

Lancashire County Council

Development Control Committee

Wednesday, 7th March, 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 24 January 2018** (Pages 1 - 6)

The Committee are asked to agree that the Minutes of the last meeting held on 24 January 2018 be confirmed and signed by the Chair.
4. **Fylde Borough: Application number LCC/2017/0074** (Pages 7 - 28)

Erection of solar photo voltaic panels, 2 housings for switchgear, transformers and inverters, 2m high security mesh fencing and integral connection to Preston Waste Water Treatment works. Field adjacent to north-east side of Preston Waste Water Treatment Works, Clifton Marsh, off Lytham Road, Freckleton
5. **Fylde Borough: Application number LCC/2017/0090** (Pages 29 - 52)

Erection of a solar photo voltaic array, 2 housings for switchgear, transformers and inverters, 2m high security mesh fencing and integral connection to Preston Waste Water Treatment works. Field adjacent to north-east side of Preston Waste Water Treatment Works, Clifton Marsh, off Lytham Road, Freckleton.

6. **Burnley Borough: application number** (Pages 53 - 60)
LCC/2018/0004
New building to house biomass boilers including 2 x
9m high flues at Hapton Valley Colliery Site,
Accrington Road, Hapton

7. **Chorley Borough: Application Number.** (Pages 61 - 76)
LCC/2017/0094
Extension to the car park. Astley Park School,
Harrington Road, Chorley

8. **Planning Applications determined by the Head of** (Pages 77 - 78)
Planning and Environment in accordance with the
County Council's Scheme of Delegation.

9. **Amendments to the Constitution - Development** (Pages 79 - 82)
Control Committee

10. Urgent Business

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

11. Date of Next Meeting

The next meeting of the Development Control Committee will be held on Wednesday 18 April 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

Agenda Item 3

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 24th January, 2018 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	P Hayhurst
S Clarke	S Holgate
M Dad	M Pattison
J Eaton	J Rear
K Ellard	A Schofield
D Foxcroft	

County Councillors J Eaton and J Rear replaced County Councillors J Marsh and P Rigby 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, as the County Councillor for the area concerned and as a member of Elswick Parish Council and Elswick Community Project both of which had received grants from the applicant.

3. Minutes of the last meeting held on 13 December 2017

A revised set of Minutes was circulated at the meeting. Members were informed that the title to item 6 had been transposed onto Item 4 and that this had now been rectified.

Resolved: That the Minutes of the meeting held on 13 December 2017, be confirmed and signed by the Chair of the Committee.

4. 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.

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.

A report was presented on the amended vehicle routing and highway mitigation measures in respect of an application for the 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 Committee visited the site on the 17th and 22nd January 2018.

The purpose of the report was to assess the applicant's amended vehicle routing and highway mitigation measures and to consider the extent to which the revised proposals addressed the County Council's previous objections. It was reported that the conclusions of the Committee would be presented as evidence to the reopened public inquiry on 10 April 2018.

The report included the views of Highways England, Lancashire County Council's Highways, Treales, Roseacre and Wharles Parish Council, Kirkham Town Council, Inskip with Sowerby Parish Council, Elswick Parish Council, Greenhalgh with Thistleton Parish Council, Friends of the Earth, The Campaign for the Protection of Rural England, Mark Menzies MP, Ben Wallace MP and details of 349 letters of representation received together with 199 copies of a cyclostyle letter organised by Friends of the Earth.

Prior to considering the Council's response on the revised proposals, the meeting was adjourned for 5 minutes to allow the Committee time to consider additional formal representations. These included a letter from the Chief Constable dated 24 January 2018 and the 'Update Sheet' which included the views of Fylde Borough Council, Medlar with Wesham Town Council, Newton with Clifton Parish Council, County Councillor Matthew Salter (Member for Wyre Rural Central) and details of a further 49 letters of representation received together with another 169 copies of the cyclostyle letter (copy set out at Annex A and Annex B to the Minute Book respectively).

The Development Management Officer presented a PowerPoint presentation showing a site location plan, the original access proposals (Blue route) and the revised access proposals. The Committee was also shown photographs of

Dagger Road (Blue Route), Elswick Village (red and green route), Roseacre Road, Elswick (green route), Roseacre Village (Green route), Inskip Village (Red route) and an aerial photograph of the A585/B5259 Junction (red and green routes).

Several speakers including representatives from the Parish Councils of Newton with Clifton, Inskip with Sowerby, Elswick, Greenhalgh with Thistleton and Treales, Wharles & Roseacre addressed the Committee. The Chair of Roseacre Awareness Group and County Councillor Liz Oades also addressed the Committee.

The speakers reiterated the concerns set out in the committee report with regard to the narrow roads, the lack of footpaths in many areas and the safety concerns for other road users including school children, pedestrians, cyclists, horses, agricultural vehicles and other vulnerable road users. They felt that the revised transport routing strategy was unsound and unsafe and would result in an increase in large HGVs on poorly maintained unclassified roads with limited width and many bends and poor visibility.

The representatives also raised the following summarised concerns:

- There would be a very real risk of HGVs rolling over as they negotiate the adverse camber and sharp bend on the blue route near the Hand and Dagger Public House.
- The mitigation measures proposed to address the road safety issues associated with the 90 degree blind bend on the red route at Inskip Village were inadequate. This presented a risk to both pedestrians and oncoming vehicles.
- The four 90 degree blind bends and congestion in Elswick Village made this route unsuitable for HGVs. Issues of highways safety would be further exacerbated when the proposed housing development at Mill Lane is built and when Lodge Lane is narrowed.
- The current illegal activity at Elswick involving 25 HGVs demonstrates that the roads are unsuitable and that the impact of the increase in traffic, particularly HGVs, would be severe.
- The green route along Roseacre Road to the proposed drilling site is subject to flooding.
- The red and green routes would add to traffic at the already dangerous A585 / Thistleton north junction. There is the question of whether larger HGVs could safely negotiate this junction
- Junction 3 of the M55 was never intended to take this volume of traffic – there are already constant tailbacks.
- Roseacre would be in the confluence of all 3 routes. The proposals would have a detrimental impact on the safety of all road users, including the applicant's employees.
- The proposals would also have a detrimental impact on tourism in the area.
- The route through the MoD's High Frequency Communications Site could be withdrawn at any time and without notice.

- The proposals would have a detrimental impact on the large number of livery stables in the immediate vicinity; the roads are not wide enough to accommodate a HGV and a horse.
- The applicant's poorly-devised mitigation measures would make matters worse.

Members of the Committee thanked the representatives for their contribution.

Officers responded to a number of questions raised by the Committee in respect of the weight of the proposed HGVs, the proposed limit on the number of HGVs that could use each particular route, the width of the proposed passing places and whether using traffic lights to control HGV usage on Dagger Road would be practicable.

Following debate and further questions to officers it was:

Resolved: 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 the report to the Committee.

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

A report was presented on an application for an extension to the car park at Astley Park School, Harrington Road, Chorley.

The report included the views of Chorley Borough Council, LCC Highways Development Control, Sport England, the Coal Authority and details of four letters 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 existing car park, the proposed car park extension and vehicles parked on surrounding residential roads.

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

- Vehicles waiting to access and exit the car park on the narrow, single track, access road cause a 'bottle neck' effect which impacts on residents.
- The loss of playing fields would have an adverse impact on the school children.
- The car park would have a detrimental impact on the character of the area and would result in overall disruption to residential amenity due to loss of view and impacts from car headlights.

- There is no need for the extension – there are pay and display car parks available within a 4 minute walk.

The Committee was advised that a petition had been signed by eleven households objecting to the proposals; that two local borough councillors had raised objections to the proposed development and that Sir Lindsay Hoyle MP had also been consulted.

The School Manager of Astley Park School addressed the committee and spoke in support of the application. She explained that the need for the extra parking spaces was 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.

Due to the demand for further parking spaces and to reduce issues of parking on adjacent public roads and to encourage volunteers, the school had 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. It was hoped that this would help mitigate some of the impacts on residents in terms of on street parking and congestion. The school would ensure that all cars reversed into the new car parking spaces thereby minimising the impact on residents. With regard to loss of playing field, the committee was advised that the school had 6.3 acres of playing fields and that 1.5 acres was proposed to be taken up by the car park extension. There would also be less likelihood of congestion on the access road should the car park extension be granted.

Following debate by the Committee, it was Moved and Seconded that

"The Development Control Committee visit the site prior to determining the application".

On being put to the Vote the Motion was Carried. It was therefore

Resolved: The Development Control Committee visit the site prior to determining the application.

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 on 13 December 2017, six 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 7 March 2018.

L Sales
Director of Corporate Services

County Hall
Preston

Development Control Committee
Meeting to be held on 7th March 2018

Electoral Division affected: Fylde South

Fylde Borough: Application number LCC/2017/0074
Erection of solar photo voltaic panels, 2 housings for switchgear, transformers and inverters, 2m high security mesh fencing and integral connection to Preston Waste Water Treatment works. Field adjacent to north-east side of Preston Waste Water Treatment Works, Clifton Marsh, off Lytham Road, Freckleton.

Contact for further information:
Rob Jones, 01772 534128
DevCon@lancashire.gov.uk

Executive Summary

Application - Erection of solar photo voltaic panels, 2 housings for switchgear, transformers and inverters, 2m high security mesh fencing and integral connection to Preston Waste Water Treatment works. Field adjacent to north-east side of Preston Waste Water Treatment Works, Clifton Marsh, off Lytham Road, Freckleton.

The application is accompanied by an Environmental Statement and Non-Technical Summary prepared under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Recommendation – Summary

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, planning permission be **granted** subject to conditions controlling time limits, working programme, hours of working, building materials, site operations, noise, dust, lighting, highway matters, safeguarding of watercourses and drainage, landscaping, ecology and restoration.

Applicant's Proposal

Planning permission is sought for an array of ground mounted solar photovoltaic (PV) panels on a field measuring approximately 350m by 84m (2.6 hectares) on the north-east side of Preston Waste Water Treatment Works (WwTW) with a generating capacity of up to 1.1MW. The development would also include 2 housings for switchgear, transformers and inverters, 2m high security mesh fencing and integral connection to an existing substation at Preston WwTW. Cabling within casings located on top of the ground would connect the solar panels to the switchgear housings, and underground cabling would connect the switchgear housings to the substation. The development would have a lifespan of 25 years.

The solar PV array would consist of 34 rows of solar PV panels on an east to west orientation. Each row would be 5m apart. The panels would be angled and mounted on metal frames that would be attached to concrete ballasts laid on the ground with the higher edge of the panels up to 2m above ground level and the lower edge 0.6m above ground level. The solar panels would have a dark blue finish mounted on metal frames.

The 2 x switchgear housings would be contained within shipping containers coloured moss green each measuring 4.6m x 2.4m x 2.6m high. The overall height would include the raising off the ground on 0.6m high concrete piles.

The site would be surrounded by 2m high mesh security fencing to be coloured either Moss Green (RAL6005) or Fir Green (RAL6009). The site entrance to the solar park would be incorporated into the fencing by 4m wide double leaf gates.

The application is accompanied by an Environmental Statement.

This application site is known as Site B. A separate area of proposed solar panels further to the west known as Site A is the subject of Planning Application No. LCC/2017/0090 and is also on the agenda for this Committee.

Construction of the two sites would take around 12 weeks, with the first 2 months comprising preparation and installation works, and the final month involving testing and commissioning prior to full operation. The working hours would be limited at weekends with no working on bank holidays.

Description and Location of Site

The site is a rectangular area of former landfill which has been restored to its current use for sheep grazing. It is located adjacent to the north-east side of Preston WwTW: the WwTW separates the site by a distance of 500m from the northern bank of the River Ribble. The application site is approximately 7.7km west of Preston town centre, 2km south-east of Freckleton and 1.6km south-west of Clifton. Access is via a private road that runs south from the A584 Preston New Road and that also provides access to Preston WwTW. Immediately to the east is part of the restored Clifton Marsh Landfill Site.

