

**Lancashire County Council
Development Control Committee**

**Wednesday, 24th January, 2018 at 10.00 am in Committee 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 13 December
2017** (Pages 1 - 6)

The Committee are asked to agree that the Minutes of the last meeting held on 13 December 2017 be confirmed and signed by the Chair.

**4. Fylde and Wyre Boroughs: application number.
LCC/2014/0101** (Pages 7 - 22)

Construction and operation of a site for drilling up to four exploratory wells, hydraulic fracturing of the wells, testing for hydrocarbons, abandonment of the wells and restoration, including provision of access roads and improvement of accesses onto the highway, security fencing, lighting and other uses ancillary to the exploration activities, including the construction of a pipeline and a connection to the gas grid network and associated infrastructure to land west, north and east of Roseacre Wood and between Roseacre Road, Roseacre and Inskip Road, Wharles.

Agricultural land that forms part of Roseacre Hall, to the west, north and east of Roseacre Wood, and land that forms part of the defence high frequency communications service (dhfcs) site between Rosacre Road and Inskip Road, off Roseacre Road and Inskip Road, Roseacre and Wharles, Preston.

5. Chorley Borough: Application Number. (Pages 23 - 32)
LCC/2017/0094
Extension to the car park.
Astley Park School, Harrington Road, Chorley.

6. Planning Applications determined by the Head of (Pages 33 - 34)
Planning and Environment in accordance with the
County Council's Scheme of Delegation.

7. 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.

8. Date of Next Meeting

The next meeting of the Development Control Committee will be held on Wednesday 7 March 2018 at 10.00 a.m. in Committee Room B - the Diamond Jubilee Room, County Hall, Preston.

L Sales
Director of Corporate Services

County Hall
Preston

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 13th December, 2017 at 10.00 am in Committee Room 'B' (The Diamond Jubilee Room) - County Hall, Preston

Present:

County Councillor Barrie Yates (Chair)

County Councillors

M Barron	S Holgate
S Clarke	J Marsh
J Eaton	J Parr
K Ellard	M Pattison
D Foxcroft	A Schofield
P Hayhurst	

County Councillors J Eaton and J Parr replaced County Councillors P Rigby and M Dad on the Committee respectively.

1. Apologies for absence

None received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor P Hayhurst declared a non pecuniary interest in agenda item 4 as a member of Fylde Borough Council. He also declared a non pecuniary interest in agenda item 5 as a member of Fylde Borough Council and as the County Councillor for the area concerned.

3. Minutes of the last meeting held on 25 October 2017

In response to a question raised in respect of item 5 of the Minutes, the Development Management Officer advised that the applicant had until 1 May 2018 before the current planning permission expired.

Resolved: That the Minutes of the meeting held on 25 October 2017, be confirmed and signed by the Chair of the Committee.

**4. Fylde Borough Council: application number. LCC/2014/0096NM1
Non material amendment of permission LCC/2014/0096 to allow up to a maximum of nine single convoy deliveries or removals to be carried out outside the hours specified in condition 19 provided they**

**are carried out only in relation to works phases c), d), e) or f) as set out in planning condition 3.
Preston New Road Exploration site near Kirkham**

A report was presented on a non-material amendment to planning application LCC/2014/0096.

The report included the views of the Fylde Borough Council, the County Council's Highways Development Control, Lancashire Constabulary, Westby with Plumpton's Parish Council, Medlar-with-Wesham Town Council and 106 letters of representation. The report also included the views of Friends of the Earth and County Councillors Oades and Dowding.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of the site and the nearest residential properties. The Committee was also shown photographs of the site and evidence of protester activity on the access road.

The Officer reported orally that since the publication of the committee report, four additional letters of support had been submitted raising the following issues:-

- The protests disrupt the routines of local people and businesses
- Preston New Road is regularly fully or partially blocked. This has caused delays to visitors, local residents, businesses and even the emergency services. The additional hours would be an easy solution to an increasing problem.
- The noise from the night time traffic movements will just be part of the general traffic noise in the area and the night time deliveries are preferable as they will cause less disruption to local commuters at peak times.

The Officer also reported that the applicant had submitted an email from the North West Ambulance Service to the Police which confirmed that on at least 2 occasions, ambulances had been unable to get to emergencies in Wrea Green and therefore had to return to the M55 and go via junction 3. The email also confirmed that there had also been occasions where patient transport vehicles have had to collect or take home patients by a longer route due to the A583 being closed.

The Officer advised that it was proposed to amend the third bullet point of Condition 19b so that it reads 'No more than 30 HGVs shall enter the site and no more than 30 HGVs shall leave the site in any one period between 18.30 and 07.30 hours'.

Four members of the public including a representative of Friends of the Earth addressed the Committee. They reiterated the objections set out in the committee report in relation to the increase in night time noise levels, light pollution levels and the impact on local residents. They also raised the following issues:

- The proposal is not non material as it has significant implications for local residents and the highway network.
- The proposal should be the subject of an environmental impact assessment.
- The application is an example of incremental changes to the permission which should not be allowed; the applicant should not be allowed to amend this key condition set by the Planning Inspector or in any way dilute the effectiveness of the conditions.
- There have been many changes, the Traffic Management Plan is now on version 11.
- The extended hours would not necessarily mean an end to protestor activity and associated road closures.
- Undertaking operations at night would increase the risk of accidents.
- More information should be sought in relation to whether the permitted Lmax noise levels have been breached.
- No new issues to justify the change, protestor activity was entirely foreseeable.
- Businesses supporting this application are not particularly local.
- It's bad enough having this operation locally without it being 24/7.
- Cuadrilla and the police should not be allowed to interpret the conditions.

The Committee was urged to refuse the proposed amendment.

The applicant addressed the Committee and spoke in support of the proposal. It was maintained that the proposal would help prevent closures and other disruption to the A583. The proposal therefore had considerable support from the local business community and from a number of local residents. It was also felt that the proposal was unlikely to generate such an impact on neighbouring properties given the scale of the proposal. The proposal would also mean that the police were involved in the delivery operation for a much shorter period of time. Night deliveries would only be made if absolutely necessary.

Officers responded to concerns raised by the Committee with regard to the non material amendment, the recent protester activity, traffic issues, noise levels and the potential detrimental impact on local residents.

Following lengthy debate it was:

Resolved: That subject to the inclusion of the amendment to 19b as reported above, that the non material amendment to condition 19 of planning permission LCC/2014/0096 be approved and that condition 19 is reworded as set out in the report to the Committee.

5. **Fylde Borough: application number. LCC/2014/101
Development of a site for drilling up to four exploratory wells, hydraulic fracturing of the wells, testing for hydrocarbons, abandonment of the wells and restoration, including provision of access roads and improvement of accesses onto the highway,**

security fencing, lighting and other uses ancillary to the exploration activities, including the construction of a pipeline and a connection to the gas grid network and associated infrastructure.

Land west, north and east of Roseacre Wood and between Roseacre Road, Roseacre and Inskip Road, Wharles.

Report to determine the need for a site visit in respect of additional information received on revised access routes.

A report was presented on a proposal to visit the revised access routes with regard to the proposed Roseacre Wood exploration well site.

The Committee was informed that a report detailing the planning and highways implications of the revised access routes including the results of the consultation exercise, would be reported to the next meeting of the Development Control Committee on 24th January 2018. The conclusions of the Committee after considering that report would form the basis of any evidence presented by the County Council to the reopened public inquiry.

The Development Management Officer advised that a site visit would provide the Committee with a clearer understanding of revised access routes. It was therefore proposed that the Committee should visit the site and the proposed access roads prior to considering the proposal at the next meeting on the 24 January, 2018.

Resolved: That the Development Control Committee visit the site and the proposed access routes prior to considering the proposal at the next meeting on the 24 January 2018.

**6. West Lancashire Borough: Application number LCC/2017/0060
Retrospective application for the siting of an enclosure to house a
300kW biomass boiler with a 5.8m high exhaust stack and the
provision of an associated fuel silo and ash bin. City Centre
Commercials, Tower House, Simonswood Industrial Estate,
Stopgate Lane, Simonswood, Kirkby**

A report was presented on a retrospective application for an enclosure to house a 300kW biomass boiler with a 5.8m high exhaust stack and the provision of an associated fuel silo and ash bin at City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.

