered to sufficiently control what is a poorly managed waste transfer operation on a constrained site within close proximity to a variety of other operators and businesses.
- The quality of the submitted information is considered to be poor as it does not accurately depict what has been constructed on site nor does it provide any certainty as to the quality and appropriateness of any proposed structures. As such, it is considered that the application could not be permitted on the basis of the information submitted and there can be no confidence that the structures could fulfil the functions required.
- A document outlining a Management System for the site has been submitted and the planning statement asserts that the identified 'system is used for both sites'. A

suitable management system is not being operated at the site as it is filled with waste stored in open areas that spill out onto adjacent sites and is not operated in an appropriate manner - therefore the site management system document is inaccurate, flawed and/or not being adhered to.

- A 2m chain link fence is proposed to the site boundaries to 'contain material and prevent it reaching other parts of the industrial estate'. It is evident from the operation of the site over the years and the significant amount of waste that is continually inappropriately stored at the site that the proposed fencing would be totally inadequate to prevent waste reaching other parts of the industrial estate.
- The planning statement refers to the existing foul and surface water drainage system being of sufficient capacity and suitability. However, due to the poor management of the site much of the waste has at times spread out onto the road network and filled the drains. In addition there is a large area of earth stored to the immediate north of the site that is stored over drain covers and is therefore causing further impediment to the drainage of the wider site.
- The information provided by the applicant relates to how the site could be operated. However, this bears no resemblance to how the site has been operated and is not considered to demonstrate that the significant environmental impacts could be reduced to an acceptable level.
- The operations are totally unsuitable for a business park and have a significant adverse impact on neighbouring businesses and the wider site.
- Waste is stored in every nook and cranny of the site, allowing it to rot, stink, blow across the locality, attract vermin and be a complete eyesore.
- So much waste is overflowing from the site that it has half-buried two tractors on land forming a part of three adjoining industrial units that are privately owned and rented out to provide the owner a living. The tenants of two of them left in January 2016 due to Hancocks operations. It will be difficult to find fresh tenants with the condition of Hancocks site.
- Hancocks park their vehicles on other peoples' land within the industrial estate.
- The road in and around the site is covered in mud and has been damaged and potholed as a consequence of vehicles and heavy machinery from Hancocks.
- The pile of rubbish at the site has greatly increased since the operations first commenced and is getting worse.
- The site operates outside of the proposed operating hours on an almost daily basis. It is a regular occurrence to be woken by incredibly noisy machinery operating very early, such as on a Saturday at 6.20am. The same noisy vehicles often operate late into the evening including Saturday's and Sunday's.
- The trees and bushes in nearby gardens and the lanes surrounding the site are often festooned with polystyrene, paper and plastic bags blown from the rotting piles on the site. This is especially the case after a strong wind and that happens on a regular basis being so close to the sea. The smell from the rotting rubbish on a warm or breezy day can be unbearable and force nearby residents indoors. The matter has been reported to the Environment Agency on numerous occasions who forced the operator to buy a perfume machine. However, it has no impact whatsoever other than adding a further unwanted smell to the air.
- The dust from this site caused by the decomposing waste has become almost unmanageable; it constantly covers cars, and ingresses nearby houses.

- The character of the area has suffered tremendously since the waste operations started, becoming infamous for the mounds of scrap and rotting rubbish spilling over into Carr Lane.
- The site has a large rat population which the site staff shoot in the evenings. Granting planning permission to facilitate such a business would be an absolute travesty for the environment, for the local area and for local residents.
- LCC should not repeatedly allow retrospective planning applications to be made and realise when enough is enough. LCC should communicate with the environmental health authority to take a joint action to stop any more waste being brought on to this site and stop any such damaging and antisocial business from operating so close to people's homes.
- Members of the planning committee should consider if they would like to live next to the site with the problems that are experienced.
- The proposal does not accord with the policies of the Development Plan for the site.

Advice

Retrospective planning permission is sought to for the change of use of land from a go-kart track to a waste transfer station for the sorting of mixed non-hazardous commercial, industrial waste and the retention and proposed erection of associated industrial buildings and machinery.