The nearest residential properties to the proposal are located approximately 700m to the north along the A584 and to the north-east at Clifton Marsh Farm. The site is not itself within an area of higher tier ecological designation but there are such designations nearby: part of the River Ribble consists of the Ribble and Alt Estuaries SPA and Ramsar site, and the Ribble Estuary SSSI. The site is not within or near a higher tier landscape designation. The River Ribble, Lower Tidal Section Biological Heritage Site (BHS) is located approximately 200m to the south of the site.

The south-eastern corner of Newton Marsh SSSI is located approximately 70m to the north of the site. The Newton Marsh SSSI is designated for its importance for over-wintering and migrant birds including for a rare wading bird named the Black

tailed Godwit. The site is located on the eastern edge of a general area of importance for this species called the Black-tailed Godwit Core Area.

The development site would be located mostly within Flood Zone 2, except for the north-eastern corner and the western edges which are within Flood Zone 3.

The PV panels would be connected by cabling to the 2 housings for switchgear, transformers and inverters to be located near the north/ north-east boundary within the Preston WwTW. Underground cabling would then connect to an existing nearby substation also within the Preston WwTW.

Background

There is no planning history for the application site but the Environment Agency have advised that waste has been deposited at the site under an historic licence, the waste being some or all of the following: construction and demolition waste, cesspool and sewage sludge, factory waste (including waste likely to be toxic) and low level radioactive waste from Springfields.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 - 19, 28, 56 - 66, 93 – 98, 100 – 104, 109, 111 – 112, 118 – 121, 123 and 125 are relevant with regard to the following: the requirement for sustainable development; core planning principles; building a strong competitive economy; supporting a prosperous rural economy; the requirement for good design; meeting the challenge of climate change and flood risk; conserving and enhancing the natural environment; brownfield land; agricultural land quality; pollution and contaminated land, noise and light pollution.

National Planning Practice Guidance

Fylde Borough Local Plan

- Policy SP2 Development in Countryside Areas
- Policy EP11 Building Design and Landscape Character
- Policy EP15 European Designated Nature Conservation Site
- Policy EP16 Sites of Special Scientific Interest
- Policy EP18 Natural Features
- Policy EP19 Protected Species
- Policy EP22 Protection of Agricultural Land
- Policy EP23 Pollution of Surface Water
- Policy EP27 Noise Pollution
- Policy EP28 Light Pollution
- Policy EP29 Contaminated Land
- Policy EP30 Development within Floodplains

Submission Version to the Fylde Local Plan to 2032

Policy NP1 Presumption in favour of sustainable development
Policy GD4 Development in the Countryside
Policy GD7 Achieving Good Design in Development
Policy GD9 Contaminated Land
Policy CL1 Flood Alleviation, Water Quality and Water Efficiency
Policy CL2 Surface Water Run-Off and Sustainable Drainage
Policy CL3 Renewable and Low Carbon Energy Generation – excluding onshore wind turbines
Policy ENV1 Landscape
Policy ENV2 Biodiversity

Consultations

Fylde Borough Council – No objection and advise that Policy CL3 of the Submission Version to the Fylde Local Plan to 2032 provides an emerging policy test for such applications alongside the guidance in the NPPF.

Freckleton Parish Council – No observations received.

Newton-with-Clifton Parish Council – No observations received.

LCC Highways Development Control – No objection.

Environment Agency – No objection and have requested that they should be contacted if any evidence of contamination is identified during the development of the site to ensure that the risks to controlled waters receptors are appropriately managed.

LCC Specialist Advisor (Ecology) – The proposals are not expected to result in impacts on the Newton Marsh SSSI but could adversely affect black tailed godwits that breed on the marsh but which use habitats outside of the designated site to rear their young. However, it appears that area B will not result in any direct or indirect effects on the known natal feeding area and will not disrupt migration routes between the SSSI and the natal feeding area. Therefore no objection is raised subject to the imposition of the conditions relating to the following: control of lighting and noise; pollution prevention measures during construction; checks for ground nesting birds, amphibians and reptiles, and measures for the avoidance of harm, if present; protection and retention of trees and vegetation on the site boundaries; and the treatment of any invasive plant species.

LCC Specialist Advisor (Archaeology) - No objection.

LCC Specialist Advisor (Landscape) – No observations received.

Lead Local Flood Authority (LLFA) - No objection but comment that the use of steel pads and cable troughs is likely to increase surface water runoff from the site due to less available ground for natural infiltration. If the developer intends to allow any additional surface water runoff to discharge naturally or controlled in to the main river then the LPA may want to consult with the Environment Agency.

Natural England – Natural England consider that without mitigation the site could have an adverse impact on the Ribble Estuary Ramsar and Newton Marsh SSSI. However, with the measures contained in the Construction and Environment Management Plan, NE consider that the impacts of the development can be controlled to acceptable levels. Conditions should therefore be imposed relating to the following: acoustic fencing shall be provided so as to prevent noise and visual disturbance to any birds utilising the surrounding fields, and should remain in place until all construction works are completed; silt fencing should be in-place prior to commencement of works to prevent run-off contaminating nearby water courses/the marsh, and should remain in place until all constructions works are completed; pollution prevention measures during construction; and construction works should be avoided during the period May – June to prevent disturbance to ground nesting birds and in the period that the black-tailed godwits move between the nesting site and natal feeding area. It is also commented that, while the applicant has produced a Habitats Regulations Assessment (HRA), it is the responsibility of the competent authority, in this case LCC, to produce the HRA.

RSPB – Object due to inadequate proposals for mitigation and enhancement on land functionally linked to Newton Marsh SSSI vital to the continued breeding success of Black-tailed Godwit.

Shell UK Ltd. – No observations received.

Health and Safety Executive - No objection.

Canal and River Trust – No objection.

BAE Systems – No observations received.

Ministry of Defence Lands – Safeguardings – No observations received.

National Air Traffic Services - No objection.

Representations – The application has been advertised by press, site notice and neighbouring residents have been notified by letter. An objection was received from the operator of Clifton Marsh Landfill Site to the original submitted site layout for the following reasons:

- The layout of the solar array would have restricted maintenance access to the underground pipe that carries leachate from the adjacent Clifton Marsh landfill site to Preston WWTW treatment works.
- Safety issues from potential conflict between the pile-driven frames of the solar panels with the underground leachate pipe.
- No assessment to both the risks to the proposed development from fugitive landfill gas from Clifton Marsh Landfill Site, and the need for mitigation measures to be incorporated into the solar farm, and to describe what the mitigation measures would be.

However, the revised foundation design for the solar array to be “ballasted” rather than using conventional metal frames driven into the ground, and the amended site layout, addresses their concerns and their objection has been withdrawn.

Advice

Planning permission is sought for a solar panel array covering an area of nearly 2.6 hectares in a field adjacent to the north-east side of Preston WWTW.

Preston WWTW treats waste water arising from the urban areas of Preston. The equipment used to power pumps and other treatment infrastructure is electrical and hence the site is a major consumer of electricity. The solar panels would allow this plant to be powered by electricity that is generated on site rather than having to draw electricity from the national grid. The panels would allow the generation of up to 1.1MWh electricity per annum, based on an estimated capacity factor of 10.8%. The development would have a lifespan of 25 years after which time it could be removed or, of the lifetime extended subject to further planning controls.

A planning application for the development of a solar panel farm on land on the west side of the existing waste water treatment works was previously submitted in January 2016 (planning application ref LCC/2016/0007). However this application was refused due to the impacts on ecological interests, specifically birds, associated with the Newton Marsh SSSI, and the Ribble and Alt Estuaries SPA. This application and the related application for Area A is the applicants attempt to develop a source of renewable energy to serve the treatment works without impacting upon local ecological interests.

The main issues associated with the application are the acceptability of the site to be used for this purpose, climate change issues, landscape/ visual impact, glare, traffic, flood risk and pollution of surface water, residential amenity, aviation and nature conservation interests.

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 comprised of the Fylde Borough Local Plan. The current Local Plan will be replaced by the emerging Local Plan in due course. In December 2016, the emerging Local Plan was submitted for independent examination to the Secretary of State. It is anticipated that the emerging Local Plan will be adopted in 2018. It is therefore considered that proportionate weight should be attached to the emerging planning policies.

Climate change issues

Paragraph 93 of the NPPF states that the planning system plays a key role in securing radical reductions in greenhouse gas emissions, minimising vulnerability

and providing reliance to the impacts of climate change, and supporting the delivery of renewable energy infrastructure which is central to the economic, social and environmental dimensions of sustainable development. To help increase the use and supply of renewable energy, the NPPF advises that planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable sources. The NPPF states that applicants for energy development should not be required to demonstrate the overall need for renewable energy and that planning authorities should recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF advises that applications for renewable energy development should be approved if impacts are (or can be made) acceptable.

The electricity produced is proposed to be used at Preston WWTW that has an electricity consumption of approximately 11.3MW. The solar farm would generate up to 1.1MWh of electricity per annum which equates to approximately 10% of the annual electricity use of the WWTW. Any surplus electricity produced would be fed into the national grid. The solar farm would reduce reliance on electricity generated by conventional means and so reduce the greenhouse gas emissions associated with such generation. The proposal is therefore considered to accord with National Planning Policy regarding the need for renewable energy generation.

Policy CL3 of the emerging Local Plan refers to renewable and low carbon energy generation. The policy permits such development providing the following impacts are acceptable (in relation to solar farms): the cumulative and visual impact with other such types of development; impacts on local residents from noise and reflected light; biodiversity impacts; type of land on which it is located; heritage assets; community, economic and environmental benefits of the proposal; aviation; highway safety and capacity; and impacts on flood risk and drainage.

Acceptability of the site to be used for this purpose

A number of alternative sites in the vicinity of the Preston WwTW have been considered including two areas of restored landfill adjacent to the east and west of the application site and two areas of agricultural land located to the north of the application site on the east side of the private access road from the A584 Preston New Road to Preston WwTW. However, these were discounted for a number of reasons: the restored landfill locations are raised and are more visually prominent; while the agricultural locations are too small, one is partially shadowed by adjacent higher land, the connection distance to Preston WwTW is too great, and on the opposite (west) side of the private access road is the Newton Marsh SSSI. It was therefore considered that the low lying land closer to the WwTW would be more suitable and hence this application for Site B, along with Site A (the subject of Planning Application No. LCC/2017/0090), have been proposed.

The site is designated as countryside area within Policy SP2 of the Fylde Borough Local Plan. The policy permits various development in countryside areas where proposals properly fall within one of a number of categories, including uses appropriate to a rural area. The development of solar farms would not normally be a type of development considered acceptable in terms of Policy SP2. Policy GD4 of the emerging Local Plan has similar requirements. However, large scale solar farms

will invariably need to be located in countryside locations and all the land surrounding the applicant's treatment works is designated as countryside area. It will therefore be necessary to balance any impacts on the countryside against the benefits of providing low carbon forms of energy generation.

The site is on agricultural land of Grades 3 and 4. Policy EP22 of the Fylde Borough Local Plan seeks to resist development that would involve the permanent loss of the best and most versatile agricultural land (Grades 1, 2 and 3a) where it could reasonably take place on previously developed sites, on land within the boundaries of existing developed areas or on poorer quality agricultural land. The application site was previously a landfill site that has been restored to poorer quality agricultural land that is used for grazing. The use of the site as a solar farm therefore accords with Policy EP22 of the Fylde Borough Local Plan.

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 would accord with paragraphs 18, 19 and 28 of the NPPF.

The original planning application was for a 1.3MW solar farm with the metal frames for the solar panels being pile-driven into the ground to secure the structures. However, two objections were received to this design.

The first objection was from the EA due to possible impacts on the former landfill from the intrusive ground works that would be required. The EA considered that a site intrusive investigation be undertaken and, if necessary, a remediation strategy.

The second objection was from SUEZ, operator of Clifton Marsh Landfill Site, because the solar array layout would have restricted maintenance access to the underground pipe that carries leachate from the adjacent Clifton Marsh landfill site to Preston WWTW. SUEZ were also concerned about the impacts of the pile driven frames of the solar panels on the underground leachate pipe and a lack of assessment regarding fugitive landfill gas from Clifton Marsh Landfill Site, and the need for mitigation measures to be incorporated into the solar farm, and to describe what the mitigation measures would be.