The report included the views of West Lancashire Borough Council, Knowsley Metropolitan Borough Council and the County Council's Highways Development Control. It was noted that no letters of representation had been received.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of the site and the nearest residential properties. The Committee was also shown photographs of the enclosure and the plant.

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

7. West Lancashire Borough: Application Number. LCC/2017/0078 Retrospective planning application for the erection of two sections of fencing and gate. West Lancashire Community High School, School Lane, Skelmersdale

A report was presented on a retrospective application for the erection of two sections of fencing and gate at West Lancashire Community High School, School Lane, Skelmersdale.

The report included the views of West Lancashire Borough Council, the County Council's Highways Development Control and details of one letter of representation received.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of the site and the nearest residential properties. The Committee was also shown photographs of the fencing and gate.

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

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

It was reported that since the last meeting of the committee on 25 October 2017, nine planning applications had been granted planning permission by the Head of Service Planning and Environment in accordance with the County Council's Scheme of Delegation.

Resolved: That the report be noted.

9. Urgent Business

There were no items of urgent business

10. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 24 January 2018.

L Sales
Director of Corporate Services

County Hall

Preston

Development Control Committee
Meeting to be held on 24th January 2018

Electoral Divisions affected:
Fylde East, Fylde West, Wyre
Rural Central

Fylde and Wyre Boroughs: Application number LCC/2014/0101
Construction and operation of a site for drilling up to four exploratory wells, hydraulic fracturing of the wells, testing for hydrocarbons, abandonment of the wells and restoration, including provision of access roads and improvement of accesses onto the highway, security fencing, lighting and other uses ancillary to the exploration activities, including the construction of a pipeline and a connection to the gas grid network and associated infrastructure to land west, north and east of Roseacre Wood and between Roseacre Road, Roseacre and Inskip Road, Wharles.

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Contact for further information:
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Executive Summary

Application – Construction and operation of a site for drilling of up to four exploratory wells including hydraulic fracturing, testing and site restoration on land at Roseacre Wood, Roseacre Road near Elswick.

The purpose of the report is to assess the applicant's amended vehicle routing and highway mitigation measures and consider the extent to which these proposals address the County Council's previous objections.

Recommendation – Summary

That the conclusions of the report be noted and that officers be instructed to maintain the County Council's objection to the development by presenting evidence to the reopened public inquiry covering the issues set out in this report.

Background

A planning application for the development of an exploration well site to drill for hydrocarbons within the Bowland Shale at Roseacre Wood near Elswick was originally submitted to the County Council in June 2014. The application provided for the construction of an exploration well pad and access from Roseacre Road,

perimeter fencing, the drilling of four boreholes, hydraulic fracturing of each of the boreholes and a period of flow testing to monitor the quantities and flow rates of any gas produced.

The development is proposed to be undertaken over a period of 6 years. The maximum numbers of HGVs associated with the development of the site would be 50 per day.

The applicant's Environmental Statement contained proposals for routing of traffic to the site. The preferred traffic routing to the site as proposed in the original planning application involved traffic turning off the A583 and passing through Clifton Village via Clifton Lane and then proceeding northwards using Station Road, Dagger Road, Salwick Road, Inskip Road and then across the Defence High Frequency Communications Service (DHFCS) Inskip site using a private road before crossing Roseacre Road into the application site. Traffic leaving the site would follow this route in reverse.

To support the use of this route, the appellant proposed a traffic management plan to manage two way HGV movements. This included road widening at certain locations on Dagger Road and a system of co coordinating HGV arrivals and departures from the site to avoid HGVs having to pass each other on the section of route north of Clifton.

The planning application was reported to the County Council's Development Control Committee on 24th June 2015. At that meeting, the County Council resolved to refuse the application for the following reason:-

- 1. The proposed development would be contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies in that it would generate an increase in traffic, particularly HGV movements, that would result in an unacceptable impact on the rural highway network and on existing road users, particularly vulnerable road users and a reduction in overall highway safety that would be severe.*

This decision was subject to an appeal which was determined by way of a public inquiry held in February and March 2016.

The Inspector considered the evidence that was presented by the appellant, County Council and other parties in relation to highway impacts. The Inspector concluded that the volume and percentage increases in traffic combined with the deficiencies of the route would give rise to real and unacceptable risks to the safety of people using the highway including vulnerable road users and that the proposed mitigation measures would not satisfactorily address these impacts. The Inspector therefore concluded that the selected route was unsuitable for its intended purpose and that the development was contrary to paragraph 32 of the NPPF.

Due to the nature and significance of the proposals, the appeals were recovered by the Secretary of State. In his decision, the Secretary of State agreed with the Inspector that the value of the appellants risk assessment was limited and that it had not been adequately demonstrated that the mitigation measures were workable in

practice. He therefore agreed with the Inspector's conclusions regarding the safety of the route and impacts on vulnerable road users.

However, the Secretary of State noted that these conclusions largely arose due to the failure of the appellant to provide adequate evidence that they had properly addressed the safety issues and had not demonstrated that the mitigation was workable in practice. He has therefore determined that the public inquiry will be reopened to provide the appellant and other parties with the opportunity to submit further evidence on highways issues. The Secretary of State has concluded that, subject to the issues identified by the Inspector being satisfactorily addressed, he is minded to grant planning permission.

The reopened public inquiry is scheduled to commence on 10th April 2018 for eight days. The reopened inquiry will only hear evidence relating to highways issues and is not an invitation for any party to seek to reopen any of the other issues relating to this development.

The Appellants Revised Highway Proposals

In order to address the issues raised by the Secretary of State, the appellant has revisited the highway impacts of the development and their proposals for mitigating such impacts. This has included revisiting the HGV routing strategy, undertaking further surveys of general traffic and vulnerable road users and proposing a range of new mitigation measures in order to address the highway impacts of the development. The main aspects of the revised proposals are as follows:-

Vehicle routing: The appellant now proposes a multi route strategy to the site to minimise HGV impacts on any one route and to enable more than one access to the site from surrounding A roads. The proposed routes are as follows and are shown on the plan appended to this report.

- Green Route – from the A585 at Singleton to the site via the B5269 Thistleton Road, Elswick High Street and Roseacre Road
- Red Route – from the A585 to the site via B5269 Thistleton Road, Elswick High Street, Lodge Lane, Preston road to Inskip and then Higham Side Road and through the MoD's High Frequency Communications Site (DHFCS) to reach the application site
- Blue route – from the A583 to the site via Clifton Lane, Station Road, Dagger Road, Salwick Road and Inskip Road and through the DHFCS facility to reach the site.

The applicant proposes that the DHFCS route would be available for use by HGVs during all phases of the project except for the extended flow testing when HGVs would route via Wharles village (there would only be 6 HGV movements per day during this phase). During all phases of the site, the applicant would restrict HGVs to 50 movements per day (25 in and 25 out). The HGV movements would be split between each of the three route options and would be managed so that the total daily maximum (50 vehicles) on any one route would not be exceeded. However, the assessment of highway impacts is based upon a worst case situation where each of the routes would be subject to 50 HGV movements in any one day.

The applicant proposes that HGVs destined for the site will be managed so that no site HGVs will ever have to pass each other on any of the three routes. The means of managing HGVs will be set out in a traffic management plan which will be submitted under the requirements of a planning condition should planning permission be granted. A draft of the management plan has been submitted with the revised proposals which states that the applicant will develop a daily schedule of HGVs arriving and departing from the site which will be monitored and updated throughout each day. Contingency measures will be taken to avoid conflicts, build in flexibility and adapt to change.

In the original planning application, it was proposed that each well would be drilled and hydraulically fractured in turn. The applicant is now proposing to limit the number of times that mobilisation and demobilisation occurs over the duration of the project to no more than twice for the drilling rig and twice for the hydraulic fracturing equipment. This would reduce the number of times that the peak HGV traffic flows are experienced over the duration of the development.

Under most circumstances, HGVs would be limited to normal working hours of 07.30 – 18.30 hours. However, the applicant is proposing that special provision be made for up to nine single convoy deliveries outside of normal hours, similar to the facility that has recently been approved in relation to the Preston New Road site (Application LCC/2014/0096NM1).

