

Lancashire County Council

Development Control Committee

Wednesday, 19th October, 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 the 7 September 2016** (Pages 1 - 4)

The committee are asked to agree that the Minutes of the last meeting held on the 7 September 2016 be confirmed and signed by the Chair.
4. **Wyre Borough: Application Number LCC/2016/0051 Amendments to existing air extraction and filtration system consisting of a 25 metre high steel vent stack to replace the existing 16.6 metre high stack, three dust collectors, three system fans, cyclones, steel ducting and relocated shipping container housing a carbon filter unit. Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.** (Pages 5 - 20)
5. **Chorley Borough: application number LCC/2016/0059** (Pages 21 - 44)

Extension to the area of phased extraction of sand, gravel and clay, followed by infilling with inert waste for restoration purposes back to agriculture, woodland, and nature conservation including a 5m high screen bund at Sandons Farm, Sandy Lane, Adlington, Chorley

6. Fylde Borough: Application number LCC/2016/0060 (Pages 45 - 60)
Construction of earth bunded lagoon to store digestate from anaerobic digester plant at Stanley Villa Farm. Field off Mythop Road, Weeton

7. Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation (Pages 61 - 64)

8. 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.

9. Date of Next Meeting

The next meeting of the Development Control Committee will be held on Wednesday 7 December 2016 at 10.00 a.m. in Cabinet Room B - the Diamond Jubilee Room, County Hall, Preston.

I Young
Director of Governance,
Finance and Public Services

County Hall
Preston

Agenda Item 3

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 7th September, 2016 at 10.00 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Present:

County Councillor Munsif Dad (Chair)

County Councillors

B Dawson	N Penney
K Ellard	P Rigby
M Green	K Sedgewick
P Hayhurst	K Snape
S Holgate	D Westley
D Howarth	

County Councillor S Holgate replaced County Councillor M Johnstone at the meeting.

1. Apologies for absence

None received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor Snape declared a non pecuniary interest in agenda item 4 as a member of Chorley Borough Council.

County Councillor Sedgewick declared a non pecuniary interest in agenda item 5 as the electoral division member for the area.

3. Minutes of the last meeting held on 13 July 2016

Resolved: That the Minutes of the meeting held on the 13 July 2016 be confirmed and signed by the Chair.

4. Chorley Borough: application number LCC/2016/0059 Extension to the area of phased extraction of sand, gravel and clay, followed by infilling with inert waste for restoration purposes back to agriculture, woodland, and nature conservation including a 5m high screen bund at Sandons Farm, Sandy Lane, Adlington, Chorley

A report was presented on an application for an extension to the area of phased extraction of sand, gravel and clay, followed by infilling with inert waste for

restoration purposes back to agriculture, woodland, and nature conservation including a 5m high screen bund at Sandons Farm, Sandy Lane, Adlington, Chorley.

The Development Management Officer presented a PowerPoint presentation which included an aerial photograph of the site and the nearest residential properties. The committee was also shown photographs of the site from various viewpoints and an illustration of the site layout plan and proposed extension area.

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

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

**5. Preston City: Application number. LCC/2016/0050
Single storey modular unit extension to existing modular unit,
nursery school.
Little Acorns pre-school, c/o Kennington Primary School,
Kennington Road,
Preston.**

A report was presented on an application for a single storey modular unit extension to existing modular unit nursery school at Little Acorns pre-school, Kennington Primary School, Kennington Road, Preston.

The report include the views of Preston City Council, Lancashire County Council's Highways Development Control and details of 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 photographs of the site from various viewpoints and an illustration of the proposed elevations and design.

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

6. 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, eight 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.

7. Urgent Business

There were no items of urgent business.

8. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 19 October 2016.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston

Development Control Committee

Meeting to be held on 19 October 2016

Electoral Division affected: Thornton Cleveleys North
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Wyre Borough: Application Number LCC/2016/0051

Amendments to existing air extraction and filtration system consisting of a 25 metre high steel vent stack to replace the existing 16.6 metre high stack, three dust collectors, three system fans, cyclones, steel ducting and relocated shipping container housing a carbon filter unit. Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

Contact for further information:

Rob Jones, 01772 534128

DevCon@lancashire.gov.uk

Executive Summary

Application - Amendments to existing air extraction and filtration system consisting of a 25 metre high steel vent stack to replace the existing 16.6 metre high stack, three dust collectors, three system fans, cyclones, steel ducting and relocated shipping container housing a carbon filter unit. Unit 8, Burn Hall Industrial Estate, Venture Road, Thornton.

Recommendation – Summary

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

Applicant's Proposal

Planning permission is sought for a number of amendments to the existing air extraction system on the south and east external elevations of the existing waste transfer building; a 25 metre high steel vent stack to replace the existing 16.6 metre high stack, three dust collectors, three system fans, cyclones, steel ducting and relocated shipping container housing a carbon filter unit.

The vent stack would be 25m high with a diameter of 1.8m and constructed from stainless steel. Two of the dust collectors would measure 4.4m long x 2m wide x 4.4m high with the other measuring 7.2m long x 2.8m wide x 7.4m high. The system fans would measure 2.2m long x 1.2m wide x 3.8m high. The cyclones would measure 4.4m long x 2m wide x 10m high. The relocated steel shipping container housing the carbon filter unit measures 12.2m long x 2.4m wide x 2.5m high and is coloured blue with 1.0m high galvanised railings around the top edges.

Additional steel ducting/ pipework with a diameter of 0.8m would be attached to the sides of the waste transfer building to connect the dust collectors, system fans, cyclones, carbon filter unit and the vent stack.

Description and Location of Site

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

The site entrance is on the west side of the site. A weighbridge and demountable units are near the site entrance with the waste transfer building located along the southern boundary and south-east sides of the site. On the north side of the building are two entrance doors.

The existing air extraction and filtration system consisting of a vent stack, pre-filter unit, a shipping container housing a carbon filter unit, and a single storey building containing the air filtration fan assembly, are attached to the east elevation of the waste transfer building with steel ducting/ pipework located along the east and south elevations of the waste transfer building.

The 25m high vent stack, one dust collector (the biggest), one system fan, the cyclones and the shipping container housing a carbon filter unit would be located along the east elevation of the waste transfer building. The two smaller dust collectors and two system fans would be located along the south elevation of the waste transfer building.

The Cala Gran Caravan Park is located 20 metres to the north of the site boundary and 47 metres from the waste transfer building. The north-east boundary of the site borders the 'Burglars Alley Field' BHS which is a flat and open field to the north. The Thornton Waste Technology Park is on the east side of the site. Northern Express Glass, a manufacturer of glass for windows and doors, and Wyre Tyres, a vehicle repair garage, are located adjacent to the southern boundary. Shakespeare Monofilaments, a manufacturer of man-made fibres, is to the southwest on the west side of Enterprise Way. Land between Fleetwood Road and the north-west side of the site is cleared and derelict. The closest residential properties are situated on Springfield Terrace fronting Fleetwood Road approximately 45 metres to the north-west of the site boundary, and 190 metres from the waste transfer building. The whole of the site falls within Flood Risk Zone 3, except for a small area by the eastern boundary that is within Flood Risk Zone 2.

Background

History

Planning permission (ref.02/11/0184) for a change of use from general industrial to a waste transfer station for commercial waste including the demolition and modification of existing buildings, the erection of a waste transfer building, materials recovery

facility plant, perimeter fencing, landscaping and hardsurfacing, was granted on 28 October 2011. This permission was subject to a Section 106 Agreement relating to vehicle routing.

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

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

Retrospective planning application (ref. LCC/2014/0144) for the variation of conditions 3 and 9 of planning permission 02/11/0876 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, and to allow the doors of the waste transfer building to be open only for the ingress and egress of vehicles requiring access to the building while plant is operating, was approved at the Development Control Committee on 20 May 2015 subject to the applicant first entering into a legal agreement relating to vehicle routing.

Retrospective planning application (ref. LCC/2014/0145) for the variation of conditions 4, 12 and 17 of planning permission 02/11/0877 to extend the hours of waste transfer and recycling operations and the delivery and removal of waste and processed materials, to allow the waste imported to the site for processing to have low levels of food contamination, and to allow the doors of the waste transfer building to be open only for the ingress and egress of vehicles requiring access to the building while plant is operating, was approved at the Development Control Committee on 20 May 2015 subject to the applicant first entering into a legal agreement relating to vehicle routing.

Retrospective planning application (ref. LCC/2014/0146) for the retention of an air filtration system consisting of a pre-filter unit, a shipping container to house a carbon filter unit, single storey extension to contain the air filtration fan assembly, steel ducting and 16.6 metre high steel vent stack on the east and south elevations of the waste transfer buildings and various other ancillary development was granted on 20 May 2015.

Planning permission (ref. LCC/2015/0071) for a single storey extension, erection of 3m high acoustic fencing and raising existing 2.5m high acoustic fencing to 3m, was granted on 09 December 2015.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 - 19, 56 – 66, 103, 104, 118, 122, 123 and 124 are relevant with regard to the presumption in favour of sustainable development, core planning principles, building a strong competitive economy, the requirement for good design, flood risk, biodiversity, permitting regimes operated by pollution control authorities, noise and odour.

National Planning Policy for Waste

Section 7 is relevant in relation to the determination of planning applications.

National Planning Practice Guidance

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

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

Wyre Borough Local Plan

Policy SP14 Standards of Design and Amenity
Policy ENV6 Species Protection Policy
Policy ENV13 Development and Flood Risk
Policy EMP8 Existing Industrial Areas

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

Policy 1 Environmental Quality and Protection
Policy 3 Industry and Business

Consultations

Wyre Borough Council – Object for the following reasons:

- Inadequate information has been submitted to adequately assess and mitigate the noise impacts of the development on neighbouring amenity. This would be contrary to the NPPF and Policy SP14 of the Wyre Borough Local Plan.
- Inadequate information has been submitted to assess the air quality impacts of the development. This would be contrary to the NPPF that requires cumulative air quality impacts to be considered.
- The submitted Flood Risk Assessment is inadequate as it does not recognise and take into account that the site is in Flood Risk Zone 2/3. This would be contrary to the NPPF that requires a site-specific flood risk assessment to demonstrate that the development is appropriately flood resilient and resistant.

Fleetwood Town Council - No observations received.

Environment Agency – No objection. The additional air quality information has been reviewed by our air quality modelling and assessment team, who have confirmed that the modelling data sufficiently demonstrates dilution and dispersion of air from

the building. The EA state that they will review the way the new system will be managed in the revised Odour Management Plan, which is part of the on-going regulation of the site under the Environmental Permit.

LCC Highways Development Control – No objection.

LCC Specialist Advisor (Ecology) – No objection. In relation to barn owls, it is commented that mitigation for loss of barn owl roosting sites was secured under the previous requirements of Condition 30 of permission 02/11/0877. It consisted of two pole mounted barn owl nest boxes along the northern boundary and a barn owl nest box inside the waste transfer building. No ecological information has been submitted in support of this application. As potential impacts on barn owl are therefore unknown, the following further information should be submitted:

- Evidence of barn owl presence/ absence; and
- If barn owl is present at this site, and would be disturbed by the proposals, mitigation/ compensation proposals (to offset the impact) should also be submitted for approval and subsequent implementation.
- The location of all the three barn owl boxes should be provided.