Retrospective permission (ref. 01/12/0949) for this use was first refused in March 2013. The reason for refusal of the application is as follows:

Waste materials and recycled materials, particularly plastics, paper and putrescible materials would not be processed, managed or stored in an acceptable enclosed environment to prevent the migration of waste materials off site to the detriment of the local environment and adjoining land users contrary to Policies 2 and 88 of the Lancashire Minerals and Waste Local Plan, Policy E1 of the Lancaster City Core Strategy and Policy EC6 of the Lancaster City Local Plan.

A further retrospective application (ref. 01/13/0945) for this use, plus a proposed new sorting/ storage building, was refused in November 2013 for the following reasons:

1. *The proposed site layout and design fails to demonstrate that waste and recycled materials, particularly plastics, paper, putrescible materials and crushed and screened materials, can be managed, processed or stored in an acceptable enclosed environment to prevent the migration of waste materials, odour and dust off site contrary to Policies DM2 and WM3 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies, Policies SC5 and E1 of the Lancaster District Core Strategy and Policy EC6 of the Lancaster District Local Plan.*
2. *Waste materials and recycled materials, particularly plastics, paper and putrescible materials, are not processed or stored in an acceptable enclosed environment resulting in the migration and tracking out of waste materials off site and onto adjoining land and the public highway to the detriment of the local environment, highway and adjoining land users contrary to Policies DM2 and*

WM3 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies, Policies SC5 and E1 of the Lancaster District Core Strategy and Policy EC6 of the Lancaster District Local Plan.

This application seeks to address the reasons for refusal of the previous application 01/13/0945 by proposing the construction of an additional larger and partially enclosed building for use as material containment, storage and sorting.

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 (LMWDF), Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), and the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document (DPD)

National policy seeks to achieve sustainable waste management by moving the management of waste up the 'waste hierarchy' of reduction, re-use, recycling, composting, using waste as a source of energy and only disposing of waste (landfilling) as a last resort.

The NPPF seeks to ensure that the planning system supports and secures sustainable economic growth in order to create jobs and prosperity. 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 previous application was considered to be acceptable in principle in relation to the broad requirements of Government policy in terms of encouraging the recycling of waste. This application is for the same development and is therefore equally compliant with National Planning Policy and with Policies CS7 and CS8 of the Core Strategy DPD in terms of the waste management strategy.

Policy CS9 of the LMWDF seeks to achieve sustainable waste management, attaches priority to the location of larger waste facilities within existing or planned industrial or commercial areas and sets out broad criteria against which proposals for new waste facilities will be assessed. The development is classed as a larger waste management facility within an existing industrial area and hence conforms to the broad locational criteria set out in Policy CS9 of the LMWDF. The development also complies with Policy WM1 of the LMWLP as it helps to provide capacity to meet anticipated need for waste management facilities as outlined in the policy.

In terms of general location, the development is located on an industrial estate which includes a number of other waste, haulage and other heavy industrial uses. Policy WM3 of the Lancashire Minerals and Waste Local Plan states that development of local waste management facilities of a capacity of around 50,000 tonnes per year will be supported on the Heysham Industrial Estate. The site is accessed via Main Avenue from Middleton Road leading to the main gate of the industrial estate and by private internal roads within the industrial estate all of which are suitable for the nature and levels of traffic generated by this site. Given the nature of the industrial estate, the nature of the local highway network and the provisions of policy WM3, it is considered that in principle, the location of the site is acceptable.

However, it is also necessary to assess the application in terms of the suitability of the design and nature of the waste transfer operations, the site layout and the potential impacts of the proposal in the locale.

Policy DM2 of the LMWLP supports proposals for waste management operations where it can be demonstrated that all material social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals account will be taken of the setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts can be controlled in accordance with current best practice and recognised standards. Impacts and issues to be considered are the quality of design, layout, form, scale and appearance of buildings, the control of emissions from the proposal including dust, noise, light and water, and the control of the numbers, frequency, timing and routing of transport related to the development. Policy DM35 of the Lancaster City Council DPD also has similar objectives in terms of key design principles and resisting development which would have a detrimental impact on amenity.