In response, the applicant submitted an amended design whereby the frames for the solar panels would be "ballasted" (weighted down) with concrete blocks rather than pile-driven into the ground thereby minimising any intrusive operations that would have disturbed the former landfill. The layout of the solar panels has also been amended to allow adequate access to the underground pipe infrastructure. The amendment reduces the number of solar panels on the site so that the electricity generating capacity is reduced from 1.3MW to 1.1MW. A Geo-Environmental Site Assessment was also submitted.

The amended design to secure the metal frames for the solar panels to the ballasted blocks and, the altered layout to allow adequate access to the underground pipe infrastructure, has addressed the concerns of both the EA and SUEZ, and their objections have now been withdrawn. The development therefore accords with

Policy EP29 of the Fylde Borough Local Plan and Policy GD9 of the emerging Local Plan in relation to issues of contaminated land.

Landscape/ visual impact

A landscape and visual assessment has been submitted. The site is in a flat countryside area that is not covered by any special landscape designations and is a considerable distance from sensitive receptors. The development would cover 2.6 hectares of land but its height would be relatively low as the top edge of the panels would only be 2m above ground level. In terms of the array design, this is influenced by engineering requirements, with associated structures located to minimise the amount of cabling required to operate an efficient solar array. The panels are aligned to face south, which allows for the maximum amount of solar energy to be collected. The 2 x switchgear housings would be 2.6m high.

The solar farm site is screened from all sides by the higher land of various restored landfill sites and from the south by the Preston WwTW. The landscape and visual impacts of the development are therefore limited to the immediate site surroundings, with there being no medium or long distance views. The switchgear housings would be located within the Preston WwTW and would therefore be absorbed within the considerable infrastructure on that site.

The solar panels would have a dark blue glass finish with metal frames. The proposed colours of the switchgear housing and mesh security fencing are acceptable. Subject to a condition to require that the plant and equipment be finished in accordance with the submitted colour details, it is considered that the development would have an acceptable visual impact within the local landscape and would therefore accord with Policy EP11 of the Fylde Borough Local Plan, and Policy ENV1 of the emerging Local Plan.

No vegetation is proposed to be removed from the site boundaries but to ensure this is the case, a condition should require the retention of trees, hedges and scrub along the site boundaries. This would accord with Policy EP18 of the Fylde Borough Local Plan.

Glare

The solar panels are designed to absorb light but there is the potential that sunlight reflecting off the panels and frames could have an impact upon residential amenity and aviation, given the sites proximity to Warton Aerodrome. Weather conditions will influence when glare could potentially occur.

An assessment of the potential for glare has been undertaken that concludes that there is some potential for glare, particularly at receptors to the south, southeast and west of the site, although this is limited to March-May and August-October each year at times between either 05:00-07:00 or 18:00-19:00. Incidences of glare would not occur for the entire duration of these time periods, with glare likely to be seen for short periods of a few minutes at most. The assessment does not consider the screening effect of intervening vegetation and buildings, and does not take into

account the orientation of buildings or views as it assumes that all would face directly towards the site which, of course, would not be the case.

In every case, including a projected flight path from Warton Aerodrome, the predicted incidences of glare are considered to have a low potential for an after image to be present in a person's vision i.e. the yellow spots that can persist in an individual's vision after viewing a bright object. Additionally, during the periods of potential glare, the sun will generally be low in the sky and viewed behind the solar array, relative to the receptor location. As such it is likely that in many cases the sun itself would be a more prominent source of glare than the solar PV array.

It is therefore considered that the limited instances of predicted glare arising from the proposed development would not result in any demonstrable adverse effects.

Traffic

Access to the solar park site is required primarily for the purposes of construction when the majority of vehicle movements would occur. Occasional access would be required during the operational phase of the development, limited to relatively few movements for maintenance and cleaning purposes.

Access to the site would be taken via the existing wastewater treatment works junction with the A584 and existing access road which runs south from the junction to the works. The A584 and junction is already used by large numbers of HGV's and is capable of accommodating the HGV traffic that would be generated by the development.

The construction of the solar park would take approximately 12 weeks to complete. The solar panels, supporting frames and all other necessary construction components and materials would be delivered to site by standard HGV articulated lorries, with no abnormal loads anticipated for the proposed construction phase. It is estimated that the maximum daily deliveries by HGV is estimated to be nine, occurring during week three associated with the delivery of the array components. Following this the daily deliveries would drop significantly to an average of two HGV movements per day.

The applicant has suggested that construction transport hours would be limited to between 07:00 and 19:00 hours Monday to Friday, 09:00 and 13:00 hours Saturdays and no deliveries on Sundays or bank holidays. These hours would provide flexibility in delivery times to allow peak times to be avoided thereby minimising effects on local road users. It is not considered necessary to restrict construction transport hours given the lack of residential properties near the access junction to the site with the A584.

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, a condition could require the provision of wheel cleaning facilities.

Flood risk and Pollution of surface water

The solar farm would be located mostly within Flood Zone 2, except for the north-eastern corner, and the western edges which are within Flood Zone 3. The Environment Agency (EA) and Local Flood Authority (LLFA) have not objected. The proposal therefore accords with Policy EP30 of the Fylde Borough Local Plan, and Policy CL1 of the emerging Local Plan.

While the Lead Local Flood Authority (LLFA) have not objected, they have commented that the use of steel pads and cable troughs is likely to increase surface water runoff from the site due to less available ground for natural infiltration.

Natural England have commented that ground disturbance associated with the construction phase of the development may increase the chance of sediment run-off from the site. The applicant has prepared a Construction Environmental Management Plan which details a range of measures to control the impacts of construction operations including silt pollution of water courses. However, the revised construction method will minimise ground disturbance and therefore reduce the likelihood of site run off contaminating adjacent water courses. A condition is recommended to require the measures in the CEMP to be implemented including silt control measures to be employed to prevent run-off contaminating nearby water courses/the marsh, and should remain in place until all construction works are completed. Pollution prevention control measures should also be adopted at all times. In addition, waste from welfare facilities and other sources will be self-contained. Subject to these conditions, the proposal would therefore accord with Policy EP23 of the Fylde Borough Local Plan, and Policy CL2 of the emerging Local Plan.

In line with the comments from the EA, an advisory note should be included on the permission that the EA should be contacted if any additional evidence of contamination is identified during the development of the site to ensure that the risks to controlled waters receptors are appropriately managed.

Residential amenity

The nearest residential properties to the proposal are located approximately 700m to the north along the A584 and to the north-east at Clifton Marsh Farm. Traffic using the existing access would generate noise and increase emissions in the immediate and surrounding locality. Construction operations may produce dust and noise. However, the distance of the development from properties would ensure that the impacts of the proposed development would not affect the amenities of residents in the vicinity and the development is therefore considered acceptable in terms of residential amenity.

Aviation

The proposed development would be located close to the '25 approach' for aircraft that utilise the BAE Systems Warton airfield.

BAE Systems did not respond but, National Air Traffic Services have not objected and comment that the proposed development does not conflict with their safeguarding criteria.

Nature conservation interests

The proposed development site would not directly affect any site with statutory or non-statutory ecological designations. The site is not itself within an area of higher tier ecological designation but there are such designations nearby: part of the River Ribble consists of the Ribble and Alt Estuaries SPA and Ramsar site and the Ribble Estuary SSSI and the eastern edge of Newton Marsh SSSI is located approximately 70m to the north of the site.

With regard to the potential effect/s of a development proposal on a European protected site, it is the responsibility of the competent authority, who are the Local Planning Authority, to carry out a Habitats Regulations Assessment (HRA) to assess the potential effect/s and conclude via a screening process if there would be a likely significant effect on the European protected site. If it is concluded that there would be a likely significant effect, then an appropriate assessment has to be undertaken by the competent authority to assess the extent and effects of the likely significant effect/s.

The applicant has undertaken and submitted their own assessment, which is called a 'Shadow Habitats Regulations Screening Assessment', which concludes that there would be no likely significant effect on the Ribble and Alt Estuaries SPA, and therefore there is no requirement for appropriate assessment. Despite the submission of the Shadow HRA, the competent authority, still have to carry out their own screening (HRA) assessment.

In response, LCC's Specialist Advisor (Ecology) has commented that the application site is not used by SPA birds, and so there is no direct loss of functionally-linked land. There is potential for SPA birds to use surrounding land, most particularly to the west of the site that is the subject of Planning Application No. LCC/2017/0090. However, surveys did not report significant or regular use by SPA birds within the zone of influence of the proposals. The construction phase is relatively short, and the potential noise is much reduced now that there would be no intrusive ground works. Potential noise would be further attenuated by the embedded noise mitigation measures and the contours of adjacent. There is some potential for visual disturbance, but again there is no evidence to suggest that large flocks of SPA birds would be present on a regular basis or in large numbers such that significant disturbance would be likely. In terms of potential contamination/ pollution, again the risk is reduced now that intrusive ground works are avoided. The HRA and Construction Environmental Management Plan also outline pollution prevention measures that would be implemented during construction (these have already been covered above). On this basis, there is agreement with the Shadow HRA, that direct/ indirect impacts to SPA species would not be likely and it is considered that the proposed development would not have a significant effect on the Ribble and Alt Estuaries SPA. An appropriate assessment therefore does not need to be undertaken by LCC.

With regards to the Newton Marsh SSSI, it is just one of five sites in the UK where one of the UK's rarest wading birds, the Black-tailed Godwit, breeds. The RSPB object to the application because of inadequate proposals for mitigation and enhancement on land functionally linked to Newton Marsh SSSI vital to the continued breeding success of Black-tailed Godwit. The functionally linked land referred to is a natal feeding area where Godwits, that nest on the Newton Marsh SSSI, rear their young until they have fledged. However, the functionally linked land in question is located approximately 700m south-west of this application site and so will not be affected in any way by this proposal. Importantly, the application site is not along the route that the birds would take from Newton Marsh SSSI to reach the natal feeding area. The solar farm proposals for site B would therefore not affect the Black-tailed Godwit.

LCC's Specialist Advisor (Ecology) has not objected to the application providing that conditions are imposed relating to the following: control of lighting and noise; checks for ground nesting birds, amphibians and reptiles, and measures for the avoidance of harm, if present; and the treatment of any invasive plant species. These can be the subject of conditions.

Natural England has not objected providing that subject to the imposition of the conditions relating to the following: acoustic fencing shall be provided so as to prevent noise and visual disturbance to any birds utilising the surrounding fields, and should remain in place until all constructions works are completed; and construction works should be avoided during the period May – June to prevent disturbance to ground nesting birds and in the period that the black-tailed godwits move between the nesting site and natal feeding area. A general condition can be imposed to require the silencing of plant and machinery. With regards to Natural England's request for conditions controlling the timing of development and the need for acoustic fencing, the site is at some distance from the SSSI and the areas of land used by the godwits and is enclosed by higher land comprised of the former landfill site. Construction operations on this particular site would therefore not be particularly prominent or noisy such that they would cause disturbance issues to protected birds using the SSSI particularly given the construction methods now proposed. The conditions controlling timing of development and perimeter noise fencing on this site are therefore not considered necessary. However, a condition should be imposed requiring that the site is checked for ground nesting birds prior to the commencement of development. As covered above, the application site is not along the route that the Black-tailed Godwits would take from their nesting area to the natal feeding area.

Subject to the imposition of the above recommended conditions, the proposal accords with Policies EP15, EP16, EP19, EP27 and EP28 of the Fylde Borough Local Plan, and Policy ENV2 of the emerging Local Plan.

Other matters

The site does not have any heritage assets. Conditions should require that the site is restored at the end of the operational life of the solar farm, and that there is a period of aftercare. Subject to these conditions, the proposal accords with Policies NP1, GD7 and CL3 of the emerging Local Plan.