Representations – The application has been advertised by press and site notice and neighbouring properties have been notified by letter. Two objections have been received, one from a local resident and another on behalf of the operators of the Cala Gran Caravan Park, which raise the following issues.

The representation made on behalf of the Cala Gran Holiday Park raises the following issues:-

- The proposed extraction system could potentially represent a significant improvement compared to the existing system in terms of odour emissions from the facility. However without odour abatement technology fitted to the extraction system, it is extremely unlikely that the proposed system will reduce the odour impacts upon nearby sensitive receptors such as Cala Gran Holiday Park. The application proposes the omission of the carbon filtration to all but exceptional circumstances and this is considered to be a critical element of the system. The absence of odour abatement technology means that the odour improvements stated in the planning application will not be realised if carbon filtration is not used to treat all extracted air. This would mean that the amenity of Cala Gran Holiday Park's visitors would continue to be negatively impacted upon. The fact that Air Quality Consultants (a reputable air quality expert) and the EA, are both saying the same thing with regards to the need for a carbon filter system to be incorporated into the system is significant. It is considered that LCC should insist that LWR revise its proposals to include this type of odour abatement technology.
- The robustness of the applicant's odour assessment must be improved so that LCC, the EA and all other interested parties can be satisfied that the proposal will not have a detrimental impact on local amenity.
- The applicant's odour assessment indicates that the abatement material in the filters had not been changed frequently enough for it to be effective
- Air quality consultants for Cala Gran have visited the site on a frequent basis and odours had been detected whenever there was a wind from a southerly of south

easterly direction. This suggests that the applicant's dispersal model is under – representing the true odour impacts.

- The applicant suggests that increasing the rate of air flow through the building will dilute the odour impacts but this is not necessarily the case as it will not reduce the total odour units being emitted from the stack.

The representation from the local resident is concerned about noise and states that the fan to the existing air extraction system already sounds like a washing machine drum continually going round and round. The resident is also concerned about the visual impacts of the taller chimney.

Advice

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

The building currently incorporates an air extraction system in order to control dust and odour which received planning permission in May 2015 (permission ref LCC/2014/0146).

The applicant has advised that the current working conditions in the waste transfer and processing building mean that there is often a build-up of heat, dust and odour in the building during peak processing hours, making the working conditions difficult for the workforce. The current air extraction system is designed to address only the issues of dust and odour. The proposed new air extraction system would also address the issue of the build-up of heat to improve the working conditions and future proof the operations for changes in feedstock and potential increases in throughput of some waste streams. The amended air extraction system would enable greater control over the internal conditions of the building. To do this, it is necessary to bring more fresh air into the building than is possible with the current system.

This would be achieved by both undertaking some modifications to the existing extraction system and also installing a new air extraction line. The modifications to the existing system would enable air to be extracted from point sources along the waste processing line and would include ducting to allow the existing carbon filter odour control equipment to be bypassed so that it would be used only during times of particularly high odour. The new extraction line would be used to extract air more generally from the building therefore achieving the faster flows that are required to reduce heat build up. This line would have its own fan, ducting and dust extraction but would have no means of odour control. Extracted air from both lines would be emitted via a taller chimney stack in a controlled dilute and disperse method.

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

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

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

The site benefits from planning permissions for the management of waste. The proposed new air extraction system would be ancillary to that use and is therefore acceptable in principle. However, the impacts of the development have to be assessed.

The amended air extraction and filtration system would consist of a 25 metre high steel vent stack to replace the existing 16.6 metre high stack, three dust collectors, three system fans, cyclones, steel ducting and relocated shipping container housing a carbon filter unit. All the plant and equipment would be on the ground adjacent to the south and east elevations of the waste transfer building, except for the steel ducting/ pipework which would be attached to the side of the building. The main view of the site is from the public footpath adjacent to the northern boundary although the views from this location are screened by existing vegetation and boundary noise attenuation fencing. The vent stack is the only piece of equipment with visual implications as it would protrude 13.4m above the ridge height of the waste transfer building. However, given the location on the east side of the waste transfer building away from sensitive properties and within an industrial estate, the visual impact of the stack is considered to be acceptable. The other items of proposed plant, whilst more complex and of larger scale than the existing air extraction equipment, would be located at ground level or fixed to the east and south facing sides of the waste transfer building where they would not be readily visible from public vantage points.

To ensure that the visual impact of the amended air filtration system would be acceptable, it is recommended that a condition should be imposed requiring that the plant and equipment to have a galvanised stainless steel finish, except for the relocated steel shipping container where the existing colour is acceptable. With such a condition, the visual impacts of the proposal are considered acceptable in terms of Policy SP14 of the Wyre Borough Local Plan and Policy1 of the AAP.

The main issue with this proposal relates to noise and air quality impacts. As per the existing air extraction system, the amended system would be a purpose designed system that maintains the building under negative pressure so that air is drawn into the building thereby reducing the emission of odours from the large doors on the northern side of the building. The air would then be passed through filters to remove dust before being expelled through the higher stack to aid dispersion.

To control odour, the applicant advises that the air from the existing system will be able to be passed through the carbon filter (odour abatement system) contained in the shipping container at times of extraordinary high odour. Air from the new line will have no specific odour abatement. Wyre Borough Council have objected that inadequate information has been submitted to adequately assess the air quality impacts of the development, and representations have been submitted on behalf of Cala Gran Caravan Park questioning the effectiveness of the new plant to address odour impacts. The Environment Agency (EA) also initially objected to the application as no information had been submitted to demonstrate that the proposed development would sufficiently mitigate the impact of odours on local receptors. The EA made the following five specific comments:

- The specification of the new fans and dust extraction units is required to determine if this equipment is suitable.
- The relocated chimney stack will be closer to commercial premises although they have not been considered as a sensitive receptor in the odour report. Further evidence should be given to demonstrate this would not have a detrimental impact on these receptors.
- The odour report submitted has been reviewed based on suitability of the proposal to dilute and disperse. This is not an acceptable method and further appropriate measures are required.
- The proposed discharge of air without any secondary abatement and the bypassing of the current granular activated carbon/carbon filter used to treat malodours air is unacceptable.
- It is mentioned that the granular activated carbon/carbon filter may possibly be used in the event of extraordinary odour events, however it is not stated what the trigger levels would be. This should be included in a revised odour management plan.

The applicant subsequently submitted additional air quality information relating to the controlled dilute and disperse method, and the operation of the odour abatement system.

The information advises that the modelling of the effects of the proposed system has been based upon the new location and height of the stack and takes into account the expected odour levels entering the stack. The dispersion model output shows the expected odour levels at every point around the site, including all of the premises within the Burn Hall Industrial Estate. The calculations and modelling are based on the proposal to increase the number of air changes to 3 per hour without odour abatement and show that all receptors around the site are expected to receive a lower odour concentration using this new system (without odour abatement) compared to the current system at 1 air exchange per hour in combination with a carbon filter. The information advises that the new system without odour abatement therefore provides an improvement in odour management than the previous system (with carbon filter) in all areas. This conclusion was reached by employing the dispersion modelling methods described in the EA's guidance document (H4), specifically Appendix 3 – "Modelling odour exposure" and the thresholds modelled are substantially below the levels described in the "Benchmark levels". However, the carbon filter will still be used in periods of extraordinary odour, the use of which is to

be managed in practical terms by the Odour Management Plan (OMP) for the site. According to the EA's guidance document, abatement should therefore not be required until the odour concentration increases by a specified factor when compared to normal operations based on the modelled output. In the event of extremely high levels or offensive odour being generated, the methods described in the OMP shall be employed to mitigate against any potential nuisance. This would include, but is not limited to, using the existing carbon filter which remains in situ but would normally be bypassed.

In response to the submitted additional air quality information, the EA have confirmed that their main concerns have now been sufficiently addressed, as the modelling data sufficiently demonstrates that the dilution and dispersion of air from the building via the increased stack height will be effective. The EA have also confirmed they will review the way the new system will be managed, including the trigger controls for the use of the carbon filter, and that such controls will be incorporated into the revised Odour Management Plan, which is part of the on-going regulation of the site under the Environmental Permit.

Paragraph 122 of the NPPF requires that planning authorities should not seek to control processes or emissions where these are subject to approval under separate pollution control regimes and that LPA's should assume that these regimes will operate effectively. In this case, the detailed control of odour emanating from the air filtration/extraction system is something that the EA would deal with through their regulatory permitting regime via an Odour Management Plan for the site. If there were to be an unacceptable odour, then the EA would have the power to take the necessary enforcement action to remedy the problem. It should be emphasised that the odour filtration system at this site remains a feature of the proposed place and would be available to treat the air extracted from around the waste processing plant should it be required. Therefore, whilst it is accepted that there have been odour issues at this site, it is considered that the proposed air extraction system is acceptable in principle and that the detailed management or air quality impacts can be addressed through the EA's regulatory regime. The new position of the stack would only be approximately 10 metres closer to the southern boundary of the site than existing and therefore it is not considered its relocation would have any unacceptable implications for the adjacent industrial users given the nature of their businesses and the higher stack height which should aid dispersal.

Planning permission has already been granted for an air extraction system at this site and the system now proposed should, subject to the detailed control and design being dealt with as part of the EA permit, provide for the improved control and dispersal of dust and odours compared to the existing system. Given this situation, the proposal is considered acceptable in principle.

In relation to noise issues, the fans and other equipment would be located on the east and south facing facades of the building facing away from the nearest houses on Springfield Terrace and the caravan park. Wyre Borough Council have objected that inadequate information has been submitted to adequately assess and mitigate the noise impacts of the development on neighbouring amenity. In addition, representations have been received raising concerns about the noise levels that are generated by the system. The applicant has submitted an Acoustic Assessment

which advises that the dominant source of noise on the site would be from the three extraction fans. The background night time noise levels when measured at a point on the boundary of Cala Gran Caravan Park directly to the north of the fans was 37-38dB(A). Daytime background noise levels will be higher. The projected noise levels contained in the document are around 10dB lower than the night time background noise levels, and hence would be around 27-28dB(A). This figure is based upon the extraction fans all operating at full power at the same time.

BS4142:2014 'Method for rating industrial noise affecting mixed residential and industrial areas' is a standard used to assess noise of an industrial nature, together with procedures for assessing whether the noise in question is likely to give rise to complaints from residential properties in the vicinity. The standard compares the noise from the proposed development with the background noise of the area. According to BS4142, a noise level of 10dB(A) below the background noise indicates that complaints are unlikely to be received.