The applicant states that the waste imported to the site is mixed non-hazardous inert construction, demolition and excavation, commercial, industrial and household (municipal) waste, which includes plastic, wood, paper and general putrescible waste. The processing of these waste types has the potential to generate different environmental impacts than purely inert waste and requires different management techniques to reduce environmental impacts such as noise, dust, odour and vermin to acceptable levels. Whilst such matters are controlled through a permit issued by the Environment Agency, it is also incumbent upon planning authorities before granting planning permission to ensure that such operations are designed and operated in a manner to allow impacts to be controlled to acceptable levels and not generate unacceptable impacts on surrounding landuses.

The operations are already being carried out so the impacts can to some degree be assessed to establish whether they are unacceptable or could be made acceptable by the imposition of conditions. Whilst some waste sorting and storage operations are undertaken under cover, large quantities of waste are stored outside in stockpiles or bales. To address the reasons for refusal of the previous application, the applicant has proposed a further building that would be used for the sorting and storage of recovered materials.

Although, the building would provide much needed additional containment for the sorting and storage of waste, the general site design does not provide for waste reception facilities to be within a building and therefore unsorted waste is tipped onto the ground in the open air without any form of enclosure before being manually moved onto the sorting line. Without such enclosure, the outside deposit and storage of waste is leading to problems of windblown litter, vermin and odour impacts that are not being controlled to acceptable levels.

The site is leased to the applicant. The landowner of the site has objected to the application and has stated that they will not give consent to construct any of the proposed buildings. A copy of the lease has been provided which confirms that no consent is given to the tenant to make any alterations, additions, or improvements affecting the exterior or structure of the property, nor to change the external appearance of the property.

Many of the impacts relate to poor site design and insufficient containment of operations. On the basis that the proposed structures will not be permitted by the land owner, it is difficult to conclude that the proposed new building could be implemented even if planning permission was granted. However, even if the new building were to be constructed, it is still considered that the design of the site, particularly in terms of the waste reception facilities, would be insufficient to address all impacts to acceptable levels.

The Environment Agency has advised that the site is subject to an Environmental Permitting Regulations waste permit but is not being well operated and not in accordance with the requirements of the permit. Consequently, the EA have taken enforcement action in this regard. The outcome in Lancaster Magistrates Court in November 2015 is that the operator has been ordered to reduce both non-specified waste and the amount of waste on site. Whilst compliance with the permit as required by the court would reduce the impacts of the operation, it is considered that it would not fully address the environmental issues that are generated by this operation.

In conclusion, the principle of the waste management and recycling in this general location is acceptable. However, the applicant's proposals for controlling the impacts of the operation are not sufficiently developed in that they do not address the impacts arising from the lack of contained waste reception facilities. Whilst it is possible that the applicant's proposals for other parts of the site could assist by providing further cover and containment for the wastes that are being managed on the site, the landowner has made it clear that permission for such structures would not be forthcoming. In the absence of such necessary containment, the design and layout of the site does not allow for the proper control of the environmental impacts of the development. The development is therefore considered to be contrary to Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document (DPD)

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 and design of waste recycling development in order to protect the amenities of local residents 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 reason:-

1. The proposed site layout and design fails to demonstrate that waste and recycled materials, particularly plastics, paper, putrescible materials and crushed and screened materials, can be managed, processed or stored in an acceptable enclosed environment to prevent the migration of waste materials, odour and dust off site contrary to Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document (DPD).