Conclusion

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

The development is not of a type that is normally considered acceptable within the countryside. However, solar farms of this scale require large areas of land and therefore invariably have to be located in countryside area. There are no suitable areas of land elsewhere around the waste water treatment works that are not located within areas designated as 'countryside'. Given the benefits of the proposal in terms of meeting climate change objectives, the development is considered acceptable in terms of policies to protect countryside areas. The impacts of the development in terms of the acceptability of the site to be used for this purpose, climate change issues, landscape/ visual impact, glare, traffic, flood risk and pollution of surface water, residential amenity, aviation and nature conservation interests are acceptable or can be made so by planning conditions.

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

Recommendation

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, planning permission be **granted** subject to the following planning conditions:-

Time Limits

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

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

2. Written notification of the date of commencement of the development shall be sent to the County Planning Authority within 7 days of such commencement.

Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission and to conform with Policy SP2 of the Fylde Borough Local Plan, and Policies GD7 and ENV1 of the Submission Version to the Fylde Local Plan to 2032.

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 14 September 2017, and the emails from the applicant dated 03 October 2017, 20 December 2017, 02 January 2018, 31 January 2018, 06 February 2018 and 19 February 2018.

b) Submitted Plans and documents:

Drawing No. WIPL/UU/SLP/WA - Location Plan

Drawing No. WIPL/UU/SLP/CA - Location Plan

Drawing No. 2001/770000002709/01/97/100003 Rev K

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 SP2, EP11, EP15, EP16, EP18, EP19, EP22, EP23, EP27, EP28, EP29 and EP30 of the Fylde Borough Local Plan, and Policies NP1, GD4, GD7, GD9, CL1, CL2, CL3, ENV1 and ENV2 of the Submission Version to the Fylde Local Plan to 2032.

Hours of Working

4. No construction development or site restoration works shall take place outside the hours of:

0800 to 1800 hours Mondays to Fridays

08.00 to 13.00 hours on Saturdays

No construction operations or site restoration works shall be undertaken on Sundays or public holidays

This condition shall not however operate so as to prevent the internal fitting out of the building and the carrying out, outside of these hours, of essential repairs to plant and machinery used on the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

Building Materials

5. The fencing and switchgear housing shall be coloured either Moss Green (RAL6005) or Fir Green (RAL6009), and retained in those colours throughout the duration of the development.

Reason: To protect the visual amenities of the area and to conform with Policy EP11 of the Fylde Borough Local Plan, and Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

Site Operations

6. A copy of this permission and all the documents referred to in condition 3 shall be available for inspection at the site office at all times throughout the development.

Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions and approved documents and to conform with Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

Control of Noise

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

Reason: To prevent any potential noise and visual disturbance to any birds utilising the surrounding fields and to conform with Policy EP27 of the Fylde Borough Local Plan, and Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

Dust

8. Measures shall be taken at all times during the construction phase of the development to minimise the generation of dust and prevent its migration off site.

Reason: In the interests of local amenity and to conform with Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

Floodlighting

9. No external lighting and floodlighting shall be erected on the site unless it is in accordance with a scheme and programme, which has first been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:

- a) Type and intensity of lights
- b) Types of masking or baffle at head
- c) Type, height and colour of lighting columns
- d) Number and size of lighting units per column
- e) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby residential properties
- f) Phasing of the implementation of the approved scheme

g) Times of use of lighting.

Thereafter the lighting and floodlighting shall be erected and operated in accordance with the approved scheme and programme.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to reduce light pollution and to conform with Policy EP28 of the Fylde Borough Local Plan, and Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

10. Any lighting used on the site during the construction period shall only be illuminated during the hours of operation specified in condition 4.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to reduce light pollution and to conform with Policy EP28 of the Fylde Borough Local Plan, and Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

Highway Matters

11. Measures shall be taken throughout the construction and restoration phases of the development to ensure that no mud, dust and other deleterious materials are tracked onto the public highway by vehicles leaving the site.

Reason: To avoid the deposit of mud and / or loose materials on the highway and to conform with Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

Safeguarding of Watercourses and Drainage

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

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy EP23 of the Fylde Borough Local Plan, and Policies GD7, CL1 and CL2 of the Submission Version to the Fylde Local Plan to 2032.

13. The construction and restoration of the site shall be undertaken in accordance with the submitted Construction Environmental Management Plan received on 2nd January 2018. In particular measures shall be taken during all construction and restoration works to control run off from the site to ensure that there is no pollution of adjacent water courses.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy EP23 of the Fylde Borough Local Plan, and Policies GD7, CL1 and CL2 of the Submission Version to the Fylde Local Plan to 2032.

14. Waste from welfare facilities and other sources shall only be directed to sealed tanks which shall be regularly emptied off-site in an authorised manner. All other construction waste shall be deposited in skips and removed from the site at appropriate intervals to an authorised site.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy EP23 of the Fylde Borough Local Plan, and Policies GD7, CL1 and CL2 of the Submission Version to the Fylde Local Plan to 2032.

Landscaping

15. All hedges and trees forming part of the site boundaries or to be retained within the site shall be protected from any damage and maintained throughout the development.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy EP18 of the Fylde Borough Local Plan, and Policies GD7 and ENV1 of the Submission Version to the Fylde Local Plan to 2032.

Ecology

16. A pre-construction check of the site by a suitably qualified and experienced ecologist shall be made prior to commencement to ensure that there are no breeding birds present and avoid any potential for an offence under the Wildlife and Countryside Act 1981 (as amended). In the event that a nest is identified, appropriate measures shall be implemented to avoid any offence including creation of an appropriate standoff around the nest and surrounding area.

Reason : In the interests of ecology and to conform with Policy EP19 of the Fylde Borough Local Plan, and Policies GD7 and ENV2 of the Submission Version to the Fylde Local Plan to 2032.

17. The Reasonable Avoidance Measures (RAMS), as contained in Appendix 1 of the submitted Construction Environmental Management Plan received on 2nd January 2018 shall be implemented by all site personnel at all times during site construction and restoration works

Reason : In the interests of ecology and to conform with Policy EP19 of the Fylde Borough Local Plan, and Policies GD7 and ENV2 of the Submission Version to the Fylde Local Plan to 2032.

18. If any invasive plant species are discovered at the application site, then works at the location shall cease and specialist advice will be contacted immediately in order to prevent the accidental spread of such species.

Reason : In the interests of ecology and to conform with Policy EP19 of the Fylde Borough Local Plan, and Policies GD7 and ENV2 of the Submission Version to the Fylde Local Plan to 2032.

Restoration

19. The use of the solar panels shall cease not later than 25 years from the date of the commencement of development as notified to the County Planning Authority under the provisions of condition 2 above. The site shall then be restored with a further period of one year in accordance with a scheme and programme of restoration to be first submitted to and approved in writing by the County Planning Authority.

The scheme and programme shall include details of:

- a) The removal of all solar panels, supporting frame works, electrical equipment and cable trunking.
- b) The removal of all foundations or ballast materials.
- c) Any cultivation or reseeded works necessary to remediate land that has been affected by the removal of any foundations or ballast materials.
- d) The removal of the perimeter security fencing.
- e) The removal of any other materials or plant and equipment in order to ensure that the site is free of impediments to normal agricultural operations.
- f) The aftercare works that will be carried out for a period of five years following completion of the restoration works in a) to e) to ensure that the site is restored to a standard where it can be used for normal agricultural operations.

Reason: To secure the proper restoration of the site and to conform with Policies SP2 and EP11 of the Fylde Borough Local Plan, and Policies GD4, GD7, GD9, CL3 and ENV1 of the Submission Version to the Fylde Local Plan to 2032.

Notes

The Environment Agency should be contacted if any additional evidence of contamination is identified during the development of the site to ensure that the risks to controlled waters receptors are appropriately managed.

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

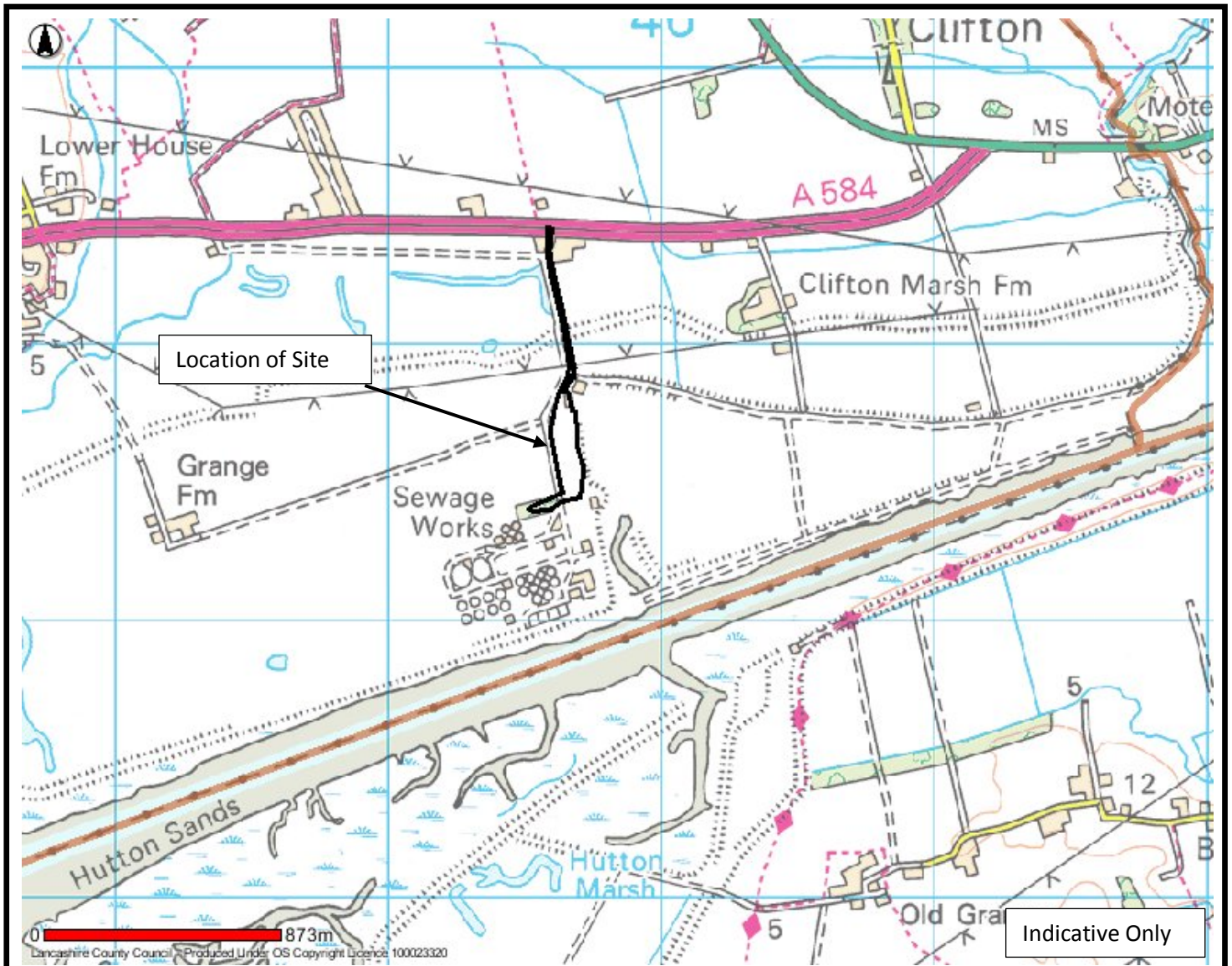
Paper	Date	Contact/Directorate/Ext
-------	------	-------------------------

LCC/2017/0074 14/09/2017 Rob Jones/34128

Reason for Inclusion in Part II, if appropriate

N/A

APPLICATION LCC/2017/0074 THE ERECTION OF PHOTOVOLTAIC PANELS AND ASSOCIATED WORKS INCLUDING SWITCHGEAR HOUSING, SECURITY FENCING AND INTEGRAL CONNECTION TO THE EXISTING WASTE WATER TREATMENT WORK SUBSTATION. CLIFTON MARSH WASTE WATER TREATMENT WORKS, PRESTON NEW ROAD, FRECKLETON



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

Development Control Committee
Meeting to be held on 7th March 2018

Electoral Division affected: Fylde South

Fylde Borough: Application number LCC/2017/0090
Erection of a solar photo voltaic array, 2 housings for switchgear, transformers and inverters, 2m high security mesh fencing and integral connection to Preston Waste Water Treatment works. Field adjacent to north-east side of Preston Waste Water Treatment Works, Clifton Marsh, off Lytham Road, Freckleton.