On hours of operation, the applicant is proposing that there would be no traffic movements on Saturdays and that the Red Route (through Inskip) would not be used between the hours of 08.00 – 09.00 and 15.00 – 16.00 in order to avoid school sensitive hours at Inskip C of E Primary School.

There are existing HGVs on these routes which would not be in the control of the applicant and to avoid conflicts with such vehicles the applicant is proposing to construct a number of passing places on each of the three routes. These passing places can be constructed within the existing verges and there is no requirement to remove hedges or trees to provide such places. A convex mirror is also proposed on a bend on the red route to improve driver visibility.

There is one stretch of Dagger Road on the Blue Route that does not have sufficient width for two HGVs to pass or sufficient verge width to allow passing places to be constructed within highway land. To address this issue, it is proposed to provide temporary traffic signals which would only be activated when two HGV's are traveling on Dagger Road at the same time in opposing directions. Passing places would be constructed beyond each end of the narrow traffic - controlled section to allow HGVs to pass. At all other times, a green light would operate allowing normal two way working to continue.

Consultations

The applicant has carried out a consultation exercise on the amended proposals which has included advertising by press and site notice and writing to residents

located along each of the three access routes advising of the revised proposals. The consultation period ran from 29th November 2017 until 10th January 2018.

In addition to the consultation exercise undertaken by the applicant, the County Council has undertaken its own consultation with a range of bodies.

Highways England: Highways England are responsible for the A585 as it is a trunk road. Highways England have concerns as to the impact of HGVs turning right from the A585 onto the B5269. The applicant has provided swept path analysis of this junction but it is based on air photograph information rather than a detailed survey of the junction. The position of traffic islands on the A585 may therefore not have been accurately mapped and the applicant cannot demonstrate that larger HGV's can safely negotiate this junction. To address this point, the applicant is now undertaking a full survey of the junction to allow a more accurate swept path analysis to be produced.

County Council Highways: Taking into account the latest information provided by the applicant including additional routing proposals, it is considered that the impact of the increase in traffic, particularly HGVs would be severe. There would be a material impact on existing road users, particularly vulnerable road users and overall highway safety of which the potential is considered to be severe and therefore the revised proposals cannot be supported.

Fylde Borough Council: The proposal are being discussed at the Borough Council's Planning Committee on 18th January 2018 and will be reported on the update sheet.

Wyre Borough Council: No observations received.

Treales, Roseacre and Wharles Parish Council: The Parish Council presented evidence to the previous public inquiry and intend to present further evidence to the reopened inquiry. The Parish Council consider that their previous objections are still valid and that the access routes to the site are not safe and suitable and the mitigation measures would not be effective. The Parish Council consider that there are technologies available which allow for more flexibility as to the choice of surface location for the wellsite and that would avoid the need to use rural roads. The Parish Council note the amendments that have been made but consider that these raise a number of additional adverse impacts.

Kirkham Town Council: Object to the revised routes due to impacts on health and wellbeing of residents and negative impact on the environment. The Town Council consider that the traffic proposals are so different that a new planning application should be submitted.

Medlar with Wesham Parish Council: No observations received.

Inskip with Sowerby Parish Council: Object to the revised transport routing strategy as it is unsound and unsafe and would result in an increase in large HGV's on poorly maintained unclassified roads with limited width and many bends and poor visibility. The proposals would bring such large vehicles into conflict with school children,

pedestrians, cyclists, horses, agricultural vehicles and other vulnerable road users leading to overall impact on highway safety that could not be adequately mitigated.

Elswick Parish Council: The Parish Council considers that two of the routes did not form part of the original proposals and therefore a new planning application should be submitted. With regards to the green and red routes, the Parish are concerned as to the impacts of HGVs through Elswick, issues of congestion and highway safety on the A585 particularly given the level of housing development that is committed or proposed in this area. The Parish also comment on the inadequacies of the red and green routes due to highway alignment, on street parking within Elswick and pedestrian safety on Roseacre Road within Elswick village. The Parish Council object to the revised proposals. They consider that the problems with the blue route remain and that the Inspector's conclusions should stand.

Greenhalgh with Thistleton Parish Council: Consider that all of the routes are unsuitable to support the level of HGV traffic proposed. The passing places would result in hedgerow removal which would affect the visual character of the area and would lead to hazardous conditions for pedestrians, horse riders and cyclists. The red and green routes would add to traffic at the already dangerous A585 / Thistleton north junction and there is no guarantee that HGVs would not use the Thistleton South junction.

Newton with Clifton Parish Council: No observations received.

In response to the applicant's consultation exercise, 349 individual letters have been received raising objection to the revised proposals. The letters raise the following issues:

- All three routes will present health and safety risks to the local population who use these roads for leisure activities. Most of the routes have no footways
- These roads are unsuitable for HGVs due to narrow widths and sharp bends and were never intended to provide access to industrial sites for large numbers of HGVs
- The use of Dagger Road would severely effect safety for other road users, in particular cyclists, pedestrians and horse risers.
- There would be an impact on Elswick, Inskip, Clifton and Salwick due to noise and vibration from passing HGV traffic
- Two of the routes now proposed were considered unsuitable in 2016 – why are they now considered acceptable
- The movements outside normal working hours are not acceptable
- What is the contingency if the MoD withdraw their consent to use the DHFCS site?
- The proposals would result in an increase in traffic through Clifton village which is already impacted upon by speeding traffic through the 20 mph area
- The Roseacre Wood site would be better served by a dedicated access road direct to the A585.
- The junction of the B5269 and A585 is hazardous due to volume of traffic on the A585

- Verges on the rural roads are regularly churned up by HGVs – the proposals will significantly increase these problems.
- On Roseacre Road and High Street in Elswick and through Inskip the road is narrowed by parked cars.
- The road surface on the affected roads is deteriorating badly.
- Parts of the route form part of the Lancashire Cycleway.
- The red route passes St Peter's Primary School in Inskip where on-street parking is heavy at certain times and often continuous throughout the day
- The use of the roads through Elswick will result in noise and air quality which are impacts that are specifically excluded from the reopened inquiry
- Lorry movements will be higher than the 50 per day proposed.
- Reduction in value of properties.
- The route through Inskip is already affected by more traffic due to housing developments and other businesses.
- The proposals would increase traffic through St Michaels on Wyre.
- The additional traffic will result in loss of property value.
- There would be harm to pedestrian safety in Elswick and particularly on the first section of Roseacre Road.
- A letter from the Roseacre Awareness Group has also been received. RAG consider that the new proposals raise a number of new impacts on communities that were not previously affected and that the measures proposed to address protestor disruption would have a number of impacts on local amenity.

Friends of the Earth object to the application due to unacceptable impact on highway safety and conflict with national and local planning policy. They also consider that the Inspector to the previous public inquiry came to a clear conclusion and the applicant should not be given a further opportunity to address the concerns.

The Campaign to Protect Rural England consider that the proposals do not adequately resolve the highway issues and that they raise further negative impacts in terms of highway safety and accidents and intimidation of vulnerable road users. The CPRE also consider that the levels of flow back water would exceed current estimates and would therefore increase the numbers of HGVs, that the swept path analysis for bends on each route indicate that there will be conflict between HGVs and that the various traffic management measures will result in higher vehicle speeds due to overtaking. The CPRE also consider that the proposals will harm the rural character of the area due to loss of hedgerow and tranquillity.

Mark Menzies, MP for Fylde, objects to the revised transport strategy. He comments that the Roseacre Wood site is served exclusively by narrow local roads which pass through several villages and which are unsuitable to take the intended traffic volumes. The route through the DHFCS site would have no benefit as traffic would still have to pass through Elswick. The nature of the roads means that it will not be possible to mitigate all the impacts.

Ben Wallace, MP for Wyre and North Preston, has also written objecting to the three new transportation routes which are now proposed. He considers that the route through Elswick and Inskip has been previously discounted by Cuadrilla for a

number of reasons which are still valid considerations. It is also considered that the route through Inskip and Elswick would impact on residential communities where there is more on - street parking, a greater potential for collisions and conflict with school children.

In addition a cyclostyle letter organised by Friends of the Earth has been submitted raising objection to the proposals. The letter has been received from 199 properties.

At time of the report being finalised representations were still being received. An updated figure will be provided in the update sheet.