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

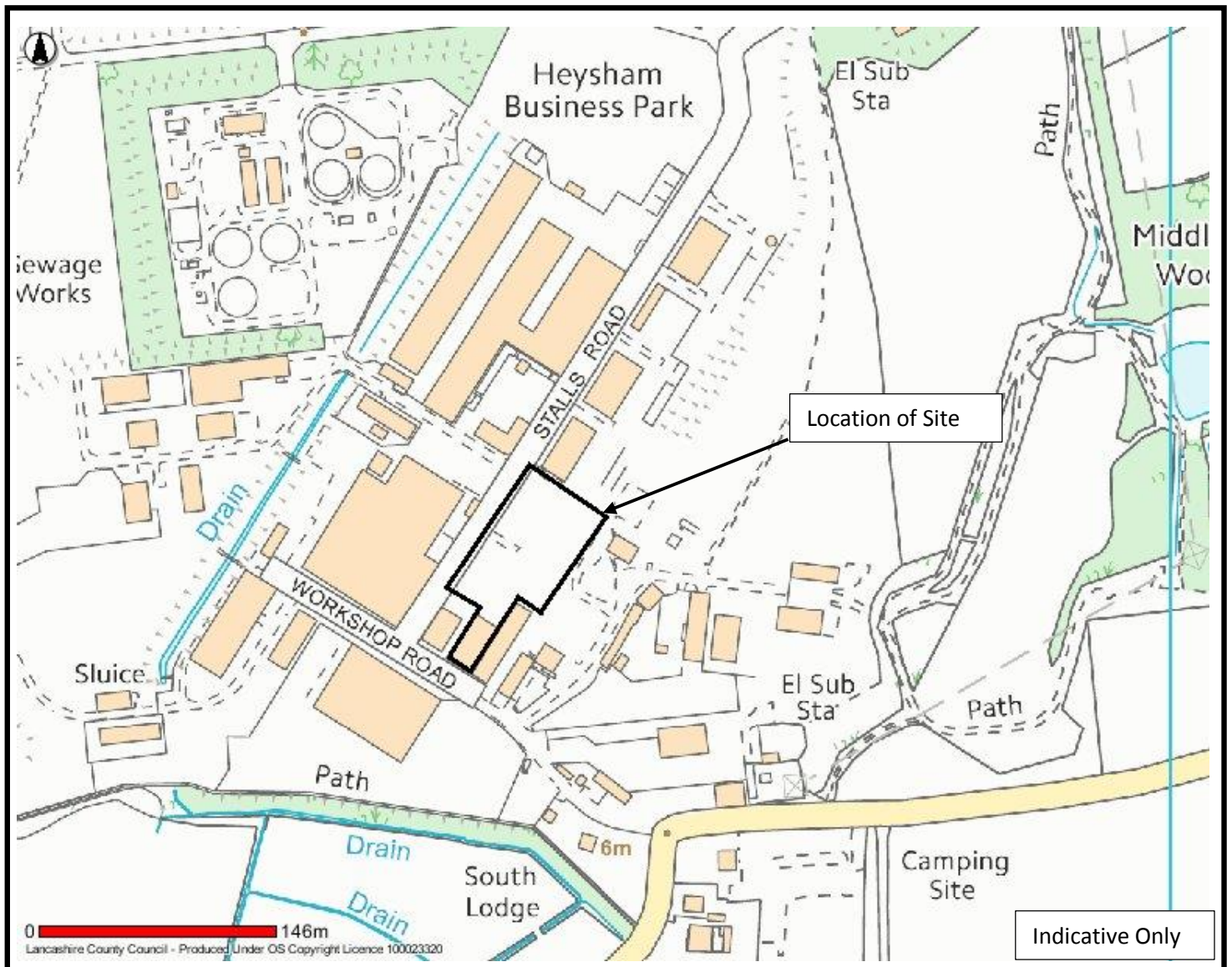
Paper	Date	Contact/Directorate/Ext
LCC/2015/0092		

18th September 2015

Rob Jones
Planning and Environment
534128

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

APPLICATION LCC/2015/0092 RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE FROM GO-KART TRACK TO WASTE TRANSFER STATION. RETENTION OF TWO DEMOUNTABLE UNITS, A BALE SHED AND PLANT AND EQUIPMENT AND ERECTION OF A STORAGE AND SORTING BUILDING. UNIT 26, HEYSHAM BUSINESS PARK, MIDDLETON, MORECAMBE



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Development Control Committee
Meeting to be held on 2 March 2016

Electoral Division affected: Lancaster Central

Lancaster City: Application number. CRT/2015/0096

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.

Lancaster Waste Water Treatment Works, Stodday Lane, Lancaster

Contact for further information:
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DevCon@lancashire.gov.uk

Executive Summary

Application - 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.

Lancaster Waste Water Treatment Works, Stodday Lane, Lancaster.