Based on the projected noise levels contained in the Acoustic Assessment, the levels of noise created by the improved air filtration/extraction system would therefore be acceptable to surrounding land uses. However, the noise level of 27-28dB at the site boundary is only a prediction. It is therefore recommended that a condition should be imposed to require that, within one month of the date of the completion of the fitting of the amended extraction system, a further noise survey should be carried out to demonstrate the actual noise level of the equipment with a requirement to undertake further attenuation works should they be necessary. Such a condition was attached to the planning permission for the existing air extraction system and was considered to be an acceptable way to proceed when that application was determined.

Subject to such conditions, it is considered that the proposed air extraction equipment and the noise and air quality impacts are acceptable and conform with Policy DM2 of the LMWLP, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Fleetwood /Thornton AAP.

In relation to ecological impacts, the LCC Specialist Advisor (Ecology) has expressed concern as to the impacts that the development may have on barn owls that may be using the two pole mounted barn owl nest boxes located along the northern boundary and the barn owl nest box that is present inside the north-east side of the waste transfer building. However, it must be recognised that this proposal is for an amended air extraction system that would not have a materially greater impact on the barn owl boxes and nest box than the existing system. There may be impacts due to construction noise or from works within the interior of the building and therefore in order to protect any barn owls that may use the nest box within the building, it is considered that a condition should be imposed requiring that no construction works commence in the bird nesting season until it has been confirmed that no nesting birds are present.

It is therefore considered that the development would comply with Policy DM2 of the LMWLP, Policies SP14 and ENV6 of the Wyre Borough Local Plan and Policy 1 of the AAP.

The application site lies within Flood Risk Zone 3. Wyre Borough Council have objected that the submitted Flood Risk Assessment is inadequate as it does not recognise and take into account that the site is in a Flood Risk Zone, and hence would be contrary to the NPPF. Whilst the plant and equipment associated with the amended extraction system would be at ground level, they are small in scale and would not increase the risk of flooding elsewhere and would not materially increase the risk of flooding compared to the existing equipment that is already present. No objection on flood risk grounds has been raised by the Lead Local Flood Authority and therefore it is considered it accords with Policy ENV13 of the Wyre Borough Local Plan and Policy 1 of the AAP.

The Human Rights Act 1998 requires the County Council to take into account the rights of individuals under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 8 of the Convention provides that everyone has the right to respect for his private life and home save for interference which is in accordance with the law and necessary in a democratic society Article 1 of Protocol 1 states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance to the law and as is proportionate.

This application were it to be approved would be unlikely to generate a degree of impact on neighbouring properties which would breach these rights. It is considered that this application could lessen any existing impacts and that any potential impacts could be controlled by condition.

Recommendation

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

Time Limits

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

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

Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application validated by the County Planning Authority on 28th June 2016, and as amended by the email from the Environment Agency dated 27 September 2016.
 - b) Submitted Plans and documents validated by the County Planning Authority on 28th June 2016:

Supporting Statement
Flood Risk Assessment

Acoustic Assessment
Odour Assessment
Drawing No. 101 Rev. B - Existing Ground Floor Plan & Sections
Drawing No. 102 Rev. A - Existing Elevations
Drawing No. 103 - Existing Site Plan
Drawing No. 201 Rev. B - Proposed Elevations
Drawing No. 202 Rev. C - Proposed Floor Plan
Drawing No. 203 - Proposed Site Plan

Submitted Plans documents validated by the County Planning Authority on 28th June 2016:

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

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policies SP14, ENV6, ENV13 and EMP8 of the Wyre Borough Local Plan, and Policies 1 and 3 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Building Materials

3. The air extraction/filtration system and associated equipment shall be maintained in a galvanised stainless steel finish, and the steel shipping container maintained in the existing blue colour finish, throughout the duration of the development.

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

Control of Noise

4. Within one month of the completion of the amended air extraction system, a further noise survey shall be undertaken to assess the noise impacts of the operation of the development. The survey shall be undertaken in accordance with the methodology in BS4142:2014 and shall record the noise levels from the site when measured during the night time period (22.00 - 07.00 hrs) at Springfield Terrace and Cala Gran Caravan Park at a point nearest to the noise source.

The results of the survey shall be submitted to the County Planning Authority for approval in writing within two weeks of the date of the survey. If the survey shows that the rating level of the noise emitted from the site exceeds the existing background noise level by more than 5dB(A)(1hour), the survey shall

include a further schedule of works to ensure that noise from the development does not exceed the measured background level by more than 5dB(A) (1 hour) together with a timetable for their implementation.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policy SP14 of the Wyre Borough Local Plan and Policy 1 of the Wyre Borough Council Fleetwood - Thornton Area Action Plan.

Ecology - Protected species

5. No construction works for the erection of the air extraction system shall take place within the bird-nesting season between 1st March and 31st July unless the existing barn owl nesting box in the northern elevation of the building has been previously checked and found clear of nesting birds in accordance with Natural England's guidance. If any such nesting birds are found, the area shall be subject to an exclusion zone and no works shall take place within that zone until all breeding birds and attendant young have left the nest.

Reason : In the interests of ecology 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.

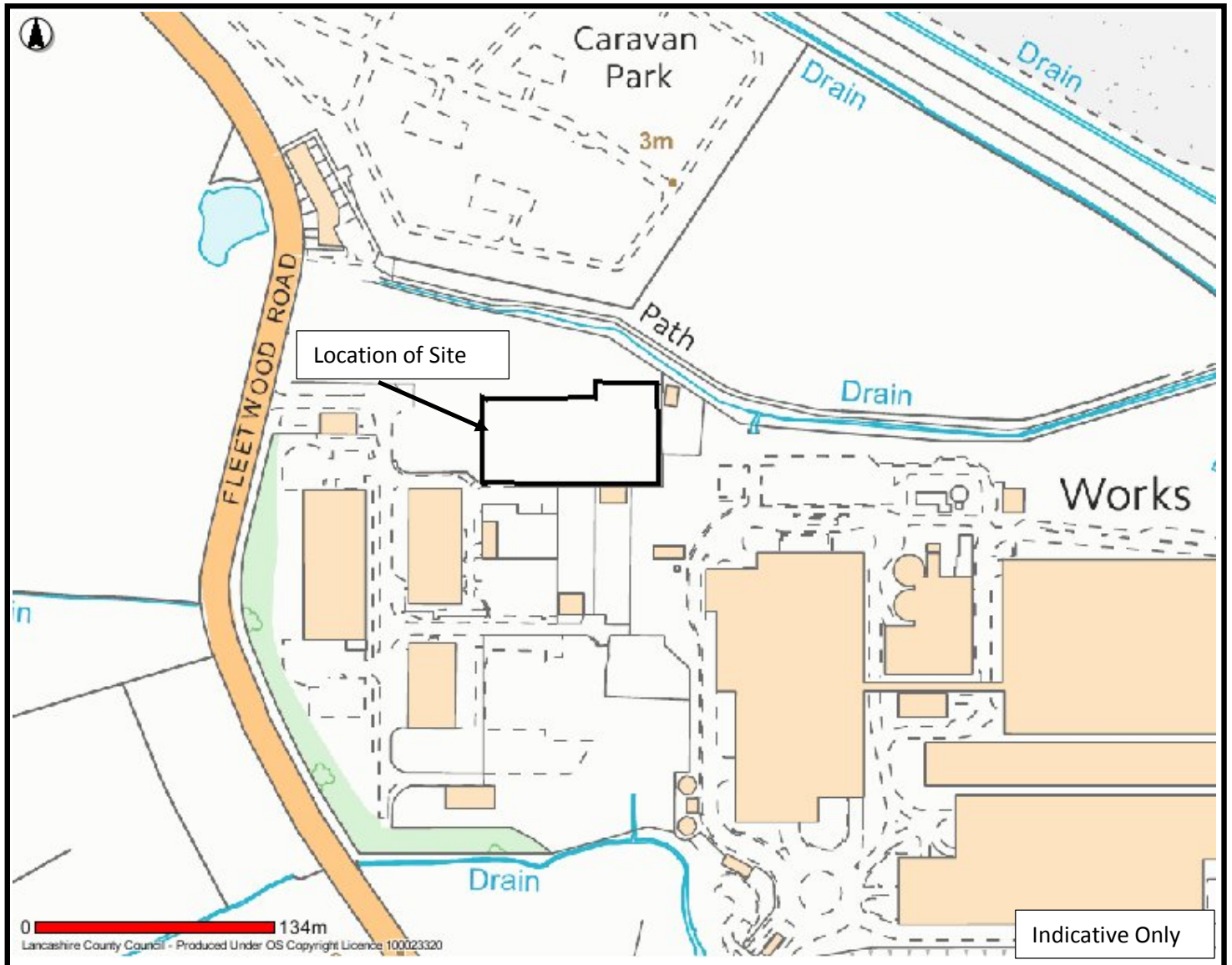
Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2016/0051	28 June 2016	Rob Jones/Environment/534128

Reason for Inclusion in Part II, if appropriate

N/A

APPLICATION LCC/2016/0051 DUST EXTRACTION SYSTEM 25M HIGH CHIMNEY AND ASSOCIATED ALTERATIONS INCLUDING THE RELOCATION OF THE CARBON FILTER UNIT. LANCASHIRE WASTE RECYCLING, BURN HALL INDUSTRIAL ESTATE, VENTURE ROAD, FLEETWOOD



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Development Control Committee

Meeting to be held on 19 October 2016

Electoral Division affected: Chorley Rural East, Chorley West

Chorley Borough: application number LCC/2016/0059

Extension to the area of phased extraction of sand, gravel and clay, followed by infilling with inert waste for restoration purposes back to agriculture, woodland, and nature conservation including a 5m high screen bund at Sandons Farm, Sandy Lane, Adlington, Chorley

Contact for further information:

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Executive Summary

Application – Extension to the area of phased extraction of sand, gravel and clay, followed by infilling with inert waste for restoration purposes back to agriculture, woodland, and nature conservation including a 5m high screen bund at Sandons Farm, Sandy Lane, Adlington, Chorley.

Recommendation – Summary

That, subject to the applicant first entering into a s.106 Agreement for the extended management of landscaping, habitats and public access for a period of 10 years in addition to 5 years of aftercare controlled by condition (consistent with planning permission 09/05/0018), planning permission be **granted** subject to conditions controlling time limits, working programme, site operations, hours of working, noise and dust, highway matters, water management, soils, ecology, restoration, and aftercare.

Applicant's Proposal

The application is for an extension of the sand extraction area within the south eastern area of the existing quarry. The existing quarry covers an area of approximately 11ha. The proposed extension would provide for the extraction of approximately 80,000m³ of sand, gravel and clay to a maximum depth of approximately 10m below existing ground levels.

An estimated 30,000 tonnes of the extracted mineral would be clay, which would be used to line the site prior to the proposed importation of approximately 75,000m³ of construction, demolition and excavation waste and soil forming material. Overburden would be used to form a 5m high screening bund between the mineral

extraction area and the nearest residential properties. It is proposed to restore the void along with the restoration of the existing quarry.

Permission is currently in place at the existing site until 2020. The applicant anticipates that the extension would release approximately 2 years additional supply of sand, would require an additional 12 months of tipping to complete restoration but the site restoration would still be completed within the existing permitted time period.