Assessment of Planning and Highways Issues

The County Council has previously determined that this development would have unacceptable impacts on vulnerable road users and on highway safety in general. Evidence supporting this reason for refusal was presented at the public inquiry held in 2016. The County Council's arguments were supported by the Inspector and the Secretary of State has concluded that further evidence needs to be considered on highway issues before the appeal can be finally determined.

The applicant's revised highway management proposals will be discussed at the reopened public inquiry scheduled for 10th April 2018. Prior to the Inquiry being reopened the Committee will need to consider whether the applicants revised proposals address the previous concerns about highway safety or whether there are outstanding unresolved issues or new impacts such that the proposals are still unacceptable in highway terms. The outcome of the Committee's consideration of these issues will then form the framework of any case which is presented to the reopened public inquiry. The timetable for the reopened inquiry is that proofs of evidence have to be exchanged prior to 13th March and therefore it is important that the County Council considers the revised proposals at this committee to allow adequate time for the preparation of evidence.

It is important to recognise that the County Council is only being asked to formulate its view on the revised proposals and is not required to redetermine the application. This is now the responsibility of the Secretary of State. Other organisations that may wish to comment on the proposals, including the police, will have opportunity to present evidence to the re-opened public inquiry.

Paragraph 32 of the NPPF requires that all developments that generate significant volumes of traffic should ensure that safe and suitable access to the site can be achieved for all people. In addition it requires that decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Developments should only be refused on transport grounds where the residual cumulative impacts of development are severe.

Policy DM2 of the Lancashire Minerals and Waste Local Plan requires that planning permission will only be granted where all materials impacts including on traffic and local amenity are acceptable or can be made acceptable through mitigation measures.

General Traffic Impacts

The County Council presented a range of evidence to the public inquiry in 2016 to demonstrate that the development would have unacceptable highway impacts. These issues were as follows and were raised in relation to the blue route as proposed in the current consultation:-

- That the country lanes leading to the site are very narrow (down to 4.5 metres in places) and would be inadequate to safely accommodate two passing HGVs at anything other than walking speed and even then would be likely to encroach of road verges.
- The use of the blue route required traffic management measures including use of a layby on the A583 in order that vehicles could be parked up awaiting a call to the site. It was considered that there would be no certainty that the layby would be available thereby raising questions as to how the TMP would be operated and enforced.
- That the actual levels of traffic would be higher than the levels proposed within the planning application.
- There would be impacts on vulnerable road users (cyclists, pedestrians, equestrian users) due to the lack of footways, width of highways and impacts of passing HGVs.

The applicant has attempted to address the issues identified by the County Council's witness to the public inquiry and the Inspector by proposing a new routing and traffic management strategy.

In some ways, the revised proposals go some way to reducing the traffic impacts of the development as they enable:-

- traffic to be split across three routes rather than being concentrated on the blue (Dagger Road) route as was previously proposed
- mobilisation of drilling and fracking equipment to only be undertaken twice during the project duration rather than four times as was previously proposed – this would reduce the number of occurrences of peak traffic volumes. A condition would need to be imposed to require this method of working.
- No vehicle movements on Saturdays

However, the revised proposals are still considered to give rise to several highway impacts which are considered in turn below. Some of these are new impacts which were not raised as part of the previous proposals. These arise from the additional access routes now proposed and to revised traffic management measures which the applicant now proposes in order to manage the transport of equipment to and from the site.

The applicant is proposing to limit HGVs to 50 per day. These HGVs would be managed over the three route options so that the total over any one route would not exceed the maximum level. So for example, in any one day, 20 HGVs would be routed via the green route whilst the remaining 30 would be routed via the red route. Whilst the applicant proposes three different access routes to the site, it would not be

possible for a planning condition to be imposed requiring all three routes be used simultaneously. Therefore any planning assessment must be based upon the worst case scenario where only one route is being used by the maximum of 50 vehicles over the duration of the project.

The issues with the Blue (Dagger Road) route remain as previously identified in terms of restricted widths particularly on Dagger Road itself. The applicant is proposing to address these impacts by using traffic lights to control HGV usage along the narrow section of road. However, there is no information on how the traffic lights would be powered. It is unlikely that there is an electricity supply within the highway that can be used and therefore any lights would have to be powered by onsite generators therefore raising issues about the reliability of the lights and resistance to vandalism. The Green route also makes use of Roseacre Road with many sharp bends with restricted visibility and a considerable number of dwellings along its route particularly on the approach to the centre of Elswick. Use of this route by up to 50 HGV movements per day therefore raises issues about the suitability of the road to accommodate this level of HGV traffic and associated impacts on highway safety and residential amenity. The red and green routes involve traffic passing through Elswick and Inskip on the B5269 and through Clifton village on the blue route. These impacts have been referred to in a number of representations. The peak level of 50 HGVs per day would only occur at particular stages of the project. During stages with lower levels of HGV movements, the impacts would be less noticeable particularly on the B5269 through Elswick and Inskip where there is already some HGV traffic. However, on some of the more minor roads such as Roseacre Road and on the Blue route, the additional HGV traffic would be more noticeable particularly during the times when the project is generating peak numbers of HGVs.

The applicant's proposals for controlling the routing of traffic are set out in a draft traffic management plan. The applicant states that they will prepare a daily schedule of HGVs arriving and departing from the site that will be used to control the routing of vehicles to and from the site. It is considered that such traffic management measures could work in ideal circumstances. However, taking into account experience at the applicant's Preston New Road site, it is considered that there will inevitably be times when at least one of the three access routes may not be available leading to the traffic being concentrated on the other routes.

The applicant has used the worst case position to assess changes in HGV levels compared to the baseline and to predict any noise impacts from increased HGV traffic. The Design Manual for Roads and Bridges advises that to avoid significant noise impacts, increases in HGV traffic should be less than double existing HGV movements. For most routes, the percentage HGV increases are less than 50 %. However, on Roseacre Road, the increase would be 94% which is very close to the level at which a significant impact is likely. It is important to recognise that this level of increase would not take place over the full duration of the project. However, Roseacre Road is a narrow rural lane which is fronted by a large number of properties, particularly on the approaches to the centre of Elswick where there is on street parking requiring HGVs to manoeuvre around parked cars thereby increasing noise impacts.

In order to address the issues identified by the Inspector regarding the inadequacy of the original data, the applicant has commissioned further detailed surveys of the traffic levels on the proposed access routes. These include baseline levels of HGVs and vulnerable users including cyclists, horse riders and pedestrians. No equestrians were observed using any of the three routes and pedestrians on the lengths of rural road without any separate footways were low in number. However, cyclist numbers were significant on all three of the routes even during weekdays (92 on the B5269 section of the Green route, 88 on Roseacre Road and 55 on Highham Side Road). The B5269 between Elswick and the A585 is part of the National Cycle Route. Given the level of cyclist usage identified by the applicant's survey, it can be expected that there would be an impact on this particular user group which could not be fully mitigated.

Vehicle Numbers

The applicant proposes to limit HGV levels to a maximum of 50 per day. This is the same level as previously proposed. However, the original planning application proposed that vehicles would be able to access the site on Saturday mornings as well as normal Monday to Friday working hours. In order to address the impacts on vulnerable road users that were identified by the Inspector, the applicant now proposes to restrict HGV movements to Mondays to Fridays with no movements on Saturdays. Whilst this would address issues of conflict with recreational use of the access roads at weekends, it is considered that the inevitable consequence will be more HGV movements on Mondays to Fridays if the project is still to be completed within the proposed timescale of 6 years.

Analysis of the traffic data at Preston New Road shows that the average levels of HGV movements during the construction phase have been around 17 HGVs per day. However, there have been many days when there have been no HGV movements, most likely because the A583 has been closed due to protestor activity. In contrast there were 15 days during site construction when HGVs have exceeded a level of 50 per day, at times as high as 90 movements per day. At Preston New Road there is no limitation on HGV numbers due to the site being located off an A class road. Roseacre Wood is accessed by roads of a significant lesser standard. It is not inconceivable that the Roseacre Wood site will be subject to similar levels of protestor activity resulting in significant periods when traffic will be unable to access the site. More traffic will therefore be required on subsequent days in order to keep the development on schedule so that there may be a greater number of days when traffic levels approach the maximum level of 50 per day. Higher volumes of HGV traffic gives the potential for greater conflict with other HGVs and vulnerable road users and also greater levels of noise and other general amenity impacts.