Recommendation – Summary

That the application be **refused** for the following reason:

It is considered that the application site is not operational land within the meaning in section 263 of the Town and Country Planning Act 1990 and therefore the proposed development cannot benefit from the permitted development rights contained in Schedule 2 Part 13, Class B(f) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Applicant's Proposal

The application is for a Certificate of Lawful Development for the erection of a solar photo voltaic array, switchgear housing, ring main unit, underground cabling and 2.4 metre high security fencing.

The proposed solar array would have an installed capacity of 1.5 MW and would consist of 18 rows of solar panels, each row being between 70 and 125 metres in length. There would be two housings containing switchgear – these would be in the form of steel shipping containers measuring 4.5 metres by 2.4 metres by 2.5 metres

in height. The ring main units would be a grp kiosk type building sited on a concrete base measuring 3 metres by 3 metres by 2.5 metres in height.

The proposed solar array site would be surrounded by 2.4 metre high mesh fencing. The total length of fencing would be 460 metres.

Description and Location of Site

The application relates to an area of agricultural pasture measuring 100 metres by 100 metres located immediately north of Lancaster Waste Water Treatment Works. The works is 3km south west of Lancaster city centre and 700 metres northwest of Stodday. The treatment works is accessed via a number of minor roads that link with the A588.

To the west of the application site is the Condor Green to Lancaster Cycle path beyond which is the Lune Estuary which is designated as a SSSI and a Special Protection Area.

There is a small grouping of residential properties at Low Wood which immediately adjoin the application site to the north east.

The majority of the proposed development has already been undertaken.

Background

History – None relevant on this site.

Planning Policy

The application is for a Certificate of Lawful Development and the provisions of the Development Plan are not a relevant consideration in such an application.

Consultations

The application is for a Certificate of Lawful Development and there is no requirement to undertake consultation or to advertise the application.

Advice

The application is for a Certificate of Lawful Development for the proposed construction of a solar array consisting of the erection of photo voltaic cells covering an area of around 1 ha together with a range of other ancillary development including switch gear housing and perimeter fencing. The primary purpose of the proposed solar array is to provide electricity to the adjacent waste water treatment works.

The applicant is of the view that the development would be authorised by virtue of the permitted development rights in Schedule 2 Part 13 Class B(f) of the General Permitted Development Order 2015. The Order grants permission for certain types of development associated with waste water treatment operations and the applicant

has therefore applied for a determination to obtain confirmation from the Local Planning Authority that the proposed development would be permitted development. If the LPA considers that the proposal would not be permitted development it must refuse the application for the Certificate of Lawful Development and the developer would then have to make a planning application in the normal manner.

It is important to recognise that the determination of the Certificate of Lawful Development applications must be made on the basis of whether the development would be lawful taking into account the relevant facts and the provisions of planning law. The planning merits or environmental impacts of the development are not relevant to the determination of such an application. As such, these types of applications are normally determined by the Director of Governance, Finance and Public Services under delegated powers. However, County Councillor Gina Dowding has requested that this application be determined by the Development Control Committee. The Committee should note that their consideration of the application is still restricted to legal considerations and should not stray into the planning merits of the proposed development.

Operators of waste water treatment works are known as statutory undertakers for the purposes of planning legislation. Statutory undertakers benefit from various permitted development rights under the General Permitted Development Order 2015. In particular sewerage undertakers benefit from various rights under part 13 Class B or the Order which grants permission for a range of development associated with the management of waste water including ' *any other development in, on, over or under their operational land other than the provision of a building but including the extension or alteration of a building*' (paragraph f of Class B)

The applicant maintains that the proposed solar array is permitted development under paragraph f) and requests confirmation of this through the determination of the Lawful Development Certificate.

It is considered that proposals such as solar arrays could be covered by these permitted development rights but only if they are located in, on, over or under operational land.

The meaning of 'operational land' is defined in section 263(1) of the Town and Country Planning Act 1990.

s263(1) reads :- *Operational land means:*

- a) *Land which is held for the purposes of carrying on their undertaking and*
- b) *Land in which an interest is held for that purpose.*

(2) Paragraphs a) and b) of subsection (1) do not include land which in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held for the purposes of the carrying on of statutory undertakings.