Contact for further information:
Rob Jones, 01772 534128
DevCon@lancashire.gov.uk

Executive Summary

Application - Application – Erection of a solar photo voltaic array, 2 housings for switchgear, transformers and inverters, 2m high security mesh fencing and integral connection to Preston Waste Water Treatment works. Field adjacent to north-east side of Preston Waste Water Treatment Works, Clifton Marsh, off Lytham Road, Freckleton.

The application is accompanied by an Environmental Statement and Non-Technical Summary prepared under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Recommendation – Summary

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and subject to a section 106 agreement relating to the establishment, funding and working arrangements of a biodiversity steering group, planning permission be **granted** subject to conditions controlling time limits, working programme, hours of working, building materials, site operations, noise, dust, lighting, highway matters, safeguarding of watercourses and drainage, landscaping, ecology and restoration.

Applicant's Proposal

Planning permission is sought for an array of ground mounted solar photovoltaic (PV) panels on a field on the north side of Preston Waste Water Treatment Works (WwTW) with an electricity generating capacity of up to 3MW. The development would also include 2 housings for switchgear, transformers and inverters, 2m high security mesh fencing and integral connection to an existing substation at Preston WwTW. Cabling within casings located on top of the ground would connect the solar panels to the switchgear housing, and underground cabling would connect the

switchgear housing to the substation. The development would have a lifespan of 25 years.

The development would consist of 31 rows of solar PV panels on an east / west orientation across the site. The rows would be 5m apart. The panels would be angled and mounted on metal frames that would be attached to concrete ballasts laid onto the ground with the higher edge of the panels up to 2m above ground level and the lower edge 0.6m above ground level. The solar panels would have a dark blue finish mounted on metal frames.

The 2 x switchgear housings would each be contained within shipping containers coloured green each measuring 4.6m x 2.4m x 2.6m high. The overall height would include the raising off the ground on 0.6m high concrete piles.

The site would be surrounded by 2m high mesh security fencing with ballasted post bases, to be coloured either Moss Green (RAL6005) or Fir Green (RAL6009). The fencing would incorporate 4m wide double leaf gates.

The application is accompanied by an Environmental Statement.

This application site is known as Site A. A separate (Site 'B') further to the east is the subject of Planning Application No. LCC/2017/0074 that is also on the agenda for this Committee.

Construction of the two sites would take around 12 weeks, with the first 2 months comprising preparation and installation works, and the final month involving testing and commissioning prior to full operation. The working hours would be limited at weekends with no working on Sundays or bank holidays.

Description and Location of Site

The site (6.3 ha in area) is on land reclaimed from former saltmarsh to its current use for rough grazing. It is bound by wire mesh fencing to contain livestock. It is located adjacent to the north boundary of Preston WwTW, along which are sited numerous pieces of waste water treatment plant and equipment, some of which are of a considerable height and scale. The WwTW separates the site by a distance of 500m from the northern bank of the River Ribble. The application site is approximately 8km west of Preston town centre, 1.5km south-east of Freckleton and 2km south-west of Clifton. Access is via a private road that runs south from the A584 Preston New Road and that also provides access to Preston WwTW. Immediately to the north and east is a restored landfill site, while to the immediate west is arable and pasture land.

The nearest residential properties to the proposal are located approximately 800m to the west at Grange Farm. The site is not itself within an area of higher tier ecological designation but there are such designations nearby: the River Ribble, forming part of the Ribble and Alt Estuaries SPA and Ramsar site and also designated as an SSSI, is located approximately 580m to the south of the site. The River Ribble, Lower Tidal Section Biological Heritage Site (BHS) is located approximately 320m to the south-east of the site. The site is not within or near a higher tier landscape designation.

Newton Marsh SSSI designated for its value for wading and migratory birds is located approximately 270m to the north of the site. One of the species for which the SSSI is noted is the Black tailed godwit, a rare wading bird. A core area has been designated for the area of land that is used by the bird - the site is located on the eastern side of the Black-tailed Godwit Core Area.

The development site would be located wholly within Flood Zone 3.

The PV panels would be connected by cabling to the 2 switchgear, transformers and inverters to be located near the north/ north-east boundary within the Preston WwTW, and then connected by underground cabling to an existing nearby substation also within the Preston WwTW.

Background

There is no planning history for the application site.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 - 19, 28, 56 - 66, 93 – 98, 100 – 104, 109, 112, 118 – 119, 123 and 125 are relevant with regard to the following: the requirement for sustainable development; core planning principles; building a strong competitive economy; supporting a prosperous rural economy; the requirement for good design; meeting the challenge of climate change and flood risk; conserving and enhancing the natural environment; agricultural land quality; noise and light pollution.

National Planning Practice Guidance

Fylde Borough Local Plan

Policy SP2 Development in Countryside Areas
Policy EP11 Building Design and Landscape Character
Policy EP15 European Designated Nature Conservation Site
Policy EP16 Sites of Special Scientific Interest
Policy EP18 Natural Features
Policy EP19 Protected Species
Policy EP22 Protection of Agricultural Land.3
Policy EP23 Pollution of Surface Water
Policy EP27 Noise Pollution
Policy EP28 Light Pollution
Policy EP30 Development within Floodplains

Submission Version to the Fylde Local Plan to 2032

Policy NP1 Presumption in favour of sustainable development
Policy GD4 Development in the Countryside
Policy GD7 Achieving Good Design in Development
Policy CL1 Flood Alleviation, Water Quality and Water Efficiency

Policy CL2 Surface Water Run-Off and Sustainable Drainage
Policy CL3 Renewable and Low Carbon Energy Generation – excluding onshore
wind turbines
Policy ENV1 Landscape
Policy ENV2 Biodiversity

Consultations

Fylde Borough Council – No objection and suggest the following:

- Consideration is given to whether the applicant has adequately demonstrated if other alternative sites of previously developed land or land of a lesser agricultural quality are available.
- Consultation be undertaken with South Ribble Borough Council as a neighbouring authority that the site may well be visible from.
- Consultation be undertaken with The Ramblers due to the visibility of the site from public rights of way in the area and South Ribble.
- Consideration be given to the ecological issues in consultation with Natural England and specialist ecological advisers, including the completion of any Habitats Regulation Assessment that is necessary.
- Consultation be undertaken with BAE and MOD due to possible interference with aviation due to displacement of birds and/or interference with radar.
- The application should be determined having given due weight to Policy CL3 of the Submission Version to the Fylde Local Plan to 2032.

Freckleton Parish Council – No objection and make the same comments as Fylde Borough Council.

Newton-with-Clifton Parish Council – No objection.

LCC Highways Development Control – No objection.

Environment Agency – No objection and comment that any planning permission should include a condition to require that the proposed development must proceed in strict accordance with the submitted Flood Risk Assessment and the mitigation measures identified therein. An advice note should also be recommend that any sensitive equipment should be raised and that the switch gear housing units should be anchored to the ground so as to reduce the impact of flooding.

LCC Specialist Advisor (Ecology) – The mitigation measures that are proposed would appear to be adequate to rule out impacts on the Ribble Estuary SPA and Ramsar Site. The mitigation measures should be secured through conditions. The site is located close to Newton Marsh and to the black tailed godwit natal feeding area. The passage route between Newton Marsh and the natal feeding area is of vital importance to the species. Whilst there will be no direct impacts on the SSSI or the natal feeding area, the development will result in the loss of part of the godwit core area and may result in some displacement of this species. There is considerable uncertainty about the impacts due to a lack of knowledge of the ecology of the species. However, given the uncertainty it would be appropriately precautionary to provide some mitigation measures to off set impacts and support

godwit conservation in the local area. Conditions should be imposed relating to the following: acoustic and visual screening; agreed pollution prevention measures; silt fencing; construction to avoid the bird nesting season; checks for ground nesting birds, amphibians, reptiles and brown hare; details to be provided of any temporary construction or lay down areas; and construction works should be avoided during the period May – June to prevent disturbance to ground nesting birds and in the period that the black-tailed godwits move between the nesting site and natal feeding area.

LCC Specialist Advisor (Archaeology) - No objection.

LCC Specialist Advisor (Landscape) – No observations received.

Lead Local Flood Authority (LLFA) - No observations received.

Natural England – Initially were concerned that insufficient information had been submitted regarding the impacts on the godwit population in the Newton Marsh SSSI. However NE consider that the proposal to create a working group to consider habitat improvements would be an appropriate option for enhancement. NE consider that conditions are required relating to the following: acoustic fencing shall be provided so as to prevent noise and visual disturbance to any birds utilising the surrounding fields, and should remain in place until all constructions works are completed; silt fencing should be in-place prior to commencement of works to prevent run-off contaminating nearby water courses/the marsh, and should remain in place until all constructions works are completed; pollution prevention measures during construction; construction works should be avoided during the period May – June to prevent disturbance to ground nesting birds and in the period that the black-tailed godwits move between the nesting site and natal feeding area; and securing the enhancement measures as contained in the submitted Biodiversity Management Plan.

In addition, it is commented that the development would encroach into the Black-tailed Godwit Core Area and so may displace fledging Godwits migrating from Newton Marsh SSSI to the natal feeding area. To address uncertainty from the potential displacement impacts from the development, the conservation enhancement measures (in the form of the payment of £30,000, preferably in three equal payments of £10,000 over a three year period, by the applicant) as contained in Section 3.5 of the submitted Biodiversity Management Plan should be secured by the use of a legal Section 106 agreement.

It is also commented that, while the applicant has produced a Habitats Regulations Assessment (HRA), it is the responsibility of the competent authority, in this case LCC, to produce the HRA.

RSPB – Initially raised objection to the application due to the impacts on the godwit population with the Newton Marsh SSSI and adjacent areas and a lack of information on potential impacts. However following further information being submitted, the RSPB have removed their objection subject to the imposition of the conditions relating to the following: no construction works and maintenance should be carried out on during May to June inclusive, and securing the enhancement measures as contained in the submitted Biodiversity Management Plan. It is recommended that

the conservation enhancement measures for the Black-Tailed Godwit should be reinforced through a steering group to be supported by payment of £30,000 from the applicant over a three year period, as contained in a Draft Newton Marsh Habitat & Landscape Improvement Plan which should be secured by the use of a Section 106 agreement.

Shell UK Ltd. – No observations received.

Health and Safety Executive - No objection.

Canal and River Trust – No objection.

BAE Systems – No objection.

Ministry of Defence Lands – Safeguardings – No observations received.

National Air Traffic Services - No observations received.

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

Advice

Planning permission is sought for a solar panel array covering an area of nearly 6.3 hectares in a field adjacent to the north-east side of Preston WWTW.

Preston WWTW treats waste water arising from the urban areas of Preston. The equipment used to power pumps and other treatment infrastructure is electrical and hence the site is a major consumer of electricity. The solar panels would allow this plant to be powered by electricity that is generated from renewable sources on site rather than having to draw electricity from the national grid. The panels would allow the generation of up to 3027MWh electricity per annum, based on an estimated capacity factor of 10.8%. The development would have a lifespan of 25 years after which time it could be removed or, of the lifetime extended subject to further planning controls.

A planning application for the development of a solar panel farm on land on the west side of the existing waste water treatment works was previously submitted in January 2016 (planning application ref LCC/2016/0007). However this application was refused due to the impacts on ecological interests, specifically birds, associated with the Newton Marsh SSSI, and the Ribble and Alt Estuaries SPA. This application and the related application for Area A is the applicant's attempt to develop a source of renewable energy to serve the treatment works without impacting upon local ecological interests.