Protestor Activity

Protestor activity at the applicant's Preston New Road site has taken place ever since development at that site commenced in January 2017. Protestors have adopted a range of tactics in order to disrupt and delay the transport of plant and equipment to the site. Some of these have used legal means including slow walking within the public highway whilst others have employed more extreme tactics such as locking on within the public highway or climbing onto HGVs for which some

protestors have been arrested and subsequently convicted of offences. People have a legal right to peaceful protest and given the profile of the shale gas industry, it can be expected that a similar level of protest will take place at Roseacre Wood, should planning permission be granted. However, it is important to distinguish between legal and illegal protest. Various legal judgements have concluded that public authorities when considering lawful activities, should not be influenced in their judgement by illegal activities.

In order to address the actions of protestors at its Preston New Road site, the applicant has investigated a number of means to provide greater flexibility to how HGVs are permitted to access and egress the site. These include modifying the approved Traffic Management Plan so that HGV's can enter or leave the site in any direction therefore avoiding protestors when there is risk of direct action or where the road may already be obstructed due to protestor activity. At the Preston New Road site, the applicant has obtained permission to move convoys of HGVs (up to 30) onto and out of the site outside the normal hours of operation on nine occasions over the remaining life of the site.

The applicant, aware of the potential for similar levels of protestor activity at the Roseacre Wood site, has included a similar provision within the revised Transport proposals for the appeal site. However, it is considered that the access roads to the Preston New Road site are very different in terms of their character compared to the Roseacre Wood site. Preston New Road is served by A class roads where there are regular HGV movements even through the night time period. Access to the Preston New Road site also does not require traffic to pass through the centre of any villages or other residential locations. Whilst it was acknowledged that there may be some impact on residential amenity, the proposal for HGV's to access the Preston New Road during the night time period was considered acceptable.

Conversely, all three of the proposed access routes to the Roseacre Wood Site involve traffic passing through village environments in Elswick, Inskip and Clifton where the impacts of up to 30 HGVs over a night time period would have significantly greater amenity impacts. The relationship of the properties to the access routes in these villages together with the quieter ambient noise levels during the night would mean that such amenity impacts would be unacceptable.

The protests at Preston New Road have regularly resulted in the full or partial closure of the A583. It should be recognised that the A583 is the main route between Preston and Blackpool whereas the proposed routes to the Roseacre Wood site use roads of a lower classification where it will be easier for protestors using lawful means to obstruct the route or create complications in implementing the traffic management proposals.

For example, the applicant's traffic management proposals depend on the ability for HGV's to pass using the passing places that are proposed to be constructed within highway land. The highways affected are not urban clearways and no parking restrictions would be implemented within the passing places. Therefore it is possible that protestors could park vehicles on the narrow sections of road therefore making it very difficult for HGVs to pass. This would be a particular issue on Roseacre Road and Dagger Lane where there are restricted highway widths and where the passing

places are essential to allow the free and safe movement of HGVs. Whilst the applicant proposes to control HGVs leaving the site so that that their vehicles do not meet on the same sections of road, there would be no control over other HGVs including agricultural vehicles on the network. The applicant's traffic survey data shows that on Roseacre Road and Dagger Road there are 53 and 64 HGV movements per day respectively and notwithstanding the applicant's proposals regarding control of their own vehicles, it can be expected that the mitigation measures (passing places) are essential to avoid conflicts between development and general traffic. If these mitigation measures are not available (for example due to protestor activity), there must be doubt as to the acceptability of HGV traffic using the proposed highways.

Conclusions

The applicant for the Roseacre Wood site has submitted revised transport and highways information and proposals in order to address the issues identified by the Inspector at the public inquiry. The applicant has tried to address these issues by splitting the traffic impacts across three routes, limiting traffic to Mondays to Fridays together with a range of other traffic management techniques.

Whilst it is considered that the revised proposals represent an improvement over those accompanying the original application, it remains the fact that the Roseacre Wood site can only be reached by using a number of unclassified roads that are unsuitable in a number of respects to accommodate large numbers of HGV movements and that require specific mitigation measures to be employed to limit impacts to acceptable levels. It is considered that there are a number of factors that would limit the effectiveness of the mitigation measures without which the highway impacts would continue to be unacceptable.

It is therefore considered that a number of highway impacts remain and which would not be satisfactorily addressed by the proposed mitigation measures. Members are therefore requested to note the issues raised in this report and to instruct officers to present evidence to the re-opened public inquiry which maintains the County Council's objection to the development for the reasons set out in this report.

Recommendation

That the conclusions of the report be noted and that officers be instructed to maintain the County Council's objection to the development by presenting evidence to the reopened public inquiry covering the issues set out in this report.

Local Government (Access to Information) Act 1985

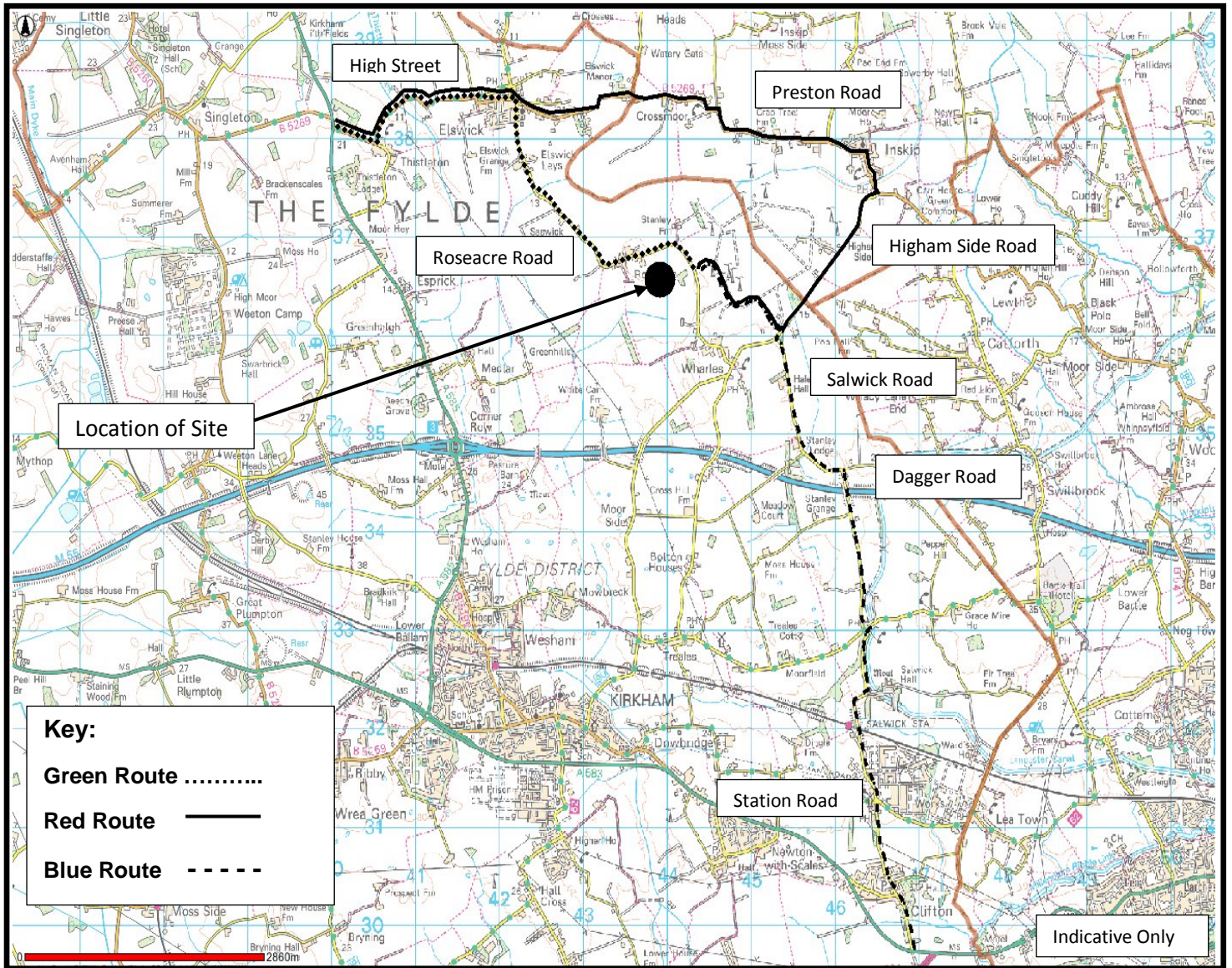
List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2014/0101		