In order to demonstrate that the site is operational land, the applicants have provided a copy of a legal agreement dated 17th November 1934 relating to the transfer of the

land to the Lancaster Corporation for the purposes of constructing a sewage disposal works. Whilst it is concluded that the applicant has an interest in the land for the purposes of carrying out their undertaking, it is also necessary to consider the requirements of subsection (2) of s263.

There is little relevant case law which assists in the interpretation of subsection (2). However, the application site had (prior to development) the characteristics of an open field used for horse grazing and other agricultural activities. There is no evidence that the site has ever been used for activities associated with waste water treatment and the site has an appearance akin to the other areas of agricultural land in the area rather than the waste water treatment works to the south. It is therefore considered that the application site cannot be operational land due to the provisions of subsection (2) of s263.

The permitted development rights contained in Part 13 Class B(f) of the General Permitted Development Order 2015 therefore do not apply to this development. Consequently a Certificate of Lawful Development cannot be issued for this development and a full planning application will be required.

Permitted development rights do not apply in instances where the development would otherwise have to be subject to Environmental Impact Assessment. As this development is located close to the Morecambe Bay SPA there is potential for the development to give rise to significant environmental effects which may be sufficient to give rise to a need for EIA to ensure that the likely environmental effects of the development are properly investigated. The applicant has submitted some information to allow the likely impacts on birds to be assessed. Whilst no screening opinion has yet been undertaken to establish the need of otherwise for EIA, this does not affect the judgement expressed above that the permitted development rights do not apply to this development.

Human Rights Considerations

The refusal of applications made under the Town and County Planning Act 1990 will usually affect the Human Rights of the applicant and landowner. The rights which may be affected are contained in Article 1 of the 1st Protocol which 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. However in this case, the provisions of the Town and Country Planning (General Permitted Development) Order 2015 already constrain the rights of landowners by restricting permitted development rights in certain situations and the determination of this application is only being undertaken in accordance with statutory provisions. It is therefore considered that the refusal of this application does not affect the human rights of the applicant any further than is the case through existing legislation.

Recommendation

That the application be refused for the following reason:-

1. It is considered that the application site is not operational land within the meaning in section 263 of the Town and Country Planning Act 1990 and therefore the proposed development cannot benefit from the permitted development rights contained in Schedule 2 Part 13, Class B(f) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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