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 Fylde Borough Local Plan. The current Local Plan will be replaced by the emerging Local Plan in due course. It is anticipated that the emerging Local Plan will be adopted in 2018. It is therefore considered that proportionate weight should be attached to the emerging policies.

The main issues associated with the application are the acceptability of the site to be used for this purpose, climate change issues, landscape/ visual impact, glare, traffic, flood risk and pollution of surface water, residential amenity, aviation and nature conservation interests.

Climate change issues

Paragraph 93 of the NPPF states that the planning system plays a key role in securing radical reductions in greenhouse gas emissions, minimising vulnerability and providing reliance to the impacts of climate change, and supporting the delivery of renewable energy infrastructure which is central to the economic, social and environmental dimensions of sustainable development. To help increase the use and supply of renewable energy, the NPPF advises that planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable sources. The NPPF states that applicants for energy development should not be required to demonstrate the overall need for renewable energy and that planning authorities should recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF advises that applications for renewable energy development should be approved if impacts are (or can be made) acceptable.

The electricity produced is proposed to be used at Preston WWTW which has an electricity consumption of approximately 11.3MW. The solar farm on Area A would generate up to 3MW of electricity per annum which equates to approximately 27% of the annual electricity use of the WWTW. Any surplus electricity produced would be fed into the national grid. The solar farm would reduce reliance on electricity generated by conventional means and so reduce the greenhouse gas emissions associated with such generation. The proposal is therefore considered to accord with National Planning Policy regarding the need for renewable energy generation.

Policy CL3 of the emerging Local Plan refers to renewable and low carbon energy generation. The policy permits such development providing the following impacts are acceptable (in relation to solar farms): the cumulative and visual impact with other such types of development; impacts on local residents from noise and reflected light; biodiversity impacts; type of land on which it is located; heritage assets; community, economic and environmental benefits of the proposal; aviation; highway safety and capacity; and impacts on flood risk and drainage. The development would be acceptable on the grounds of type of land on which it is located and the community, economic and environmental benefits of the proposal, as explained already. The other potential impacts will be assessed below in this report.

Acceptability of the site to be used for this purpose

A number of alternative sites in the vicinity of the Preston WwTW have been considered: two areas of restored landfill, one of which is adjacent to the application site and another that is located 270m to the east of the application site, and two areas of agricultural land that are located to the north of the application site and on the east side of the private access road from the A584 Preston New Road to Preston WwTW. However, these were discounted for a number of reasons: the restored landfills are raised and are more visually prevalent; while the agricultural locations are too small, one is partially shadowed by adjacent higher land, the connection distance to Preston WwTW is too great, and are close to the Newton Marsh SSSI. It was therefore considered that the low lying land closer to the WwTW would be more suitable and hence this application for Site A, along with Site B the subject of Planning Application No. LCC/2017/0074, have been proposed.

The site is designated as countryside area within Policy SP2 of the Fylde Borough Local Plan. The policy permits various development in countryside areas where proposals properly fall within one of a number of categories, including uses appropriate to a rural area. The development of solar farms would not normally be a type of development considered acceptable in terms of Policy SP2. Policy GD4 of the emerging Local Plan has similar requirements. However, large scale solar farms will invariably need to be located in countryside locations and all the land surrounding the applicant's treatment works is designated as countryside area. It will therefore be necessary to balance any impacts on the countryside against the benefits of provide low carbon forms of energy generation.

The site is located within Grades 3 and 4 of agricultural land. Policy EP22 of the Fylde Borough Local Plan seeks to resist development that would involve the permanent loss of the best and most versatile agricultural land (Grades 1, 2 and 3a) where it could reasonably take place on previously developed sites, on land within the boundaries of existing developed areas or on poorer quality agricultural land. The application site was previously a saltmarsh that has been reclaimed to its current use for rough grazing. The use of the site as a solar farm therefore accords with Policy EP22 of the Fylde Borough Local Plan.

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 would accord with paragraphs 18, 19 and 28 of the NPPF.

Landscape/ visual impact

A landscape and visual assessment has been submitted. The site is in a flat countryside area that is not covered by any special landscape designations and is a considerable distance from sensitive receptors. The development would cover 6.3 hectares of land but its height would be relatively low as the top edge of the panels would only be 2m above ground level. In terms of the array design, this is influenced by the engineering requirements of the array, with associated structures located to minimise the amount of cabling required to operate an efficient solar array. The panels are aligned to face south, which allows for the maximum amount of solar energy to be collected. The 2 x switchgear housings would be 2.6m high.

The solar farm site is screened from the immediate north by a restored landfill site, and to the south by the Preston WwTW. To the west, the farmland is flat towards the village of Freckleton. There are views of the application site from some properties and a public footpath on the edge of Freckleton but a combination of vegetation along the east side of Freckleton, and the presence of Grange Farm and an associated belt of trees (that are sited halfway between the application site and the village), helps to largely screen the site. The landscape and visual impacts of the solar farm would therefore be limited to the immediate site surroundings, with there being limited medium and long distance views. The switchgear housings would be located within the Preston WwTW and hence their visual impact would be absorbed by the considerable treatment infrastructure on this site.

The solar panels would have a dark blue glass finish with metal frames. The proposed colours of the switchgear housing and mesh security fencing are acceptable. Subject to a condition to require that the plant and equipment be finished in accordance with the submitted details, it is considered that the development would have an acceptable visual impact within the local landscape and would therefore accord with Policy EP11 of the Fylde Borough Local Plan and Policy ENV1 of the emerging Local Plan.

No vegetation is proposed to be removed from the site boundaries but to ensure this is the case, a condition should require the retention of any trees, hedges and scrub along the site boundaries. This would accord with Policy EP18 of the Fylde Borough Local Plan.

Glare

The solar panels are designed to absorb light but there is the potential that sunlight reflecting off the panels and frames could have an impact upon residential amenity and aviation, given the proximity to Warton Aerodrome. Weather conditions will influence when glare could potentially occur.

An assessment has been undertaken which concludes that there is some potential for glare, particularly at receptors to the south, southeast and west of the site, although this is limited to March-May and August-October at times between either 05:00-07:00 or 18:00-19:00. Incidences of glare would not occur for the entire duration of these time periods, with glare likely to be for short periods of a few minutes at most. The assessment does not consider the screening effect of intervening vegetation and buildings, and does not take into account the orientation of buildings or views as it assumes that all would face directly towards the site which, of course, would not be the case.

In every case, including a projected flight path from Warton Aerodrome, the predicted incidences of glare are considered to have a low potential for an after image to be present in a person's vision i.e. the yellow spots that can persist in an individual's vision after viewing a bright object. Additionally, during the periods of potential glare, the sun will generally be low in the sky and viewed behind the solar array, relative to the receptor location. As such, it is likely that in many cases the sun itself would be a more prominent source of glare than the solar PV array.

It is therefore considered that the limited instances of predicted glare arising from the proposed development would not result in any demonstrable adverse effects.

Traffic

Access to the solar park site is required primarily for the purposes of construction when the majority of vehicle movements would occur. Occasional access would be required during the operational phase of the development, limited to relatively few movements for maintenance and cleaning purposes.

Access to the site would be taken via the existing wastewater treatment works junction with the A584 and existing track which runs south from the junction to the works. The A584 and junction is already used by large numbers of HGV's and is capable of accommodating the HGV traffic that would be generated by the development. A temporary construction compound for the development would be located on the north east side of Preston WwTW/ south side of the proposed solar farm the subject of Planning Application LCC/2017/0074.

The construction of the solar park would take approximately 12 weeks to complete. The solar panels, supporting frames and all other necessary construction components and materials would be delivered to site by standard HGV articulated lorries, with no abnormal loads anticipated for the proposed construction phase. It is estimated that the maximum daily deliveries by HGV is estimated to be nine, occurring during week three associated with the delivery of the array components. Following this the daily delivery would drop significantly to an average of two HGV movements per day.

The applicant proposes that construction transport hours would be limited to between 07:00 and 19:00 hours Monday to Friday, 09:00 and 12:00 hours Saturdays with no deliveries on Sundays or bank holidays. These hours would provide flexibility in delivery times to allow peak times to be avoided thereby minimising effects on local road users. It is not considered necessary to restrict construction transport hours given the lack of residential properties near the access junction to the site with the A584.

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, a condition can be imposed to address this issue.

Flood risk and Pollution of surface water

The solar farm would be located entirely within Flood Zone 3. The Environment Agency (EA) have not objected.

In line with the comments from the EA, a condition is recommended that the proposed development must proceed in strict accordance with the submitted Flood Risk Assessment and the mitigation measures identified therein. An advice note should also be included on the permission that any sensitive equipment should be

raised and that the switch gear housing units should be anchored to the ground to reduce the impact of flooding. The proposal therefore accords with Policy EP30 of the Fylde Borough Local Plan, and Policy CL1 of the emerging Local Plan.

Natural England have commented that ground disturbance associated with the construction phase of the development may increase the chance of sediment run-off from the site. To prevent this, a condition is recommended to require silt fencing to be in-place prior to commencement of works to prevent run-off contaminating field drains and ditches surrounding the application site, and should remain in place until all construction works are completed. Pollution prevention control and construction waste collection measures should also be adopted at all times. Subject to these conditions, the proposal would therefore accord with Policy EP23 of the Fylde Borough Local Plan, and Policy CL2 of the emerging Local Plan.

Residential amenity

The nearest residential properties to the proposal are located approximately 800m to the west at Grange Farm. Traffic using the existing access would generate noise and increase emissions in the immediate and surrounding locality. Construction operations may produce limited dust and noise. However, the distance of the development from properties would ensure that the impacts of the proposed development would not affect the amenities of residents in the vicinity and the development is therefore considered acceptable in terms of residential amenity.

Aviation

The application site would be located approximately 640m south-east of the '25 approach' that is an area that has to be safeguarded for aircraft that utilise and approach the BAE Systems Warton airfield over Newton Marsh and Freckleton Marsh.

BAE Systems have not objected and hence it is considered that the development would not pose a danger to flight safeguarding.

Nature conservation interests

The proposed development site would not directly affect any site with statutory or non-statutory ecological designations. The site is not itself within an area of higher tier ecological designation but there are such designations nearby: the River Ribble part of which is designated as SPA and Ramsar site and SSSI is located approximately 580m to the south of the site. The SPA is of European importance for a range of breeding, migratory and wintering bird species. Newton Marsh SSSI is also located approximately 200 metres to the north of the site and is designated for its grazing habitat and value for a range of wading and migratory wetland birds and other saltmarsh and farmland species.

Regulation 63 of the Conservation of Habitats and Species Regulation 2017 requires a competent authority, before permitting a project which is likely to have a significant effect (alone or in combination) on a European site, and is not directly connected with or necessary to the management of that site, to make an appropriate

assessment of the implications for that site in view of that site's conservation objectives.

Paragraph 119 of the NPPF states that the presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

Policy EP15 of the Fylde Borough Local Plan refers to European Designated Nature Conservation Sites and states that development proposals which may affect a European site will be subject to the most vigorous examination. Development proposals not directly connected with or necessary to the management of the site and which would affect the integrity of the site as a whole, will not be permitted unless the developer can demonstrate that there is no alternative solution and there are imperative reasons of over-riding public interest for the development. Policy ENV2 of the emerging Local Plan has very similar criteria.

When assessing projects for the purposes of the Habitats Regulations, the precautionary principle must apply and case law has established that projects should not be authorised where there would be a significant adverse effect on the European site or where there is uncertainty as to effects. Regulation 63(2) clearly states that a person applying for permission must provide such information as is reasonably required for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required.

With regard to the potential effect/s of a development proposal on a European protected site, it is the responsibility of the competent authority, who in this case are the Local Planning Authority, to carry out a Habitats Regulations Assessment (HRA) to assess the potential effect/s and conclude via a screening process if there would be a likely significant effect on the European protected site. If it is concluded that there would be a likely significant effect, then an appropriate assessment has to be undertaken by the competent authority to assess the extent and effects of the likely significant effect/s.