Jonathan Haine
Planning and Environment
534130

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

APPLICATION LCC/2014/0101 PROPOSED ROUTES. AGRICULTURAL LAND THAT FORMS PART OF ROSEACRE HALL, TO THE WEST, NORTH AND EAST OF ROSEACRE WOOD, AND LAND THAT FORMS PART OF THE DEFENCE HIGH FREQUENCY COMMUNICATIONS SERVICE (DHFCS) SITE BETWEEN ROSACRE ROAD AND INSKIP ROAD, OFF ROSEACRE ROAD AND INSKIP ROAD, ROSEACRE AND WHARLES, PRESTON



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Development Control Committee
Meeting to be held on 24th January 2018

Electoral Division affected: Chorley Central

Chorley Borough: Application Number. LCC/2017/0094
Extension to the car park.
Astley Park School, Harrington Road, Chorley.

Contact for further information:
Faiyaz Laly, 01772 538810
DevCon@lancashire.gov.uk

Executive Summary

Application - Extension to the car park. Astley Park School, Harrington Road, Chorley.

Recommendation - Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, hours of use, landscaping scheme, highway matters and drainage.

Applicant's Proposal

Planning permission is sought for a new car parking area at Astley Park School, Harrington Road, Chorley. The proposed car park area would provide 28 spaces on part of the school playing field to the south east of the main school building providing a total number of 56 parking bays for the school. The proposed car park would measure approximately 55m x 20m covering a total area of 615m². The applicant has confirmed the car park would be surfaced using permeable sustainable drainage materials.

Description and Location of Site

The site is located at Astley Park School which is situated off Harrington Road approximately 1km north west of Chorley town centre. The proposed car park area would be located on the south eastern side of the school site on part of the school playing field. Residential properties are located to the east on Harrington Road and to the south on Queens Road. The nearest residential properties would be located approximately 20m away on Harrington Road.

Background

The site is an established educational facility.

Planning permission was granted in May 2009 for the provision of a concrete storage unit next to existing fenced play area. (09/09/0195)

Planning permission was granted in August 2008 for the siting of a porta cabin to be used for IT and library and erection of a canopy. (09/08/0754)

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11-14, 56-64 and 74 are relevant with regards to the requirements for sustainable development, core planning principles, good design and the protection of existing open space and sports provision.

Chorley Borough Local Plan

Policy V1 - Model Policy

Policy BNE9 - Biodiversity and Nature Conservation

Policy HW2 - Protection of Existing Open Space, Sport and Recreational Facilities

Policy ST4 - Parking Standards

Central Lancashire Core Strategy

Policy 3 - Travel

Policy 14 - Education

Policy 29 - Water Management

Consultations

Chorley Borough Council - No objection.

LCC Highways Development Control - No objection but recommend conditions requiring the layout of the proposed car park area to be revised so vehicles can enter and leave the area in forward gear and that the car park area is marked out in accordance with an approved plan prior to the car park being brought into use.

LCC Lead Local Flood Authority - No observations received.

Sport England - No objection.

Coal Authority - No objection.

Representations - The application has been advertised by site notice and neighbouring residents informed by individual letter. Three letters together with a petition containing 27 signatures have been received objecting to the application due to concerns that the proposed development would have a detrimental effect on

highway safety and parking in the area, impact on the character of the area and result in overall disruption to residential amenity due to noise, loss of view and impacts from car headlights.

One letter of support has also been received by a local resident supporting the proposed development. The resident states that he is frequently unable to park near his property due to on - street parking by school staff.

Advice

Planning permission is sought for the construction of a car park to provide 28 parking bays at Astley Park School to be used for staff and visitors to the school. The proposed car park would be located on an unused section of the school playing field and would aim to alleviate parking and traffic congestion around the school site. The main issues to consider are the principle of the development, the loss of open / playing field space and the impact upon residential and visual amenity.

The need for the extra parking spaces is derived from rising pupil numbers and staff at the school. The school caters for children with learning, behavioural, social and emotional difficulties which results in higher parking demands than other schools due to the additional staffing required to support these children. Also due to the specialist nature of the school, pupils come from a wide catchment area and therefore there is particularly high demand for parking, particularly during peak drop off and pick up times.

Currently there are 75 staff who are based at the school with only 28 demarcated parking spaces. Due to the demand for further parking spaces and to reduce issues of parking of adjacent public roads, the school has been allowing the temporary parking of vehicles on unallocated areas within the school grounds including on part of the application site. The application proposes to formalise the use of the area as a properly constructed car parking area.

Policy HW2 of the Chorley Local Plan designates the site as an Open Space area for sports and recreational facilities as identified on the proposals map that accompanies the Local Plan. The policy states *'Land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities will be protected unless:*

- *It can be demonstrated that the loss of the site would not lead to a deficit of provision in the local area in terms of quantity and accessibility.*
- *It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area.*

Also Paragraph 74 of the NPPF states *'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- *An assessment has been undertaken which has clearly shown the Open Space, buildings or land to be surplus to requirements; or*

- *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a sustainable location; or*
- *The development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.'*

It is acknowledged that the proposed car park area would result in the loss of part of the existing open space. However, the car park would be at ground level and would occupy a relatively small part of the overall playing field area. The application site is also not used for sports provision due to being located in the corner of the school playing field and having issues with drainage. The car park surface would be constructed from a grasscrete material which would minimise visual impacts. Whilst there would be some impact on the existing open character, these impacts have to be balanced against the benefits of the proposal in terms of alleviating existing congestion and parking on adjacent public roads. Chorley Borough Council have raised no objection to the development and are therefore satisfied that the development is in conformity with the Local Plan. On balance it is therefore considered that the proposed development is acceptable in terms of Policy HW2.

Sport England have raised no objection to the proposal. The applicant has provided a plan outlining details and locations where sports and recreational facilities are played on the rest of the school playing field and the car park would not result in a reduction of playing pitch or loss of any other sporting facility. It is therefore considered that the development complies with Paragraph 74 of the NPPF.

Chorley Borough Council's Parking Standards state that schools are allowed a maximum of 2 car parking spaces per classroom. The supporting information provided by the applicant outlines that there are 27 classrooms at the school, therefore the maximum number of car parking spaces allowed at the school would be 54 compared to the 56 parking bays that would be provided should the application be approved. However it is acknowledged that due to the specialist nature of the school, Astley Park School would have higher parking demands than other types of schools due to the additional staffing required to help support these children.

LCC Highways have raised no objection to the proposal and are of the opinion that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. The applicant has confirmed that the proposed car park would incorporate a permeable sustainable drainage surface. Due to the surfacing materials proposed and the site not being located in a flood zone area, it is expected that there would be no adverse flooding impacts from the construction of the parking area.

Concerns have been raised by local residents about the proposed car park in terms of impact on residential amenity. Further concerns are also raised that the proposed development would have highway safety implications and would have negative impacts on the character of the area. The applicant has confirmed other locations within the school grounds that have been investigated for the car park but this

location was chosen over other sites on the playing field due to health and safety reasons and lack of impact on existing play space and curriculum delivery.

The concerns of residents are acknowledged. However there is already a substantial belt of trees on the majority of the boundary between the houses and the school and there is opportunity to improve this through further landscaping which would minimise visual impacts. Given the nature and scale of the development, it is considered that the impacts on residential amenity would be acceptable. Conditions can be imposed to control the hours the car park would be used, further landscaping and prohibiting the erection of external lighting.

In conclusion, it is considered that there is a need for further parking provision at the school and that such parking would have benefits in terms of easing on-street parking on Harrington Road thereby addressing existing highway safety and amenity issues. These benefits need to be balanced against the impacts on a small area of open space. On balance, it is considered that the development can be supported and that any remaining impacts can be adequately addressed through conditions.

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

Recommendation

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

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 13th December 2017.