The extension land is contained within the original red line boundary of the existing quarry site (09/05/0018) and falls within an approved restoration and planting plan area. The restoration and afteruse for the site would primarily be meadow/species rich grassland and woodland.

Description and Location of Site

The proposed development area covers approximately 2.1 hectares within the existing Sandons Sand Quarry site. The site is located off Sandy Lane in Adlington approximately 4km south of Chorley town centre and is accessed via a concrete haul road taken from the A5106 Wigan Lane. The nearest residential properties are located on Carrington Road approximately 50m from the closest edge of the proposed extended extraction area and approaching 25m from proposed screening bunds.

The quarry and proposed extension area are located within the Green Belt. Footpaths numbers 11 and 12 run along the southern and eastern boundaries of the site.

Background

History

Two planning applications were initially submitted for the existing quarry site. The first for the phased extraction of sand and gravel followed by infilling of inert waste for restoration purposes back to agriculture (ref 09/05/0018) and the second for the phased extraction of sand and gravel followed by low level restoration without landfilling (ref 09/06/0867). Both were refused planning permission by Lancashire County Council's Development Control Committee. However, planning permission was granted on appeal by the Planning Inspectorate in December 2008 following a public inquiry. The applicant implemented planning permission 09/05/0018 and operations commenced in June 2008.

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

On 20 May 2015 planning permission was granted for a northerly extension to the area of phased extraction of sand and gravel and infilling with inert waste for restoration purposes, back to agriculture and conservation (ref. LCC/2015/0014).

Planning Policy

National Planning Policy Framework (NPPF)

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

Planning Practice Guidance accompanying the NPPF (PPG)

Minerals
Waste

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

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

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

Policy NPPF1 Presumption in Favour of Sustainable Development
Policy DM1 Management of Waste and Extraction of Minerals
Policy DM2 Development Management
Policy LF2 Sites for Inert Landfill
Policy M1 Managing Mineral Production

Central Lancashire Adopted Core Strategy

Policy 29 Water Management

Chorley Local Plan

Policy BNE 1 – Design Criteria for New Development
Policy BNE 9 – Biodiversity and Nature Conservation

Consultations (as summarised)

Coppull Parish Council – No observations received.

Adlington Town Council – Objects on the grounds that the proposal would be in extremely close proximity to local housing. Work on the site has been taking place for many years and the Council is keen for it to reach a conclusion in the interests of

local residents. Should Lancashire County Council be minded to allow the application, the Town Council requests that permissible times of working are set to minimise disruption to residents and that they are stringently enforced.

Chorley Borough Council – No observations received.

Environment Agency - No objection in principle subject to the inclusion of conditions that reflect those attached to the existing planning permission for the main quarry site in relation to groundwater protection.

Coal Authority – No observations.

LCC County Ecology Service – No objection subject to conditions to seek to protect ecological interests as set out as recommendations in the applicant's submitted ecological survey reports, and also further controls relating to grass cutting.

LCC Highways Development Control – No observations received.

Public Rights Of Way – No observations received.

Canal and River Trust – No objection.

Ramblers' Association - No observations received.

Natural England – No objection.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. 6 representations have been received raising the following summarised reasons for objection:

- Sufficient space has already been given over to the quarry and the negative impacts on the local area and wildlife.
- The working and restoration of the existing site appears to be behind schedule.
- The operator is not currently complying with the permitting start times by commencing works from 7am when the conditions state from 7.30am. This would be likely to continue into the extension area.
- Access to the footpath network should not be compromised.
- Objection on the grounds of noise and dust close to residential properties and that the extension would prolong activities at the site.
- It should be noted that the ownership boundary does not include the strip of land including the footpath to the rear of Carrington Road.
- Concerns raised about risks of flooding.
- Crushing/screening operations could move closer to residents.
- Major noise nuisance is being experienced from scramblers/trials motorcyclists using the existing quarry outside working hours. The extension could bring this problem nearer to houses.

Two properties to the rear of the site do not wish to see screening bunds and wish to make the applicant aware that they have a septic tank system within the applicant's site boundary that should not be compromised.

Advice

This application is for an extension to an existing sand quarry followed by restoration close to original ground levels by the importation and deposit of inert waste materials.

The policies of the Development Plan seek to ensure that Lancashire makes an appropriate contribution to meeting local, regional and national supplies of minerals. It is therefore necessary to assess the need for the mineral that would be extracted along with an assessment of the potential impacts of the proposal on the local environment including impacts on the public highway, the amenity of the residents who live nearby and the impact on the Green Belt. Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Need for minerals

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

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

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

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

In addition to the *National Planning Policy Framework*, the government has also published accompanying practice guidance. Paragraph 84 of the *Planning Practice Guidance* advises that an adequate or excess landbank is not a reason for

withholding planning permission. The total landbank size is only one measure of the need to release additional reserves. It is also necessary to consider the ability of the existing operational sites to supply market demands, the suitability and availability of alternative materials and issues of possible sterilization should production cease at a quarry site. The PPG adds:

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

- significant future increases in demand that can be forecast with reasonable certainty;*
- the location of the consented reserve is inappropriately located relative to the main market areas;*
- the nature, type and qualities of the aggregate such as its suitability for a particular use within a distinct and separate market; and*
- known constraints on the availability of consented reserves that might limit output over the plan period.'*

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

The report identifies that in 2013 there were 8.2 million tonnes of sand and gravel reserves in Lancashire with planning permission. These permitted reserves are held in eight quarries, though in 2012, one quarry, German Lane was inactive and Runshaw (Euxton) had not started extraction (still the case in 2016), although its permission has been implemented.

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

In view of the updated published information that is available in the LAA, known constraints on the availability of consented reserves that might limit output over the plan period, and given that the proposed extension relates to a relatively small volume of mineral it is considered that there is sound justification to override the 'no

need' position set out in Policy M1 of the JLMWLP. The proposed extension would secure additional reserves of sand at an existing producing site and would therefore meet the aim of paragraph 145 of the NPPF for a steady and adequate supply of aggregate minerals. Furthermore, rejection of this application on a 'no need' basis would result in a sterilisation of a valuable known reserve given that the existing surrounding site will be restored with the importation of inert waste materials.

Restoration

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

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

The existing site is subject to a s.106 agreement for a 10 year aftercare management plan following the 5 year aftercare period covered by condition given the size of the site, and the extensive planting and nature conservation proposals. In view of the nature of the proposed restoration scheme and proximity to the neighbouring residential area, it is considered that, should permission be granted, that a revised s.106 agreement is required to account for the extension area within the existing site to ensure satisfactorily restoration establishment of planting/nature conservation/ public access objectives.

Green Belt

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

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

Slope Stability

Concern has been raised that the extraction of sand could generate ground instability beyond the boundary of the site. A slope stability assessment was undertaken as part of the application for the existing quarry and this concluded that even if extraction took place within 25m of properties, there would be no instability issues. The assessment was previously scrutinised by the Planning Inspector during the Public Inquiry into the refusal of planning permission for the existing site. The applicant has carried out a re-assessment and re-submitted the slope stability assessment as part of this application and there appears to be no good reason to dispute the findings here. The Canal and River Trust has raised no objection in relation to operations adjacent to the Leeds and Liverpool Canal. It is therefore considered that the working and restoration scheme is acceptable in this respect subject to the extent of the working areas being restricted by condition.

Impact upon local amenity

The existing permitted extraction boundary limit and subsequent area for infilling with inert waste is typically 100m from residential property (including gardens). The proposed development would bring quarrying and restoration works within 50m of these properties and the proposed screening bund within 25-30m.

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 and dust. 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 existing planning permission for the site is subject to conditions relating to the control of noise and it would be reasonable to reflect those conditions should permission be granted for an extension for the working of the site.

Paragraph 123 of the NPPF states that *planning policies and decisions should aim to:*

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*

- *Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*

Assessment of 'significant adverse impacts' is directed to the DEFRA publication *Explanatory Note to the Noise Policy Statement for England*.

In the accompanying practice guidance for the NPPF the management of the noise associated with particular development types is considered in a number of separate documents. For minerals development there is *National Planning Practice Guidance: Minerals (PPG)*.

In relation to noise the PPG states that applicants *should carry out a noise impact assessment, which should identify all sources of noise and, for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation, and its likely impact on the surrounding neighbourhood.*

Proposals for the control or mitigation of noise emissions should:

- *consider the main characteristics of the production process and its environs, including the location of noise-sensitive properties and sensitive environmental sites;*
- *assess the existing acoustic environment around the site of the proposed operations, including background noise levels at nearby noise-sensitive properties;*
- *estimate the likely future noise from the development and its impact on the neighbourhood of the proposed operations;*
- *identify proposals to minimise, mitigate or remove noise emissions at source;*
- *monitor the resulting noise to check compliance with any proposed or imposed conditions.*

The PPG continues by adding that *Mineral planning authorities should take account of the prevailing acoustic environment and in doing so consider whether or not noise from the proposed operations would:*

- *give rise to a significant adverse effect;*
- *give rise to an adverse effect; and*
- *enable a good standard of amenity to be achieved.*

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure would be above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

The PPG recommends appropriate noise standards and advises that *Mineral planning authorities should aim to establish a noise limit, through a planning condition, at noise-sensitive property that does not exceed the background noise level ($L_{A90,1h}$) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level ($L_{A90,1h}$) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq, 1h (free field) at a noise sensitive property.*

Where the site noise has a significant tonal element, it may be appropriate to set specific limits to control this aspect. Peak or impulsive noise, which may include some reversing beepers, may also require separate limits that are independent of background noise (e.g. L_{max} in specific octave or third-octave frequency bands – and that should not be allowed to occur regularly at night.)

For particularly noisy short term events such as soil stripping and road construction the PPG advises:

Increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to eight weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs.

Where work is likely to take longer than eight weeks, a lower limit over a longer period should be considered. In some wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain the environmental benefits. Within this framework, the 70 dB(A) LAeq 1h (free field) limit referred to above should be regarded as the normal maximum.

The applicant has submitted a noise assessment that considers local ambient noise levels and actual and predicted noise levels from site operations. It is concluded that sand extraction and restoration works and formation of screening/storage mounds in the proposed extension area would be unlikely to generate unacceptable noise when considering Government noise standards set out in the PPG. The formation of the screening mounds would generate short term noise events in closer proximity to residential properties, which Government guidance accounts for with short term recommended higher noise limits. However, once created they would provide additional noise mitigation for works within the extension area, and the substantial quarrying and backfilling works still to be undertaken within the existing permitted extraction area. Planning conditions are recommended which reflect those imposed on the permission for the existing quarry to seek to ensure equivalent controls.

Representations from two local residential properties have requested that they would prefer not to see screening bunds behind their properties and maintain views across the site. However, in the interests of other neighbouring residents and the reliance on the bund within the noise assessment, it is considered that the screening bund should be constructed in its entirety. Furthermore, the bund would be a temporary feature of short term duration to be removed as part of restoration of the site.