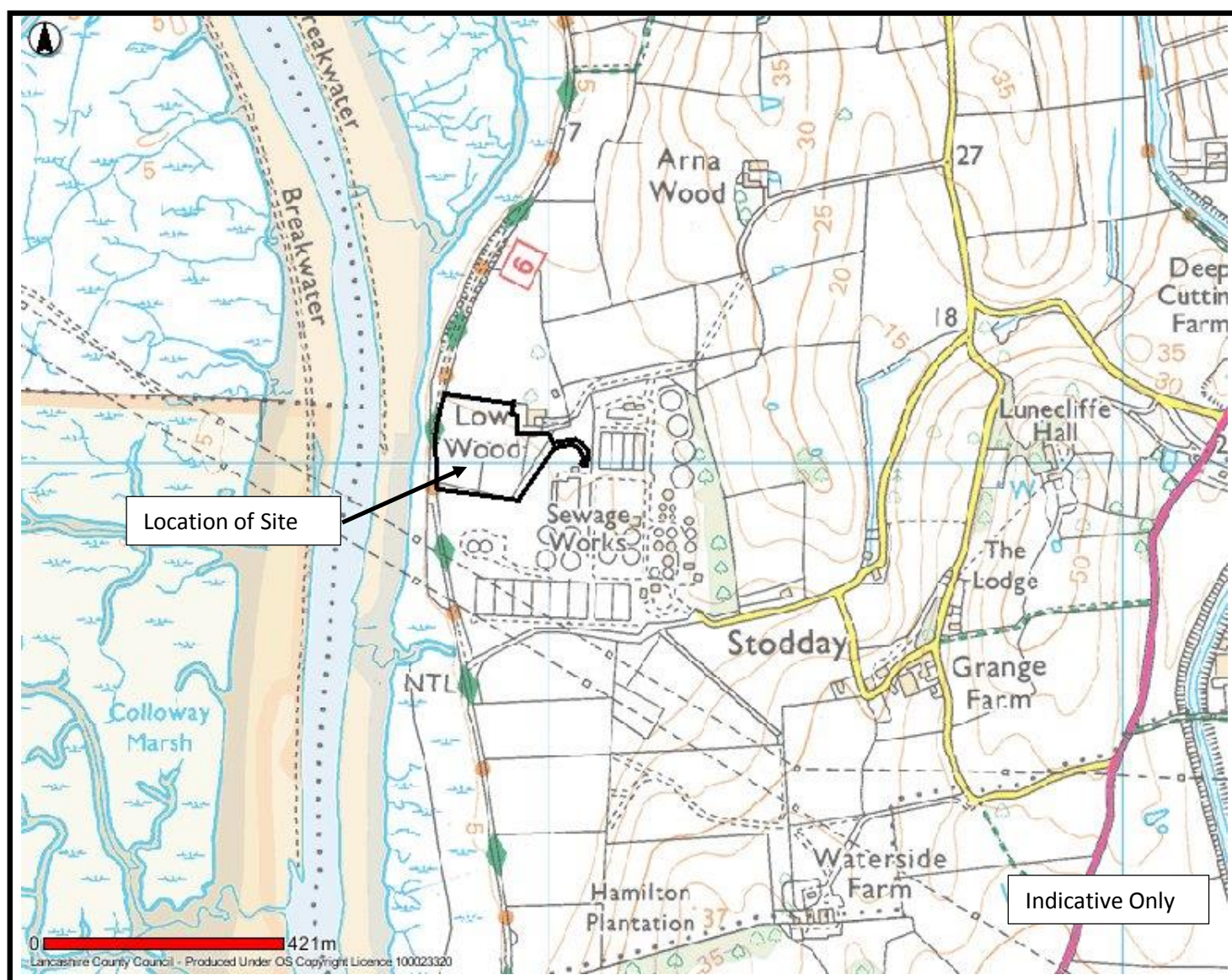
Paper	Date	Contact/Ext
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CRT/2015/0096		
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	28th September 2015 Jonathan Haine Planning and Environment 534130	
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	Reason for Inclusion in Part II, if appropriate N/A	
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APPLICATION CRT/2015/0096 APPLICATION: CRT/2015/0096APPLICATION 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. LANCASTER WASTE WATER TREATMENT WORKS, STODDAY LANE, LANCASTER



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Development Control Committee
Meeting to be held on 2 March 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:
Pauline Kelly 01772 531929
DevCon@lancashire.gov.uk

Executive Summary

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

Recommendation – Summary

That the report be noted.

Since the last meeting of the Development Control Committee on the 20 January 2016, the following planning applications have been granted planning permission by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.

Lancaster City

Application: No. LCC/2015/0114
Lancaster Road County Primary School, Lancaster Road, Morecambe
Installation of three canopies

Preston City

Application: No. LCC/2015/0112
Redscar Industrial Estate, Longridge Road, Preston
Removal of condition 4 of permission 06/96/0183 to remove restriction on waste types to be processed and stored outside the building.

Application: No. LCC/2015/0111
Whitechapel School, Church Lane,
Inglewhite, Preston

Replacement of existing septic tank

Application: No. LCC/2015/0110

Frenchwood County Primary School, Frenchwood Knoll, Preston

Installation of canopy

West Lancashire Borough

Application: No. LCC/2015/0107

Asmall Primary School, Tennyson Drive, Ormskirk

Classroom extension within an inset area

Hyndburn Borough

Application: No. CRT/2015/0109

Hyndburn Waste Water Treatment Works, Mill Lane, Great Harwood

Application for a lawful development certificate for the installation of solar arrays and associated underground cabling

Recommendation

That the report be noted.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper

Contact/ /Ext Pauline Kelly,
Ext: 31929

LCC/2015/0112 CRT/2015/0109

LCC/2015/0114 LCC/2015/0110

LCC/2015/0111

LCC/2015/0107