- b) Submitted Plans and documents:

Drawing No - B01 / General Site Layout and Location Plan for Proposed Car Park Extension

Drawing No - B02 / Existing & Proposed Parking Lay

Drawing No - B03 / General Site Layout & Proposed Extension to Car Park with Sports and Outdoor Activities

c) All schemes and programmes approved under the conditions to this permission.

Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy HW2 of the Chorley Borough Local Plan.

Hours of Working

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

08:00 - 18:00 Monday to Friday (except Public Holidays),
08:00 - 13:00 Saturdays

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

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and to conform with Policy V1 of the Chorley Borough Local Plan.

4. The car park shall only be available for use between the hours of:

0800 to 1800 hours, Mondays to Fridays except Public Holidays

The car park shall not be used on Saturdays, Sundays or Public Holidays.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and to conform with Policy V1 of the Chorley Borough Local Plan.

Landscaping

5. No development shall take place until a scheme and programme for the landscaping of the car park has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include details for the planting of trees, shrubs and/or hedging, numbers, types and sizes of species to be planted, location and layout of planting areas, protection measures and methods of planting.

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

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy BNE9 of the Chorley Borough Local Plan.

6. All trees and hedgerows on the boundaries of the site shall be maintained throughout the duration of the development.

Reason: In the interests of the visual amenities of the area and the amenities of local residents and to conform with Policy BNE9 of the Chorley Borough Local Plan.

7. No external flood lighting shall be erected within or on the boundaries of the site.

Reason: To avoid light pollution from artificial light and to conform with Paragraph 125 of the National Planning Policy Framework.

Highway Matters

8. No development shall commence until a plan showing the layout of parking spaces has been submitted to and approved in writing by the County Planning Authority. The plan shall demonstrate how all vehicles can enter and leave the car park in a forward gear.

Thereafter, the car park shall be constructed in accordance with the approved drawing and the parking spaces shall be marked out on the surface of the car park in the positions shown on the approved drawing prior to the car park being brought into use.

Reason: In the interests of highway safety and to conform with Policy 3 of the Central Lancashire Core Strategy.

Drainage

9. No development shall commence until details of the permeable materials to be used for the surfacing of the car park have been submitted to and approved in writing by the County Planning Authority. Thereafter, only those materials approved by the County Planning Authority shall be used.

Reason: In the interests of sustainable drainage and to comply with Policy 29 of the Central Lancashire Core Strategy.

Definitions

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

Notes

The applicant's attention is drawn to the observations of The Coal Authority in their letter dated 28th December 2017.

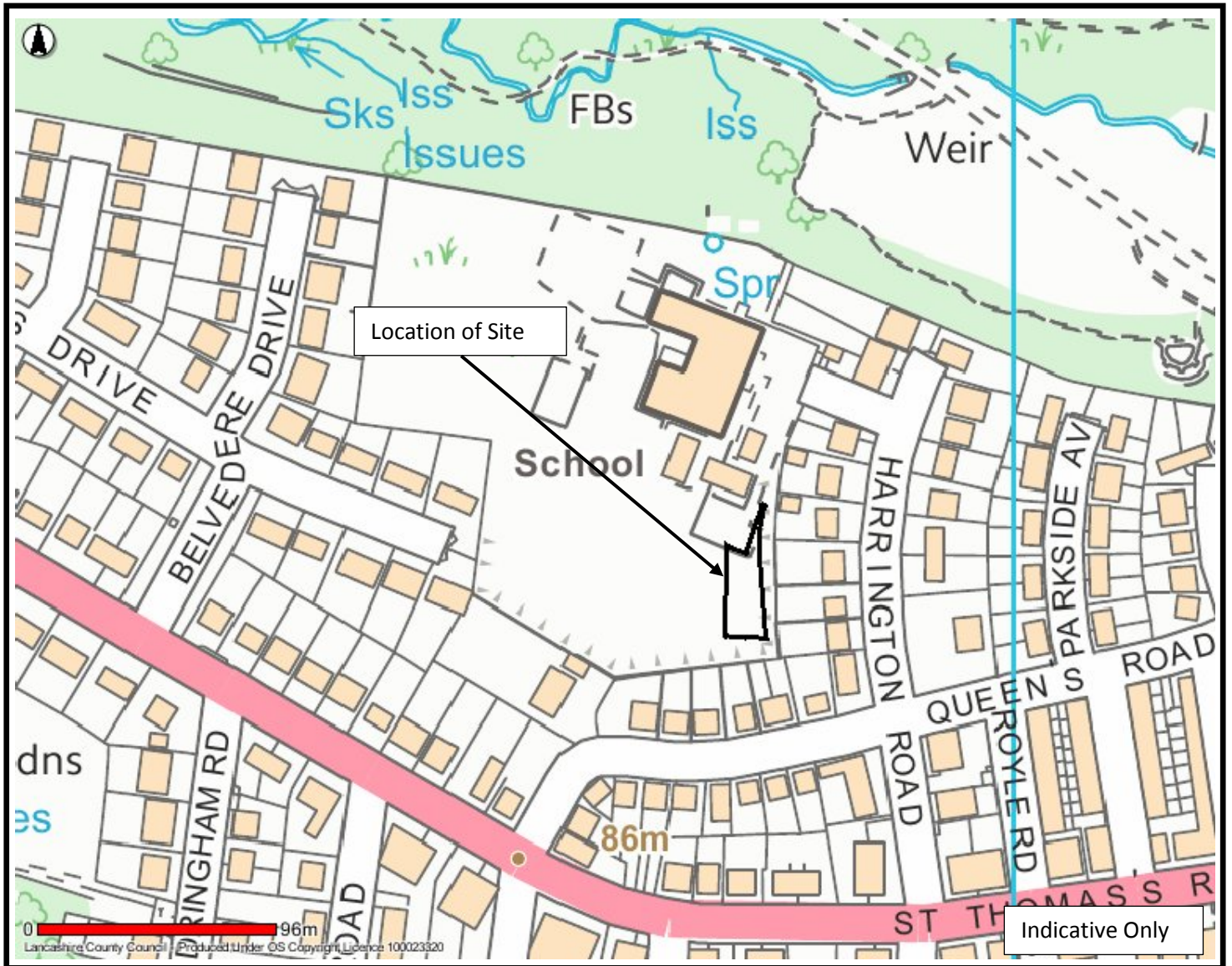
Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Ext
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LCC/2017/0094 January 2018 Faiyaz Laly / Planning and
Environment / 01772 538810

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

APPLICATION LCC/2017/0094 EXTENSION TO THE CAR PARK. ASTLEY PARK SCHOOL, HARRINGTON ROAD, CHORLEY



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Development Control Committee

Meeting to be held on 24 January 2018

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 13 December 2017, the following decisions on planning matters have been taken in accordance with the County Council's Scheme of Delegation.

Lancaster

Application: No. LCC/2017/0082
Hillam Lane Farm, Hillam Lane, Cockerham
Construction of a fuel reception building, two acidification tanks, two storage tanks and the extension of the existing yard area to serve the existing anaerobic digestion plant

Application: No. LCC/2017/0081
Morecambe Waste Water Treatment Works, Heysham Business Park, Middleton Road, Heysham
Proposed welfare accommodation for operational staff at the works.

Ribble Valley

Application: No. LCC/2017/0077
Clitheroe Waste Water Treatment Works, Henthorn Road, Clitheroe.
Erection of solar photovoltaic panels and associated works including inverter station, switch gear housing, security fencing and integral connection to the waste water treatment works substation.

South Ribble

Application: No. LCC/2017/0001NM1

Penwortham Bypass - From A582 Broad Oak Roundabout Connecting To A59 Between Howick C Of E Primary School And Blackhurst Cottages.
Non material amendment for the construction of a bund with a 1.5m high fence on top.