A number of representations have alleged that site operations are currently commencing as early as 7am, in contravention of the existing conditions which restrict operations before 7.30am, Monday to Friday and 8am on Saturdays. Reference is also made in respect of noise nuisance from screening plant that is located within the quarry site rather than the more remote 'operations area'. In view of this information the applicant has been advised to ensure compliance with the existing terms of the planning permission. Failure to comply with the requirements of the planning permission would represent a breach of planning control and enforcement action could be taken. However, this is not a material consideration in determining whether or not this planning application can be supported.

A number of concerns have also been raised in respect of motorcycle activities taking place within the quarry environment outside working hours that is causing noise disturbance. The applicant has advised that this is unauthorised activity that he would prefer to avoid and will seek to implement further measures to remove this nuisance. Nevertheless and ordinarily, permitted development rights exist which allow such activities for a limited number of days during the year. However, as a means of seeking to prevent this within the quarry environment, it is recommended that should permission be granted, a condition should be imposed to prevent motorcycle use within the quarry. Such a condition could also extend to the existing quarry site as well as the extension area should the permission be implemented.

Objections have been raised in relation to dust impacts. This matter was considered as part of the application for the existing quarry site culminating in a condition for a dust management scheme being imposed by the Planning Inspectorate. A scheme was subsequently submitted and approved as part of an application for the approval of details reserved by condition. This included measures such as utilisation of a water bowser when necessary, the employment of a speed limit of 10 mph within the site, vehicles transporting material from the site to be sheeted, the employment of wheel cleaning facilities, the employment of a road sweeper when necessary, the spraying of storage heaps and seeding of screen mounds.

Episodes of dust entrainment are typically limited at a site of this nature during sand excavation and often more confined to vehicle movements over haul roads in dry weather. The main haul road out of the site is at a significant distance from the main residential areas off Carrington Road and Sandy Lane. Furthermore, an air quality report issued by Chorley Council entitled *'2015 Updating and Screening Assessment for Chorley Council - In fulfilment of Part IV of the Environment Act 1995 Local Air Quality Management'*, dated May 2015 concluded that previous review and assessments have not indicated the need for detailed assessments and there are no Air Quality Management Areas (AQMA's) within Chorley Borough. It was determined through previous assessment that within Chorley Borough, pollution from traffic sources is the most significant and most likely source to result in exceedances of the

Air Quality Objective levels. All other potential sources have been assessed and were found to have limited impact on air quality and background pollution concentrations (including particulate matter).

In view of the nature of the existing site and the proposed extension it would be reasonable to extend the requirements of the approved dust management scheme should permission be granted.

The proposed extension of quarrying and restoration works would have limited visual impact when seen in the context of the existing site. However, the construction of the proposed 5m high screening/storage mound to the rear of properties on Carrington Road would be more significant and closer to the properties than the existing mounds. Along most sections of the extension area boundary there is a substantial tree/vegetation belt, areas of maturing advance tree planting and wooden panel fencing to reduce the impact for residents. Furthermore, once established and vegetated, the mound would provide a valuable barrier to the working site particularly in terms of noise and would be removed as part of the final restoration of the site.

Taking the above factors into account, it is concluded that the proposed extension of the quarry is acceptable in terms of the amenities of local residents and complies with policy DM2 of the Lancashire Minerals and Waste Local Plan.

Highway Matters

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

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

Water Management

The application is accompanied by a flood risk assessment report and a ground conditions report. The latter report follows on from existing requirements to establish and monitor the groundwater environment and maximum groundwater levels at the existing quarry. From this maximum excavations levels have been calculated to allow for 1m clearance above maximum groundwater levels.

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 minimal risk of flooding, and the proposed development is unlikely to lead to significant increase in flooding elsewhere. This is understandable given the nature of the scheme.

The Environment Agency have raised no objection in principle subject to the inclusion of conditions that reflect those attached to the existing planning permission for the main quarry site in relation to groundwater protection. Accordingly, conditions are recommended to restrict the depth of working and also to require groundwater monitoring in line with requirements for the existing site.

Protected Species and Habitats

The application site features areas of pasture land and permanent and ephemeral pond features adjacent to a working sand quarry including maturing advanced tree planting. The site was previously surveyed as part of the planning application for the existing quarry. An updated protected species survey report for amphibians and water voles, and an extended phase 1 habitat survey report have been produced. The assessments conclude that there are no concerns or constraints in relation to fauna and flora that cannot be satisfactorily addressed by precautionary practices during site clearance and during the development and through a considered restoration scheme to re-create appropriate habitat. These matters are addressed through recommended conditions to seek to ensure the protection of wildlife interests and to ensure an acceptable restoration planting plan and longer term after care through a s.106 agreement consistent with the main permission for the site.

Human Rights

The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 1 of Protocol 1 states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance to the law and as is proportionate.

This application were it to be approved would be unlikely to generate a degree of impact on neighbouring properties which would breach these rights. It is considered that any potential impacts could be controlled by condition.

Conclusion

The proposed extension to the existing quarry would release a small volume of sand and gravel and would provide a void for the deposit of inert waste materials for appropriate restoration of the site. Need for the mineral reserve can be demonstrated contrary to the policies of the Joint Lancashire Minerals and Waste Local Plan given the nature and status of the current land bank, the potential sterilization of reserves, and in view of guiding principles within the NPPF. The overall life of the quarry operations would not be increased through this proposal. The extension area would be unlikely to generate unacceptable levels of impact on

neighbouring residents in terms of noise or air pollution, or in terms of slope stability issues, highway matters or the environment in general especially when considered in relation to the existing quarry, and subject to recommended conditions and a s.106 Agreement for longer term aftercare. The proposal is therefore considered to be acceptable in terms of the policies of the NPPF and Development Plan.

Recommendation

That, subject to the applicant first entering into a s.106 Agreement for the extended management of landscaping, habitats and public access for a period of 10 years in addition to 5 years of aftercare controlled by condition (consistent with planning permission 09/05/0018), 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 development, including the final restoration of the site, shall be completed by 31 December 2020 in accordance with the conditions to this permission.

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

Working Programme

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

- a) The Planning Application received by the County Planning Authority on 15 July 2016.

- b) Submitted Plans and documents:

Drawing no. V280.200 - Location Plan

Drawing no. V280.201, rev 1 - Amendment of Extraction Area and Additional Screen Bunding

Drawing no. V280.202 - Amendment of Extraction Area - Levels and Restoration

Drawing no. V280.203 - Amendment of Extraction Area - Sections

Drawing no. V280.204 - Section D-D'

Drawing no. V280.205, rev 1 - Soils Movement, Storage and Phasing Programme

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

4. No mineral extraction shall take place outside the area shown as 'Phase Three Extraction' on drawing no. V280.201, rev 1 - Amendment of Extraction Area and Additional Screen Bunding (other than that approved under permission 09/05/0018).

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

5. No development shall take place until the 'Phase Three Extraction' boundary (excluding that adjoining 'Phase Two') shown on drawing no. V280.201, rev 1 - Amendment of Extraction Area and Additional Screen Bunding has been marked out using 1m high coloured posts at a minimum interval of 50 metres between each post. Thereafter, the marker posts shall be retained in position until the site has been restored.

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

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

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

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

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

8. 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 sand has been extracted and wastes have been deposited.

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

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

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

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

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

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

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

12. No waste shall be deposited either temporarily or permanently on any part of the site at a higher level than the levels shown on drawing no. V280.202 - 'Amendment of Extraction Area - Levels and Restoration'.

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.

13. The development shall be carried out in accordance with the recommendations set out in the 'Protected Species Survey Report for Amphibians' document dated June 2016 with the exception that vegetation shall be cut to a height of 150mm to reduce the suitability of the habitat for amphibians and to avoid killing or injuring of amphibians during cutting.

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

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

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

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

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

Hours of Working

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

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

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

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

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

0900 to 1700 hours, Mondays to Fridays
0900 to 1230 hours on Saturdays.

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

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

Highway Matters

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

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

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

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

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

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

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

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

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

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

Control of Noise and dust

23. The site area subject of this permission and those site areas subject of permissions 09/05/0018 and LCC/2015/0014 shall not be used for motorcycling at any time.

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.

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

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

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

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

26. The noise limits set out in condition 25 shall not apply during the stripping of soils and overburden at the site, the construction of storage mounds for materials and their regrading during the restoration of the site, or the construction of landscape or baffle mounds. Noise from any of these activities shall not exceed 70dB LAeq (1 hour) (free field) as defined in this permission as measured at the residential properties of Rigshaw Bridge Cottages, Sandons Farm and Carrington Road at a point closest to the noise source. For these activities the 55dB LAeq (1 hour) (free field) limit shall not be exceeded for more than 51 days in any one calendar year, unless otherwise agreed in writing by the County Planning Authority. A written record shall be made of the dates that these activities are taking place and shall be made available to the County Planning Authority on request.

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

27. The development shall be carried out in accordance with the dust management scheme approved under condition 25 of permission 09/05/0018 to prevent dust or wind-blown material being carried on to adjacent property.

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

Water Management

28. Mineral extraction shall not take place below a surface defined as being 1 metre above the surface defined as the 'highest natural variation in the water table' established through the approved scheme and programme under condition 26 of permission 09/05/0018, or below an extraction depth illustrated on drawing no. V280.203 - 'Amendment of Extraction Area - Sections', whichever is the higher level above ordnance datum (AOD).

Reason: To ensure that the proposed works will not detrimentally impact

upon groundwater quality or quantity and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 29 of the Central Lancashire Core Strategy.

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

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

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

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

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

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

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

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

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

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

Soils

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

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

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

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

36. Topsoil and subsoil storage shall be managed as set out on drawing no. V280.205, Rev 1 - 'Soils Movement, Storage and Phasing Programme', and the accompanying email from Oakbay Design dated 23 September 2016. The screening bund illustrated on drawing no. V280.201, Rev 1 - Amendment of Extraction Area and Additional Screen Bunding, and drawing no. V280.203 - 'Amendment of Extraction Area - Sections' shall be no higher than 5m above pre-development existing ground levels.

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

Restoration

37. Restoration of the site shall be undertaken in accordance with the details shown on drawing no. V280.202 - 'Amendment of Extraction Area Levels and Restoration' the details set out on Page 5 of the submitted document 'Written Statement' dated June 2016, and in accordance with the details approved under the requirements of condition 38 of permission 09/05/0018.

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

Aftercare

38. Aftercare of the site for a period of 5 years shall be carried out in accordance with the details within the document entitled 'Aftercare Scheme' as previously approved under the requirements of the s.106 agreement attached to permission 09/05/0018.

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

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

The report shall include:

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

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

Definitions

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

Inert Waste: Waste that will not physically or chemically react or undergo biodegradation within the landfill environment.

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

Free field: At least 3.5 metres away from the facade of a property or building.