The applicant has undertaken and submitted their own assessment, which is called a 'Shadow Habitats Regulations Screening Assessment', which concludes that there would be no likely significant effect on the Ribble and Alt Estuaries SPA, and therefore there is no requirement for appropriate assessment. Despite the submission of the Shadow HRA, the competent authority, still have to carry out their own screening (HRA) assessment.

In response, LCC's Specialist Advisor (Ecology) has commented that the application site is not used by SPA birds, and so there is no direct loss of functionally-linked land. There is potential for SPA birds to use the land to the west of the application site. However, surveys did not report significant or regular use by SPA birds within the zone of influence of the proposals. The construction phase is relatively short, and the potential noise would be to an acceptable level due to the design to attach the metal solar panel frames to concrete ballasts fixed laid onto the ground. Potential noise would be further attenuated by the embedded noise mitigation measures. There is obviously some potential for visual disturbance, but again there

is no evidence to suggest that large flocks of SPA birds would be present on a regular basis or in such large numbers such that significant disturbance would be likely. In terms of potential contamination/ pollution, the risk is low due to the absence of intrusive ground works. The shadow HRA and the Construction Environmental Management Plan also outline pollution prevention measures that would be implemented during construction (these have already been covered above). The County Council has undertaken its own Habitats Risk Assessment which concludes that the proposed development with the embedded mitigation measures and additional control through planning conditions would not have a likely significant effect on the Ribble and Alt Estuaries SPA. An appropriate assessment therefore does not have to be undertaken by LCC.

With regards to the Newton Marsh SSSI, it is just one of five sites in the UK and the only site in NW England where one of the UK's rarest wading birds, the Black-tailed Godwit, breeds. The UK population of Black -tailed Godwits is currently estimated at 100 pairs (based on February 2015 numbers) with the pair nesting on Newton Marsh representing around 1% of the UK population. European breeding Black-tailed Godwit numbers have declined significantly over the past 25 years. In consequence the species is Red-listed by the International Union for the Conservation of Nature (IUCN) which classifies its status as Near Threatened. The species is also Red-listed in the UK (Birds of Conservation Concern) and given special protection during the breeding season under Schedule 1 of the Wildlife & Countryside Act (as amended).

Black-tailed Godwits have nested (with variable success) in the vicinity of Newton and Clifton Marshes since at least 1984. The birds nest on the Newton Marsh SSSI, and then lead their young onto a natal feeding area, located 180m to the south-east of the application site which is a feeding site for newly-hatched chicks and a location for them to be reared until they have fledged. The natal feeding area is considered to be essential habitat for the species to complete its breeding cycle.

The application site is located on the eastern side of a substantial area of land referred to as the Black-tailed Godwit Core Area. The core area is the entire area located between the east of Freckleton, the south side of the A584 Preston New Road, the access road to the Preston WwTW and Clifton Marsh Landfill Site, and the River Ribble.

The main concern of the RSPB, Natural England and LCC's Specialist Advisor (Ecology) relates to the location of the application site within the Black-tailed Godwit Core Area. Godwits as a species require open areas of land to ensure that they have an unobscured view of any potential predators. Natural England initially stated that the extent of the open view is up to 200m, but have since increased this up to 500m, so as to be in line with the RSPB, who take a precautionary approach. It is stated that the development could therefore impact on the Godwits as the reduction in open area due to the proposal would have the potential to significantly reduce the available land through which the fledgling Godwits can move from Newton Marsh SSSI to the natal feeding area closer to the River Ribble. It is therefore appropriate to take a precautionary approach when dealing with this development given the inherent uncertainties associated with predicting impacts on such a rare breeding species.

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, all public authorities have a duty to have regard to the conservation of biodiversity in the exercise of functions. The section 41 list (species and habitats which are of principal importance for the conservation of biodiversity in England) has been published by the Secretary of State to identify those particular species (and habitats) which are priorities for conservation and thus for which public authorities need to have special regard. The Black-tailed Godwit is one of those species.

Regulation 10 of the Conservation of Habitats and Species Regulations 2017 places a duty on public authorities to take appropriate steps in the exercise of their functions to preserve, maintain and re-establish a sufficient diversity and area of habitat for wild birds, including by means of the upkeep, management and creation of such habitat; and also, in exercising any function, to use all reasonable endeavours to avoid any pollution or deterioration of habitats of wild birds.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- Proposed development on land within or outside a SSSI likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSI;
- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Policy EP16 of the Fylde Borough Local Plan refers to SSSI's and states that development proposals within or likely to prejudicially affect SSSI's will be subject to special scrutiny, and will not be permitted unless the use of conditions or planning obligations would prevent damaging impacts on the nature conservation interest of the site, or the reasons for the development clearly outweigh the nature conservation value of the site itself.

Policy EP19 of the Fylde Borough Local Plan refers to protected species and states that development that would have an adverse impact upon species specifically protected under Schedules 1, 5 or 8 of the Wildlife & Countryside Act (as amended),

or their habitat, will not be permitted. Where development is permitted which would affect these species or their places of shelter and breeding, the use of planning conditions and/or planning obligations will be used to facilitate the survival of individual members of the species, reduce disturbance to a minimum, and provide adequate alternative habitats to sustain the current levels of population.

The RSPB, Natural England and LCC's Specialist Advisor (Ecology) initially objected to the application. However, the applicant has provided further information as to impacts and mitigation of such and the nature conservation bodies now do not object to the application subject to the imposition of the conditions relating to the following: acoustic and visual screening so as to prevent noise and visual disturbance to any birds utilising the surrounding fields; agreed pollution prevention measures including silt fencing; checks for ground nesting birds, amphibians, reptiles and brown hare; details to be provided of any temporary construction or lay down areas and construction works to be avoided during the period May – June to prevent disturbance to ground nesting birds and in the period that the black-tailed godwits move between the nesting site and natal feeding area.

The applicant has also submitted a Biodiversity Management Plan. This provides for various works to be undertaken to improve habitat for Black Tailed Godwits and other bird species including removal of hedgerow within the core area to provide a more open landscape, replacement planting elsewhere and other land management proposals. To support the Biodiversity Management Plan, the applicant is proposing to establish a steering group comprised of the RSPB, NE, LCC and landowners within the core area in order to investigate land management measures that could be implemented to improve bird habitats including for black tailed godwits. The applicant is proposing to provide a financial contribution of £30,000 over a three year period to support the work of the steering group. The establishment and payment of money and preparation of management proposals through the steering group should be the subject of a Section 106 agreement. It is considered that the requirement to enter into the section 106 agreement would meet the tests in paragraph 204 of the NPPF and Regulation 122 of the Community Infrastructure Regulations 2010 in that it is necessary to make the development acceptable, is directly, fairly and reasonably related in scale and kind to the development

The above concerns can be addressed by the imposition of suitable conditions. A condition to require that the application site is checked for ground nesting birds prior to the commencement of development can be imposed. However, in relation to Godwits, the RSPB have commented that, while the application site is not located along the typical migration route from the Newton Marsh SSSI to the natal feeding area, it is not the only route used by Godwits and they could pass over or close to the application site.

NE request that a condition is imposed to avoid construction works during the period May – June. Whilst the applicant has proposed acoustic fencing around the site boundary, it is not known how effective such fencing would be in preventing disturbance. It is therefore considered that a condition should require that the development shall not commence or be undertaken in the months May – June when the godwits are likely to be close to the site.

The concerns about securing the conservation enhancement measures as contained in the submitted approved Biodiversity Management Plan, can be addressed through a condition and also through the proposed section 106 agreement. It is also considered that conditions should restrict the use of lighting, and for the treatment of any invasive plant species on the site.

Subject to the imposition of the above recommended conditions, the proposal accords with Policies EP15, EP16, EP19, EP27 and EP28 of the Fylde Borough Local Plan, and Policy ENV2 of the emerging Local Plan.

Other matters

The site does not have any heritage assets. Conditions should require that the site is restored at the end of the operational life of the solar farm, and that there is a period of aftercare. Subject to these conditions, the proposal accords with Policies NP1, GD7 and CL3 of the emerging Local Plan.

Conclusion

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

The development is not of a type that is normally considered acceptable within the countryside. However, solar farms of this scale require large areas of land and therefore invariably have to be located in countryside area. There are no suitable areas of land elsewhere around the waste water treatment works that are not located within areas designated as 'countryside'. Given the benefits of the proposal in terms of meeting climate change objectives, the development is considered acceptable in terms of policies to protect countryside areas. The impacts of the development in terms of the acceptability of the site to be used for this purpose, climate change issues, landscape/ visual impact, glare, traffic, flood risk and pollution of surface water, residential amenity, aviation and nature conservation interests are acceptable or can be made so by planning conditions or planning obligations.

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

Recommendation

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and subject to a section 106 agreement relating to the establishment, funding and working arrangements of a biodiversity steering group, planning permission be **granted** subject to the following planning conditions:

Time Limits

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

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

2. Written notification of the date of commencement of the development shall be sent to the County Planning Authority within 7 days of such commencement.

Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission and to conform with Policy SP2 of the Fylde Borough Local Plan, and Policies GD7 and ENV1 of the Submission Version to the Fylde Local Plan to 2032.

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 23 November 2017, and the emails from the applicant dated 02 January 2018, two on the 31 January 2018, 06 February 2018, and 19 February 2018.

b) Submitted Plans and documents:

Drawing No. WIPL/UU/SLP/WA - Location Plan

Drawing No. WIPL/UU/SLP/CA - Location Plan

Drawing No. 2001/770000002709/01/97/10002 Rev. I -PRESTON, CLIFTON MARSH WwtW, SITE PLAN PV SOLAR ARRAY A LAYOUT

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 SP2, EP11, EP15, EP16, EP18, EP19, EP22, EP23, EP27, EP28 and EP30 of the Fylde Borough Local Plan, and Policies NP1, GD4, GD7, CL1, CL2, CL3, ENV1 and ENV2 of the Submission Version to the Fylde Local Plan to 2032.

Hours of Working

4. No construction works or site restoration works shall take place outside the hours of:

0800 to 1800 hours Mondays to Fridays

08.00 to 13.00 hours on Saturdays

No construction works or site restoration works shall take place on Sundays or public holidays.

This condition shall not however operate so as to prevent the internal fitting out of the building and the carrying out, outside of these hours, of essential repairs to plant and machinery used on the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

Building Materials

5. The fencing and switchgear housing shall be coloured either Moss Green (RAL6005) or Fir Green (RAL6009), and retained in those colours throughout the duration of the development.

Reason: To protect the visual amenities of the area and to conform with Policy EP11 of the Fylde Borough Local Plan, and Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

Site Operations

6. A copy of this permission and all the documents referred to in condition 4 shall be available for inspection at the site office at all times throughout the development.

Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions and approved documents and to conform with Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

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

Reason: To prevent any potential noise and visual disturbance to any birds utilising the surrounding fields and to conform with Policy EP27 of the Fylde Borough Local Plan, and Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

8. No development shall commence until a scheme and programme for visual and acoustic fencing to be erected around the perimeter of the site has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of those parts of the site boundary that are to be fenced and the constructional details for the fencing.

The fencing shall be erected in accordance with the approved scheme and programme prior to any other development commencing on the site and shall be removed within one month of completion of site construction works.

The approved fencing shall not be erected between the dates of 1st May to 30th June in any one year

Reason: In the interests of mitigating the impacts of the development on birds utilising the surrounding fields and to conform with Policy EP27 of the Fylde Borough Local Plan, and Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

9. No site construction operations or site restoration works shall be undertaken in the period between 1st May to 30th June in any one year.

Reason: In the interests of mitigating the impacts of the development on birds utilising the surrounding fields and to conform with Policy EP27 of the Fylde Borough Local Plan, and Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

10. Measures shall be taken at all times during the construction phase of the development to minimise the generation of dust and prevent its migration off site.