West Lancashire

Application: No. LCC/2017/0079
Whitemoss Horticulture, North Perimeter Road, Knowsley Industrial Park, Kirkby
Installation of a rising main sewer pipe, pumping station and ancillary pump for discharge of waste effluent

Chorley

Application: No. LCC/2017/0039
Garstang House Farm, Chapel Lane, Heapey
Demolition of former railway bridge and partial filling of railway cutting to allow creation of replacement access road to farm development

Recommendation

That the report be noted.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper

Contact/ /Ext

Susan Hurst, Ext: 34181

LCC/20170081

LCC/2017/0082

LCC/2017/0077

LCC/2017/0001NM1

LCC/2017/0079

LCC/2017/0039



Andy Rhodes QPM BA (Hons)

Chief Constable

Lancashire Constabulary Headquarters PO Box 77 Hutton Preston Lancashire PR4 5SB

Telephone 01772 412221

E-Mail: Andrew.Rhodes@lancashire.pnn.police.uk

Mr Jonathan Haine
Planning Officer
Lancashire County Council

24 January 2018

Dear Mr Haine

PLANNING APPLICATION REF LCC/2014/0101 – HYDROCARBONS EXPLORATION SITE ON AGRICULTURAL LAND THAT FORMS PART OF ROSEACRE HALL TO THE WEST, NORTH AND EAST OF ROSEACRE WOOD AND LAND THAT FORMS PART OF THE DEFENCE HIGH FREQUENCY COMMUNICATIONS SITE BETWEEN ROSEACRE ROAD AND INSKIP ROAD, ROSEACRE AND WHARLES, LANCASHIRE.

Thank you for the letter of 10th January inviting the views of Lancashire Constabulary on the renewed planning application and the revised transport route strategy and related environmental information submitted by Cuadrilla Bowland Limited. I have carefully read the views of Neil Stevens, Highways Development Control Manager for Lancashire County Council in his report of 11th January 2018.

I must stress at the outset that Lancashire Constabulary expresses no view on whether or not planning permission ought to be granted. If planning permission is granted, we will endeavour to put in place an appropriate policing operation that:

- protects public safety,
- upholds the law,
- prevents undue disruption of lawful activity by those opposed to the activities for which planning permission is granted,
- protects the rights of the local community and
- facilitates the lawful exercise of those opposed to the activities of their right to freedom of expression/freedom of assembly.

You are aware that such a policing operation will place significant demands on Lancashire Constabulary's resources. This is particularly so in relation to the type of protest activity which, if left unpoliced, would inevitably lead to significant obstruction of the highway, and to disruption to the life of the community and the activities that Cuadrilla plan to undertake at the site.

However, as a matter of law, the prospect of significant unlawful protest activity is not a factor that ought to be taken into account in determining the planning application. In this regard, I would draw your attention to the decision of the High Court in the case of *R (Frack Free Balcombe Residents Association) v West Sussex County Council* [2014] EWHC 4108 (Admin) at paragraphs 118-130. There are two passages in particular to bear in mind:

Firstly at paragraph 127: *“One thread runs consistently throughout all the case law: the recognition that public authorities must beware of surrendering to the dictates of unlawful pressure groups. The implications of such surrender for the rule of law can hardly be exaggerated. Of course, on occasion, a variation or even short-term suspension of services may be justified. As suggested in certain of the authorities, that may be a lawful response. But it is one thing to respond to unlawful threats, quite another to submit to them—the difference, although perhaps difficult to define, will generally be easy to recognise.”*

Secondly, in relation to the submissions made by one councillor in that case, at paragraph 128: *“While I have no doubt that County Councillor Mullins meant well, the reality of her objection was that she asked WSCC to refuse to permit that which it would otherwise have permitted, on a basis that its granting permission would excite opposition leading to protests designed and intended to disrupt a perfectly lawful activity. In my judgment, had it taken County Councillor Mullins’ original argument into account, WSCC would have had regard to an immaterial consideration and would have acted unlawfully.”*

At pages 1-7 of his report, Mr Stevens has carefully set out the concerns relating to traffic management, the nature of the access and matters of highway and transport concerns. I do not have anything to add to those matters.

At page 8 Mr Stevens summarises the anticipated impact of protestor activity. Like Mr Stevens, Lancashire Constabulary is concerned about the safety implications that will arise due to the presence of protestors in narrow country lanes where there is no pavement in close proximity to vehicles (including HGVs).

While the likelihood of protestor activity ought not to be a reason to refuse permission, the prospect of such activity and its potential impact on safety and the local community ought properly to be reflected in any traffic management plan that applies to the scheme. Bearing this in mind there are a number of specific points that I would wish to draw to your attention:

1. In addition to the need to arrange specific convoys of HGVs outside the usual working hours, we would acknowledge that it has been the experience of the LCC that the regular vehicle movements at the Preston New Road site appear to have been greater than those predicted in the traffic management plan for that development. We do not know if this has been taken into account in the current traffic management plan under consideration.
2. Lancashire Constabulary would wish the routine vehicle movements (particularly of HGVs) to be restricted so that it would only be necessary to provide substantial police cover over a single shift. The day shift covers the hours 0700 to 1700. Therefore, vehicle movements to and from the site ought to be restricted to the hours 0730 to 1630. If the vehicle movements span two shifts this will significantly increase the policing costs associated with the construction and operation of the proposed site. I do not consider that making this observation infringes the principle set out above: it is analogous to the ‘variation’ identified in that judgment, and ought not to be regarded as an objection to the granting of permission.

3. For reasons of safety on country roads, it is also important that during the winter months, vehicle movements are limited to daylight hours. There would be a substantial increase in risk if routine vehicle movements (particularly HGVs) were allowed to take place on unlit, narrow country roads in the dark. This is not a concern that arises solely due to anticipated protestor presence.
4. Mr Stevens identified the potential protestor tactic of blocking passing places. The deliberate obstruction of passing spaces with protestor vehicles is an activity which, if it occurs, will have to be dealt with by the police.
5. It is hoped that if account is taken of points 1 and 3, the risks to the safety of protestors, contractors, police officers and other road users will be reduced. The Lancashire Police cannot of course guarantee these risks can be mitigated entirely.

I would ask that the above points are noted.

If you have any queries in relation to the above, please do not hesitate to contact my office.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Rhodes', with a long horizontal stroke extending to the right.

Andy Rhodes
Chief Constable

Development Control Committee Update – 24th January 2018

Item 4 – Application LCC/2014/0101 – Roseacre Wood

Consultations

Fylde Borough Council: The Borough Council discussed the application at a meeting of their Planning Committee on 18th January where it was resolved to object to the revised access proposals. The Borough Council consider that the revised proposals fail to address the concerns identified by the Inspector and Secretary of State. The traffic management plans would not adequately address potential conflicts as vulnerable road users are present throughout the week and not just at weekends.

The Borough Council consider that each of the three routes pass along narrow country roads with tight bends which are not appropriate routes to provide access to the appeal site particularly by HGVs. The Borough Council also consider that the proposed traffic lights on Dagger Lane present further highway safety risks.

The Borough Council are also aware that Highways England have previously expressed concern over the operation of the A585 / Thistleton Road junction. Therefore it is important that the views of Highways England are sought.

In conclusion, Fylde BC considers that the revised proposals do not satisfy the provisions of paragraph 32 of the NPPF.

The Borough Council also offer assistance to the County Council in defending their position at the appeal.

Medlar with Wesham Town Council: The Council wish to maintain their general objection to the site and consider that none of the three routes are safe or suitable for access. The Town Council consider that traffic from the Preston New Road site already uses this route and that heavy traffic flows and many roundabouts create hazards.

Newton with Clifton Parish Council: The PC consider that the applicant's proposals remain incomplete as they make no reference to the Broughton bypass and proposed Preston Western Distributor Road. The PC remain of the opinion that none of the roads proposed are suitable for the additional HGV traffic. The blue route is not the shortest route to the strategic road network and the green and red routes should be preferred. However, these other routes will impact on a number of villages

A letter has also been received from County Councillor Matthew Salter (Member for Wyre Rural Central – which includes Inskip). He wishes to object to the revised proposals as the green and red routes appear equally as unsuitable as the original blue route. He is particularly concerned about the red route where the traffic would pass St Peters C of E School – although he notes that it is proposed not to use the red route during school pick up / drop off times, this does not account for situations where students have extra curricular activities after normal school times. Overall he considers that the proposed access routes are unsuitable and that the County Council should maintain their objection.

Representations: Since the report was prepared the County Council has received a further 49 letters of representation objecting to the revised access proposals. The issues raised in the additional letters are similar to those listed on pages 12 and 13 of the report.

A further 169 copies of the Friends of the Earth cyclostyle letter have also been received.