Notes

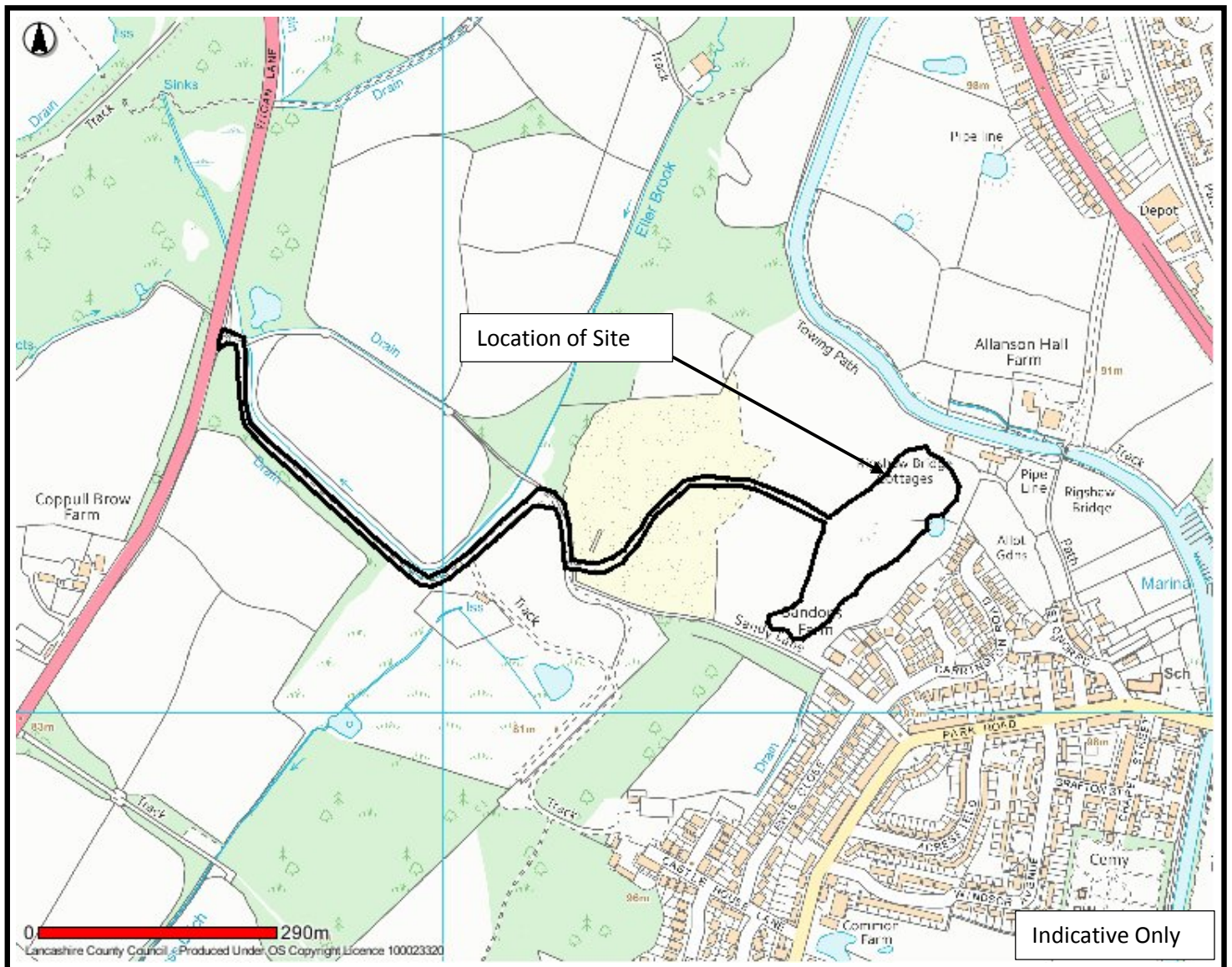
The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

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

Paper	Date	Contact/Ext
LCC/2016/0059	Oct 2016	R Hope/34159

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

APPLICATION LCC/2016/0059 EXTENSION TO THE AREA OF PHASED EXTRACTION OF SAND, GRAVEL AND CLAY, INFILLING WITH INERT WASTE FOR RESTORATION PURPOSES, BACK TO AGRICULTURE, WOODLAND, AND NATURE CONSERVATION INCLUDING A 5M HIGH SCREEN BUND LAND AT SANDONS FARM, SANDY LANE, ADLINGTON, CHORLEY



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Development Control Committee

Meeting to be held on 19 October 2016

Electoral Division affected:
Fylde West

Fylde Borough: Application number LCC/2016/0060 Construction of earth bunded lagoon to store digestate from anaerobic digester plant at Stanley Villa Farm. Field off Mythop Road, Weeton.

Contact for further information:

Rob Jones, 01772 534128

DevCon@lancashire.gov.uk

Executive Summary

Application - Construction of earth bunded lagoon to store digestate from anaerobic digester plant at Stanley Villa Farm. Field off Mythop Road, Weeton.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, odour, depth of lagoon, highway matters, landscaping and archaeology.

Applicant's Proposal

Planning permission is sought for the construction of an open lagoon to store excess digestate from an anaerobic digester (AD) plant located at Stanley Villa Farm, Back Lane, Greenhalgh, Weeton. The digestate would be spread on the land adjacent to the lagoon

The development would comprise the following:

- The lagoon would measure 47.8m x 32m x 4.4m deep with internal sloping sides. All the clay excavated during its construction would be used to create earth banks around the lagoon to a height of between 0.6 - 2m.
- A hardstanding area to measure 40m long x 11m wide, for use by tractors and their tankers.
- 1.8M high weld-mesh fencing with a galvanised finished and an approximate length of 220m to enclose the lagoon.

The lagoon would have a total capacity of 3647m³. enough to store seven months of digestate production plus an allowance for rainwater and some free board. The whole of the development would occupy an area of 0.32 hectares.

Description and Location of Site

The lagoon would be located in an agricultural field approximately 450m south-west of Weeton. Stanley Villa Farm is located 2km to the north-east beyond Weeton. The lagoon would be sited approximately 16m from the Kirkham to Poulton-le-Fylde railway line embankment and 50m to the north of the M55 Motorway. The surrounding land is agricultural. Vehicular access would be from Mythop Road 130m to the north-west.

The curtilage of the nearest residential property is located 200m to the north-west of the lagoon. The line of a Roman road known as the 'Danes Pad' is located in the field 40m to the west of the development. The development would be located on land classed as Grade 2 (very good quality) agricultural land.

The hardstanding for the development would be on the north side of the lagoon facing Mythop Road from where the lagoon would be accessed.

Background

A planning application for a similar development but in a slightly different location in the same field, was withdrawn in July 2016 (ref. LCC/2016/0060).

All other planning applications at the site have been determined by Fylde Borough Council. The following permission and application is relevant to this proposal:

Planning permission for the erection of an agricultural building for sheep and dairy cattle, was granted in June 2016 (ref. 16/0233).

A prior notification application for a proposed agricultural storage building with associated outdoor bale storage, is currently under determination (ref. 16/0570).

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 - 19, 28, 56 - 66, 109, 112, 118, 120 – 122, 124, 129 and 135 of the NPPF are relevant with regard to the requirement for sustainable development, core planning principles, building a strong competitive economy, supporting a prosperous rural economy, the requirement for good design, agricultural land, conserving and enhancing the natural environment, pollution of soils and ground water, pollution control regimes, air quality, and conserving and enhancing the historic environment.

National Planning Policy for Waste

Section 7 is relevant in relation to the determination of planning applications.

National Planning Practice Guidance

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD

Policy CS7 Managing Waste as a resource
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

Fylde Borough Local Plan

Policy SP2 Development in Countryside Areas
Policy EP15 European Designated Nature Conservation Site
Policy EP16 Sites of Special Scientific Interest
Policy EP21 Archaeology
Policy EP22 Protection of Agricultural Land
Policy EP24 Pollution of Ground Water
Policy EP26 Air Pollution

Consultations

Fylde Borough Council – No objection.

Weeton-with-Preese Parish Council – Object and recommend refusal for three reasons: impact from odour on nearby properties; hazard to highway safety; and due to the inappropriate location.

LCC Highways Development Control – No objection.

Environment Agency – No objection, and comment that the design of the lagoon would require accreditation from them so as to ensure that the ground water is not polluted.

Network Rail - No objection. Should planning permission be granted then an advice note should be included on the decision notice that the developer will need to contact Network Rail with regards to the excavation works on the lagoon.

LCC Specialist Advisor (Ecology) – The wider area to the application site is known to support a range of breeding, wintering and passage birds, including qualifying species of European sites. The field within which the development is proposed may be suitable to support wintering birds that use the Ribble & Alt Estuary Special Protection Area (SPA) and Ramsar site, and the Wyre Estuary SSSI (part of Morecambe Bay SPA and Ramsar). In the absence of any supporting ecological information (*i.e.* no desk study/ preliminary ecological assessment) it is not possible to rule out field use by SPA species. The proposals are not connected with or necessary to the management of a European site. Lancashire County Council will therefore need to screen the proposals for likely significant effects. The applicant should submit further information (results of a desk study/ ecological assessment) to establish likely impacts of the development on birds that use the field within which

the development is proposed and thereby enable Lancashire County Council to carry out an assessment for the purposes of the Regulations. Habitats in and adjacent to the proposed development may be suitable to support nesting birds. A condition should be imposed to protect nesting birds, their nests and eggs.

LCC Specialist Advisor (Archaeology) - No objection subject to the imposition of a condition to require that no works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological works. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the County Planning Authority.

LCC Lead Local Flood Authority – No objection.

Ministry of Defence Lands – Safeguardings – No objection.

Representations – The application has been advertised by press, site notice and neighbouring residents have been notified by letter. One representation has been received objecting on the grounds of odours that the digestate lagoon may generate, in addition to flies and insects that the lagoon may attract which would detrimentally impact upon residential amenity, both inside and outside their property. The field in which the lagoon would be sited has a field entrance some distance away from the field entrance off Mythop Road. Siting the lagoon near the other entrance would greatly lessen the environmental impacts on any property.

Advice

Planning permission is sought for the construction of an open lagoon to store excess digestate from an anaerobic digester (AD) plant located at Stanley Villa Farm, Back Lane, Greenhalgh, Weeton. The AD plant uses potato wastes and crops such as maize to produce a biogas using an anaerobic digestion process. The biogas is used to power an on site electricity generator but the process creates a digestate material which has no further use other than as a soil improver / fertilizer. The digestate is currently stored in a lagoon at Stanley Villa Farm but is not of sufficient scale to deal with the volume of digestate produced. Excess digestate from Stanley Villa Farm would be transported by tractor and tanker and emptied into the proposed lagoon, as and when required, a practice that the applicant advises would be more efficient in terms of the use of labour at the farm. The digestate would be spread on the land surrounding the lagoon using an umbilical application system during autumn or spring (depending on the crop in the ground) when the weather is fine.

The main issues associated with the application are the need for the development, the loss of agricultural land, the location and size, impact on nearby railway line, odour, visual impact, traffic, pollution of ground water, archaeology and ecology.

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, Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP) and the Fylde Borough Local Plan.

Policy CS7 of the Lancashire Minerals and Waste Core Strategy seeks to manage our waste as a resource. The applicant has advised that storage and use of the digestate would mean that the applicant would not have to buy fertilisers to use on the land resulting in a more sustainable farm and greater economic benefits. The NPPF seeks to promote a strong local economy by supporting sustainable economic growth and the expansion of all types of business and enterprise in rural areas in order to create jobs and prosperity. The proposal is therefore considered to accord with the principle of National Planning Policy, and with Policy CS7 of the Core Strategy in terms of waste management.

The site is designated as countryside area within Policy SP2 of the Fylde Borough Local Plan. The policy permits various development in countryside areas, including uses appropriate to a rural area. The proposal is associated with the storage of a by-product of the agricultural industry pending its spreading on land as a soil improver / fertilizer. The proposed development is therefore considered in principal to be an acceptable development within the Countryside area and therefore complies with Policy SP2.

Supporting evidence was submitted with the application to confirm that the existing storage lagoon at Stanley Villa Farm is not of a sufficient size to deal with the volume of digestate produced at the AD plant and to justify the size of the proposed lagoon in terms of the volumes of excess digestate that the existing storage lagoon at cannot accommodate together with an allowance for rain water and free board. The Land Agent confirms that the proposed size of the lagoon is appropriate. The excess digestate cannot be spread on the land that surrounds the AD plant, as there is a limit to the volume of digestate that can be spread on those fields.

The lagoon would be sited approximately 16m from the Kirkham to Poulton-le-Fylde railway line embankment. A planning application for a similar development but in a slightly different location within the same field, was withdrawn in July 2016 (ref. LCC/2016/0060) due to an objection from Network Rail that the lagoon would be too close to their boundary. The applicant subsequently consulted with Network Rail who advised them as to an acceptable alternative location. Network Rail has raised no objection to the current proposal. As per their request, an advice note should be included on the decision notice that the developer will need to contact Network Rail with regards to the excavation works on the lagoon.

Views of the lagoon would be limited from surrounding areas. The lagoon itself would be screened by the earth banks around its perimeter. The earth banks and perimeter fencing would not be particularly appropriate features in this predominantly flat landscape but they would be relatively low in height and subject to a condition

requiring appropriate landscaping, it is considered that the development would have an acceptable visual impact.

To limit the environmental impacts of construction, it is considered that a condition should be imposed controlling the depth of excavation and requiring all excavated materials to be retained on site.

Two objections, including one from Weeton-with-Preese Parish Council, have been received objecting to the odours that the digestate lagoon may generate, in addition to flies and insects that the lagoon may attract. Policy EP26 of the Fylde Borough Local Plan refers to air pollution and states that development will not be permitted which is likely to give rise to unacceptable levels of air pollution where it would prejudice other adjacent or nearby land uses, and where potentially polluting development is allowed, permission will be granted subject to appropriate conditions designed to minimise airborne emissions, including unpleasant odours.

Anaerobic digestion is a biological process that takes place in the absence of oxygen. AD stabilises organic waste and so substantially reduces the potential for foul odours that digestate could release. The type of waste fed into an AD plant has an effect on the potential for odour. Animal waste, such as slurry, increases such potential. The waste types fed into the AD plant at Stanley Villa Farm are potato waste and crops such as maize. The potential for odour problems from the digestate are therefore reduced. The digestate has less odour than slurry that is commonly spread on farmland as a fertiliser as much of the biological content has been used in the AD process.

The EA have advised that the digestate material is likely to meet the PAS110 standard for 'compost' material and would therefore not be classified as a waste for the purposes of waste permitting. The EA consider that it is unlikely that the lagoon would cause odour at the nearest house given the separation distances, but that such impacts cannot be ruled out completely. The EA consider that the applicant's submitted information is correct in that the AD process ensures feedstock is digested for the appropriate time which reduces the odour potential of the digestate, although it depends on the weather, wind direction and how long the digestate lies in the lagoon before being spread on the adjacent field. The EA advise that the applicant's existing storage lagoon has been in place for three years and they are not aware of any complaints about odour. Whilst the spreading of the digestate on the land could be the main source of odour, no planning permission is required for such activities and the applicant has advised that such practices already occur to which no complaints have been received from the nearest residential property. Fylde Borough Council's Environmental Protection team have commented that any odour nuisance could be dealt with under statutory nuisance which covers both odours and insects. However, they advise that the applicant should produce an odour management plan which details the procedures to be implemented to reduce odour.

Taking into these comments, it is considered the development would have limited amenity impacts at the nearest property. Potential impacts could be reduced by ensuring that only the lagoon is only used for the storage of digestate from the AD plant at Stanley Villa Farm and requiring the applicant to submit an odour

management plan. Subject to such conditions, the proposal accords with Policy EP26 of the Fylde Borough Local Plan.

In relation to traffic, the development would be accessed from Mythop Road and then across the field. Weeton-with-Preese Parish Council have objected on the grounds of a hazard to highway safety because the access is sited between a blind bend and hump-back bridge on an already hazardous corner. With the accessing of the site by slower, heavy vehicles (e.g. tractor and trailer), with on-coming traffic travelling at a much greater speed, the Parish Council consider this extremely dangerous and unsuitable.

In response, the field access that would be used is already used by agricultural traffic. Presently, the digestate is transported by road to the application site for spreading by three to four tractors and tankers which creates intense traffic movements and deposits mud on the roads at the times of year when spreading is undertaken. The proposed lagoon would enable the applicant to transport the digestate at a relatively constant rate which would be less intrusive on local residents of Weeton.

LCC Highways Development Control has raised no objection and considers the proposal to be acceptable on highway safety grounds. To prevent material from being dragged onto the public highway, and to reduce the number of vehicle movements associated with the construction phase, conditions should require the provision of wheel cleaning facilities, and the prevention of the export of material from the site, plus the provision of a hard surfaced access road between the field access to the site from Mythop Road and the lagoon.

The Environment Agency has not raised any objection to the proposal. They have advised that the applicant has already received pre-application advice from them, and that the development will not require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010. Instead, it will require a British Standard accreditation from them to ensure that there is sufficient clay content in the ground to contain the digestate and ensure that the ground water is not polluted, otherwise a liner would have to be used but this would be confirmed by the Environment Agency as a part of their regulatory regime. In line with the Environment Agency's comments, an advice note should be included on the decision notice that the developer will need to contact the Environment Agency relating to design standards for the lagoon. The proposal is therefore considered acceptable in terms of groundwater and accords with Policy EP24 of the Fylde Borough Local Plan.

The line of a Roman road known as the 'Danes Pad' is located in the field 40m to the west of the development. The LCC Specialist Advisor (Archaeology) has commented that the Roman road and other archaeological finds in the area suggest that the proposed lagoon does not threaten archaeological remains that should be preserved in situ at the expense of the development. It does indicate, however, that formal archaeological monitoring of the earthworks is required so that any further remains in this area can be identified and recorded. To ensure the recording and inspection of matters of archaeological/historical importance, a condition should require that no works shall take place on the site until a programme of archaeological works has

been submitted to and agreed in writing. Subject to the imposition of such a condition, the proposal would accord with Policy EP21 of the Fylde Borough Local Plan. An advice note should be included on any permission to assist the applicant with the details required to satisfy the condition.

The LCC Specialist Advisor (Ecology) has expressed concern that the field within which the development is proposed may be suitable to support wintering birds that use European protected sites. The County Planning Authority will therefore need to consider whether the proposed development is likely to affect designated sites. Regulation 61 of the Habitats Regulations requires a competent authority, before authorising a project which is a) likely to have a significant effect on a European site (alone or in combination with other plans or projects) and b) not directly connected with or necessary to the management of that site, to make an appropriate assessment of the implications of the project for that site. The proposals are not connected with or necessary to the management of a European site. Lancashire County Council will therefore need to screen the proposals for likely significant effects

In response, the proposed development is approximately 6.5km from the Ribble & Alt Estuary Special Protection Area (SPA) and Ramsar site, 5.5km from the Wyre Estuary SSSI (part of Morecambe Bay SPA and Ramsar), and just over 3km from Matron Mere Blackpool SSSI, designated for breeding, wintering and passage birds. The size of the proposed development is relatively small at 0.32 hectares, and is some distance from the aforementioned sites. There are a number of factors that will reduce the suitability of the immediate area to support SPA birds including the proximity to existing sources of disturbance/ displacement such as Mythop Road, Blackpool to Preston railway line and the M55 motorway. It is accepted that there may be effects including indirect loss of habitat (a larger area of the field becomes unavailable to wintering birds as a result of construction (if during winter and/ or operation of the development) and construction over winter could result in disturbance to wintering birds, if present. However, given the size and location of the development it does seem unlikely that there would be a direct loss of wintering bird habitat, and also limited indirect effects. It is therefore considered that the proposal would not be likely to have a significant effect on a European site. However, a condition should be imposed to protect nesting birds. The proposal would therefore accord with Policy CS9 of the Core Strategy, Policy DM2 of the LMWLP, and Policies EP15 and EP16 of the Fylde Borough Local Plan.

The Human Rights Act 1998 requires the County Council to take into account the rights of individuals under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 8 of the Convention provides that everyone has the right to respect for his private life and home save for interference which is in accordance with the law and necessary in a democratic society Article 1 of Protocol 1 states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance to the law and as is proportionate.

It is not considered that the impacts of the proposed development would impact to a degree that interfered with the rights of residents in the vicinity and that any impacts could be controlled by conditions.

Recommendation

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

Time Limits

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

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

Working Programme

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

a) The Planning Application received by the County Planning Authority on 02 August 2016, and the email from the applicant on 20 September 2016.

b) Submitted Plans and documents received by the County Planning Authority on 02 August 2016:

Drawing No. Bra/635/2139/03 - Location Plan

Drawing No. Bra/635/2139/02 - Site Plan

Drawing No. Bra/635/2139/01 - Floor plan, Cross sections, Fence Detail & Topographical Information

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

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies CS7 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policies SP2, EP15, EP16, EP21, EP22, EP24 and EP26 of the Fylde Borough Local Plan.

Odour Controls

3. No materials other than digestate derived from the Anaerobic Digestion plant at Stanley Villa Farm shall be stored within the lagoon.

Reason: In the interests of minimising odours and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

4. No waste materials shall be imported into the lagoon until an odour management plan has been submitted to and approved in writing by the County Planning Authority.

The odour management plan shall describe the odour control measures that would be employed, the circumstances in which they would be implemented and a timescale for their implementation.

Reason: In the interests of managing odour, and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

Site Operations

5. No excavation to construct the lagoon shall exceed the base depth of the lagoon as shown on the approved Drawing No. Bra/635/2139/01 - Floor plan, Cross sections, Fence Detail & Topographical Information.

Reason: To enable the County Planning Authority to adequately control the development, and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

Highway Matters

6. No clay, soil or other mineral shall be exported from the site during the excavation of the lagoons. All excavated materials shall be retained on the site for use in the perimeter bunds shown on drawing no Bra/635/2139/01.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

7. Measures shall be taken at all times during the construction of the development to ensure that no mud, dust or other deleterious materials are tracked onto Mythop Road by vehicles leaving the site during construction works.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint

Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

8. No development shall commence until a scheme and programme for the provision of a hard surfaced access road between the field access to the site from Mythop Road and the entrance to the lagoon has been submitted to the County Planning Authority and approved in writing.

The approved works shall be implemented prior to the construction of the lagoon commencing and shall thereafter be retained for the duration of the development.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

Landscaping

9. Within one month of the completion of the lagoon excavation works, the external faces of the perimeter bunds shall be spread with topsoil material to a depth of not less than 300 mm and shall thereafter be sown with a suitable grass seed mix.

Thereafter the external faces of the bunds shall be retained in a fully grassed weed free condition.

Reason : In the interests of visual amenity and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

10. No development shall commence until a scheme and programme of landscaping has been submitted to the County Planning Authority and approved in writing. The scheme and programme shall contain details of the landscaping of the external sides of the lagoon including for the planting of trees and shrubs, the species to be planted, location of planting, numbers, sizes and types of plants, planting methods and protection measures.

The approved planting works shall be undertaken in the first planting season following the completion of the construction of the development and shall thereafter be maintained for a period of five years including replacement of failures, weed control and maintenance of protection measures.

Reason : In the interests of visual amenity and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint Lancashire Minerals and Waste

Local Plan - Site Allocation and Development Management Policies - Part One.

11. No soil stripping shall take place within the bird nesting season between 1 March and 31 July inclusive unless the absence of nesting birds has first been confirmed by a suitably qualified/ experienced ecological professional. If nesting birds are found to be present, works must be delayed until such time as nesting is complete.

Reason: To protect nesting birds and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One.

Archaeology

12. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological works. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and approved in writing by the County Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of Archaeological / historical importance associated with the site, and to conform with 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 EP21 of the Fylde Borough Local Plan.

Notes

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

The EA also make the following advisory comments:-

Guidance on the storage of slurry can be found on the Environment Agency's website: [https://www.gov.uk/guidance/storing, silage, slurry and agricultural fuel oil.](https://www.gov.uk/guidance/storing_silage_slurry_and_agricultural_fuel_oil)

All new slurry storage facilities must comply with design standards required by the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 and as Amended 2013 (SSAFO). The SSAFO Regulations set out requirements for the design, construction and maintenance of new, substantially re-constructed or substantially enlarged facilities for storing these substances. All stores must be at least 10 metres from any water, including field drains or ditches, and be built or altered to last for at least 20 years with proper maintenance.

Guidance on the required standards for slurry stores is available on our website at <https://www.gov.uk/government/collections/water-resources-control-of-pollution->

silage-slurry-and-agricultural-fuel-oil-england-regulations-2010-and-as-amended-2013-ssafo.

The Environment Agency advise that the applicant consults this guidance to ensure they can comply. The applicant should be aware that the SSAFO Regulations are a separate requirement to planning permission. The applicant must notify the EA in writing about any new, substantially enlarged or substantially reconstructed system at least 14 days before it is constructed. The notification must include the type of structure and its location. The EA can provide a form to assist or it can be download one from their website.

To assist the applicant with the required scheme and programme for archaeological investigation, the LCC Specialist Advisor (Archaeology) has recommended that the initial topsoil stripping of the proposed lagoon site is undertaken with a 360 degree excavator fitted with a toothless ditching bucket in such a way that archaeological material in the topsoil/subsoil junction can be detected and recorded, prior to the main excavation works proceeding. Such a 'strip, map and record' exercise is likely to be faster and less disruptive to the construction process than an archaeological watching brief undertaken during the whole of the works, although that too is a possible response. These works should be carried out by an appropriately qualified and experienced professional archaeological contractor, to the standards and guidance of the Chartered Institute for Archaeologists (www.archaeologists.net).

The developer will need to contact Network Rail in regards to the excavation works on the lagoon as Network Rail will need to observe the earthworks and what plant/machinery/diggers/procedures are to be used on the site for the construction of the lagoon. The developer will need to enter into a Basic Asset Protection Agreement (BAPA) for these works. The developer should contact Adrian Stott (Asset Protection – Network Rail) to discuss relevant details of working on site. The developer will be liable for all Network Rail costs in facilitating the proposal. The BAPA will be in addition to any planning consent.

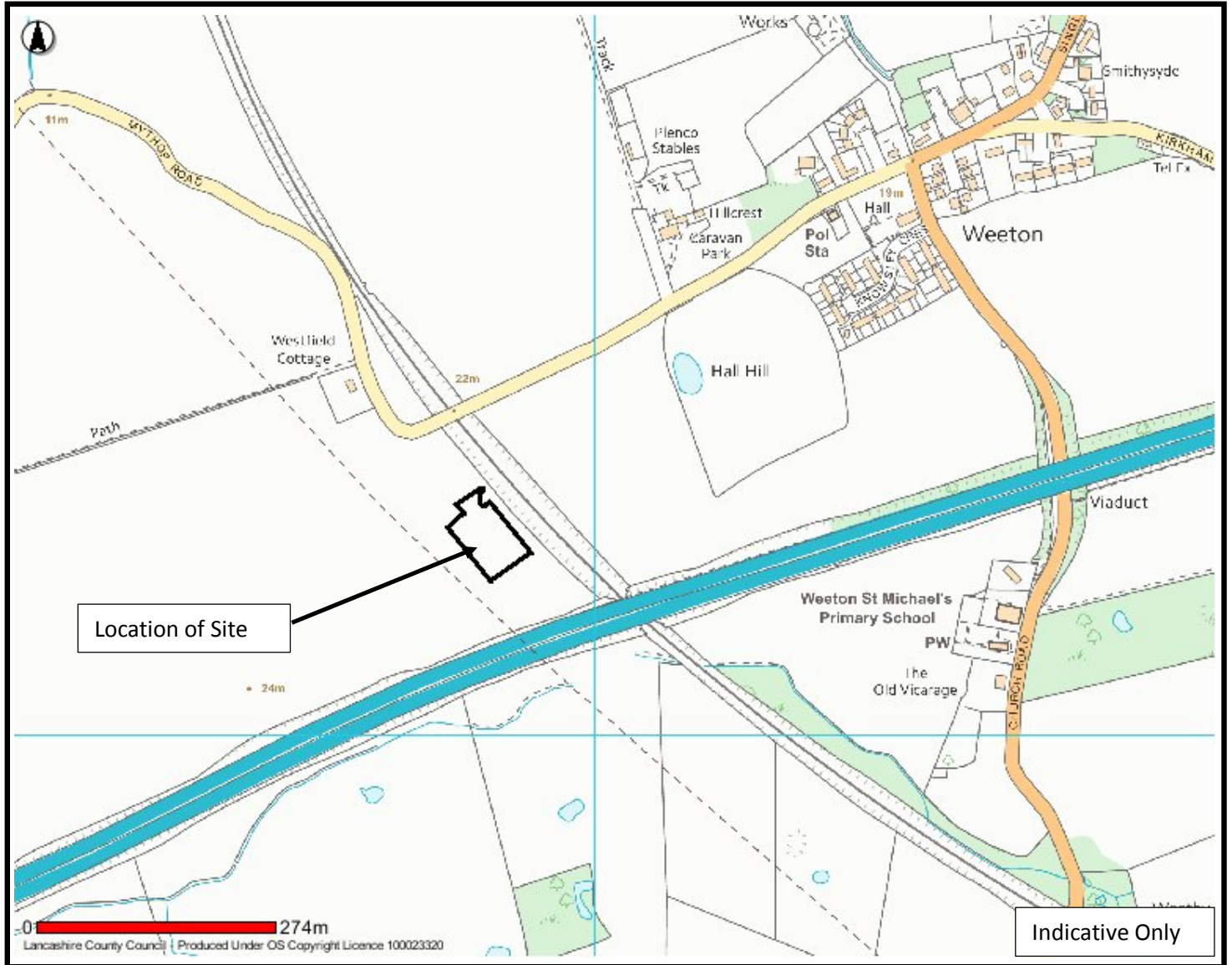
**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Directorate/Ext
LCC/2016/0060	02 August 2016	Rob Jones/34128

Reason for Inclusion in Part II, if appropriate

N/A

APPLICATION LCC/2016/0060 CONSTRUCTION OF EARTH BUNDED LAGOON TO STORE DIGESTATE FROM ANAEROBIC DIGESTER PLANT AT STANLEY VILLA FARM. LAND OFF MYTHOP ROAD, WEETON WITH PREESE



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Development Control Committee

Meeting to be held on 19 October 2016

Electoral Division Affected: All

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

Contact for further information:
Susan Hurst 01772 534181
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 7 September 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/2016/0052
Halton East Waste Water Treatment Works, Dennybeck Lane, Halton
Change of use of land to waste water treatment and erection of a control kiosk

Fylde

Application: No. LCC/2016/0058
Clifton Marsh Landfill Site, Lytham Road, Clifton, Preston
Variation of condition 4b of planning permission LCC/2014/0120 to allow working of composting and wood shredding operations on Sundays between the hours of 8.00 to 1700

Application: No. LCC/2016/0057
Stanley Villa Farm, Back Lane, Greenhalgh, Weeton with Preese
Construction of a biological treatment plant

Preston

Application: No. LCC/2016/0064

Preston Bus Station, Tithebarn Street. Preston

Listed building consent for refurbishment of ground floor concourse including replacement and automation of doors, replacement of external glazing, removal/relocation of retail and maintenance units, creation of coach station and offices, closure of subways and associated works.

Application: No. LCC/2016/0054

Preston Bus Station, Tithebarn Street, Preston.

Erection of crash barriers, car barriers and security fencing.

South Ribble

Application: No. LCC/2015/0091

Lower Brockholes Farm, Preston

Variation of condition 2 of planning permission 06/06/0192 to allow the continued extraction of sand and gravel for a further 18 month period until April 2017 with restoration by October 2017

Chorley

Application: No. LCC/2016/0056

Holy Cross Catholic High School, Myles Standish Way, Chorley

New build single storey extension comprising of 6 classrooms, studio, toilets, storage and ancillary. New lift to existing building removal of 6 storage containers. reprofiling of existing turning circle, footpaths, emergency access, lighting bollards and associated landscaping

Hyndburn

Application: No. LCC/2016/0067

Lee Royd Nursery School, Royd Street, Accrington

Installation of two curved roof canopies to match existing

Rossendale

Application: No. LCC/2016/0062

Crawshawbooth Primary School, Burnley Road, Rawtenstall

Construction of an outdoor classroom and access path

Recommendation

That the report be noted.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper

LCC/2015/0091 LCC/2016/0067
LCC/2015/0064 LCC/2016/0062
LCC/2016/0058 LCC/2016/0057
LCC/2016/0056 LCC/2016/0054
LCC/2016/0052

Contact/ /Ext

Susan Hurst, Ext: 34181