Reason: In the interests of local amenity and to conform with Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

Floodlighting

11. No external lighting and floodlighting shall be erected on the site unless it is in accordance with a scheme and programme, which has first been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:

- a) Type and intensity of lights
- b) Types of masking or baffle at head
- c) Type, height and colour of lighting columns
- d) Number and size of lighting units per column
- e) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby residential properties
- f) Phasing of the implementation of the approved scheme
- g) Times of use of lighting.

Thereafter the lighting and floodlighting shall be erected and operated in accordance with the approved scheme and programme.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to reduce light pollution and to conform with Policy EP28 of the Fylde Borough Local Plan, and Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

12. Any lighting used on the site during the construction period shall only be illuminated during the hours of working specified in condition 4 above.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to reduce light pollution and to conform with Policy EP28 of the Fylde Borough Local Plan, and Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

Highway Matters

13. Measures shall be taken throughout the construction and restoration phases of the development to ensure that no mud, dust or other deleterious materials are tracked onto the public highway by vehicles leaving the site.

Reason: To avoid the deposit of mud and / or loose materials on the highway and to conform with Policy GD7 of the Submission Version to the Fylde Local Plan to 2032.

Safeguarding of Watercourses and Drainage

14. The development must proceed in strict accordance with the submitted Flood Risk Assessment and the mitigation measures identified therein.

Reason: To safeguard against flood risk and to conform with Policy EP30 of the Fylde Borough Local Plan, and Policies GD7 and CL1 of the Submission Version to the Fylde Local Plan to 2032.

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

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy EP23 of the Fylde Borough Local Plan, and Policies GD7, CL1 and CL2 of the Submission Version to the Fylde Local Plan to 2032.

16. The construction and restoration of the site shall be undertaken in accordance with the submitted Construction Environmental Management Plan received on 2nd January 2018. In particular measures shall be taken during all construction and restoration works to control run off from the site to ensure that there is no pollution of adjacent water courses

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to

conform with Policy EP23 of the Fylde Borough Local Plan, and Policies GD7, CL1 and CL2 of the Submission Version to the Fylde Local Plan to 2032.

17. Waste from welfare facilities and other sources shall only be directed to sealed tanks which shall be regularly emptied off-site in an authorised manner. All other construction waste shall be deposited in skips and removed from site at appropriate intervals to an authorised site.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy EP23 of the Fylde Borough Local Plan, and Policies GD7, CL1 and CL2 of the Submission Version to the Fylde Local Plan to 2032.

Landscaping

18. Any hedges and trees forming part of the site boundaries shall be protected from any damage and maintained throughout the development.

Reason: In the interests of visual and local amenity and the local environment to conform with Policy EP18 of the Fylde Borough Local Plan, and Policies GD7 and ENV1 of the Submission Version to the Fylde Local Plan to 2032.

Ecology

19. A pre-construction check of the site by a suitably qualified and experienced ecologist shall be made prior to commencement of the development to ensure the absence of breeding / nesting birds and avoid any potential for an offence under the Wildlife and Countryside Act 1981 (as amended). In the event that a nest is identified, the ecologist shall ensure appropriate measures are implemented to avoid any offence including by protecting the nest and surrounding area.

Reason : In the interests of ecology and to conform with Policy EP19 of the Fylde Borough Local Plan, and Policies GD7 and ENV2 of the Submission Version to the Fylde Local Plan to 2032.

20. The Reasonable Avoidance Measures (RAMS), as presented in Appendix 1 of the submitted and approved Construction Environmental Management Plan received on 2nd January 2018 shall be implemented at all times during site construction and restoration works.

Reason : In the interests of ecology and to conform with Policy EP19 of the Fylde Borough Local Plan, and Policies GD7 and ENV2 of the Submission Version to the Fylde Local Plan to 2032.

Restoration

21. The use of the solar panels shall cease not later than 25 years from the date of the commencement of development as notified to the County Planning Authority under the provisions of condition 2 above. The site shall then be

restored with a further period of one year in accordance with a scheme and programme of restoration to be first submitted to and approved in writing by the County Planning Authority.

The scheme and programme shall include details of:

- a) the removal of all solar panels, supporting frame works, electrical equipment and cable trunking
- b) the removal of all foundations or ballast materials
- c) any cultivation or reseeded works necessary to remediate land that has been affected by the removal of any foundations or ballast materials
- d) the removal of the perimeter security fencing.
- e) the removal of any other materials or plant and equipment in order to ensure that the site is free of impediments to normal agricultural operations.
- f) the aftercare works to be carried out for a period of five years following the completion of the restoration works under a) and e) above to ensure that the site is restored to a standard that is suitable for normal agricultural operations.

Reason: To secure the proper restoration of the site and to conform with Policies SP2 and EP11 of the Fylde Borough Local Plan, and Policies GD4, GD7, GD9, CL3 and ENV1 of the Submission Version to the Fylde Local Plan to 2032.

Notes

Any electrical equipment should be raised from the ground, and the switch gear housing units should be anchored to the ground so as to reduce the impact of flooding.

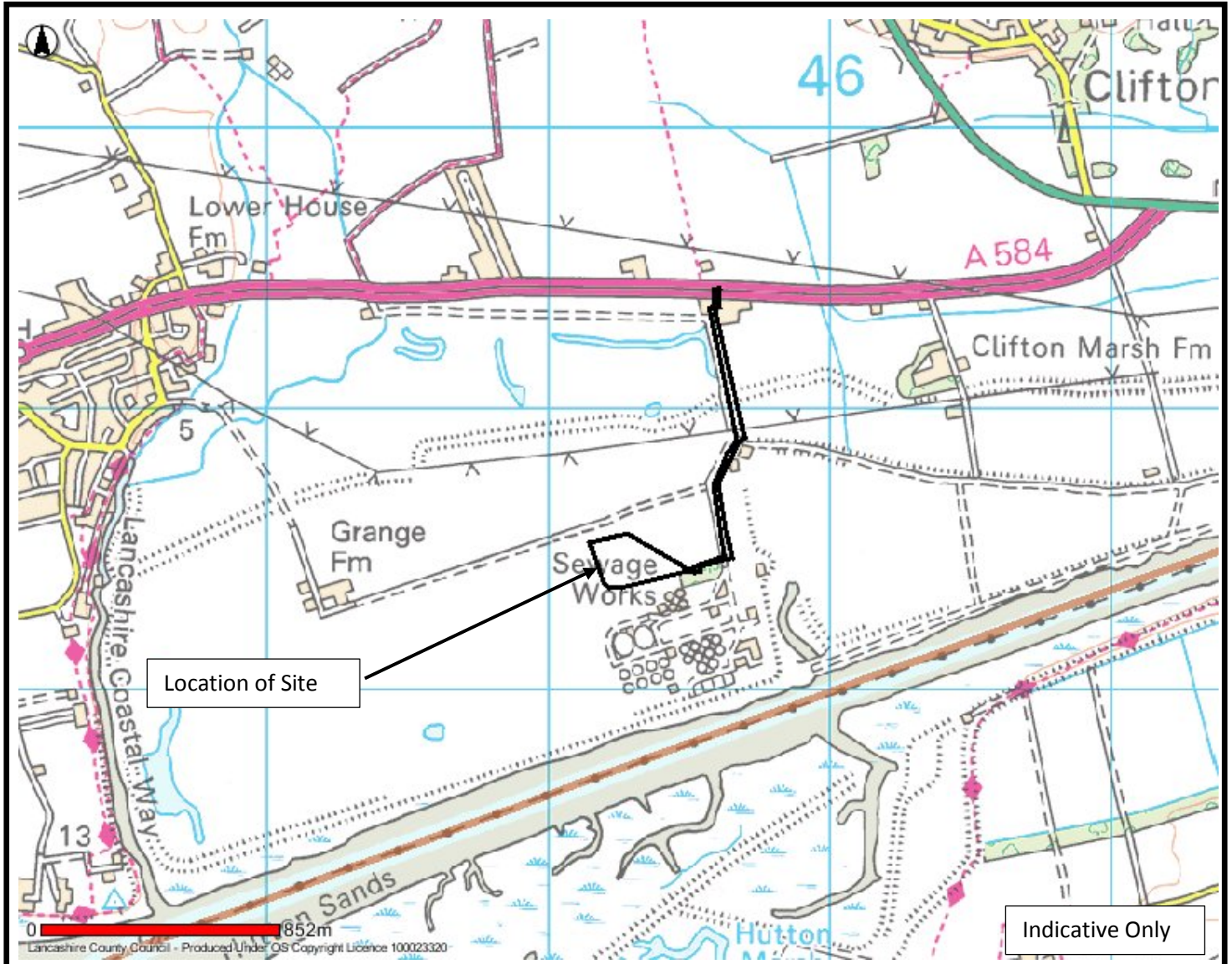
Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2017/0090	23/11/2017	Rob Jones/34128

Reason for Inclusion in Part II, if appropriate

N/A

APPLICATION LCC/2017/0090 THE ERECTION OF SOLAR PHOTOVOLTAIC PANELS AND ASSOCIATED WORKS INCLUDING SECURITY FENCING AND INTEGRAL CONNECTION TO THE EXISTING WASTEWATER TREATMENT WORK SUBSTATION. CLIFTON MARSH WASTE WATER TREATMENT WORKS, PRESTON NEW ROAD, FRECKLETON.



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

Agenda Item 6

Development Control Committee
Meeting to be held on 7th March 2018

Electoral Division affected: Padiham and Burnley West
--

Burnley Borough: application number LCC/2018/0004
New building to house biomass boilers including 2 x 9m high flues at Hapton Valley Colliery Site, Accrington Road, Hapton

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

Executive Summary

Application – New building to house biomass boilers including 2 x 9m high flues at Hapton Valley Colliery Site, Accrington Road, Hapton.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling working programme and hours of materials delivery.

Applicant's Proposal

Planning permission is sought for a new building to house two biomass boilers including two, 9m high stainless steel flues (as measured from ground level). The completed building would be approximately 24m by 42m and 6.8m high at the ridge. The building is, and will be constructed with a lower course of block work, merlin grey coloured wall cladding, and olive green coloured roof cladding. At the time of writing the building is part constructed and the boilers are being installed. Each biomass boiler would have an output of less than 1 MW of power for heating.

Description and Location of Site

The former Hapton Valley Colliery site is a waste transfer station / scrapyard complex located some 500 metres south of the A679 Accrington Road, 3km west of Burnley. To the west is the Network 65 Business Park and to the north is a small residential estate known as Valley Gardens which runs parallel with, and at a lower level to, the access to the site. Burnley Cemetery is located some 100m to the east beyond the Green Brook Valley.

Other waste transfer related operations (and which have the benefit of separate planning permissions) are located elsewhere on the former colliery site. All operations at the site share the access road to the A679.

Background

History

The application site is at the former Hapton Valley Colliery.

Planning permission for the development of a waste transfer station was granted in June 1997 (Ref. 12/96/228).

Planning permission to vary conditions 2 and 13 of planning permission 12/96/228 to allow the redesign of the site layout and to allow skips containing sorted wastes to be stored outside the building was granted in June 1998 (ref. 12/97/479).

Planning permission for the erection of a structure for storage of materials from the nearby Waste Transfer Station to the east of the site was granted in July 2001 (ref. 12/01/0175). The area of this permission covers that subject of application LCC/2018/0004.

Planning permission for the establishment and operation of equipment for shredding of tyres, timber and green waste to the southwest of the site was granted in July 2003 (ref. 12/03/0208).

Planning permission for the erection of a building and hardstanding for end of life vehicle breaking to the southeast of the site was granted in April 2004 (ref. 12/04/0176).

Planning permission for the extension to existing waste transfer and treatment building and realignment of access road, proposed introduction of a concrete crushing operation and levelling of land for the parking of trailers was granted in April 2008 (ref. 12/07/1134).

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 - 19, 56 - 66, 93 – 98, 123 - 125 are relevant with regard to the requirement for sustainable development, core planning principles, building a strong and competitive economy, the requirement for good design, meeting the challenge of climate change, noise and air quality.

Burnley Local Plan – Second Review

Policy GP1 – Development within the Urban Boundary

Policy GP3 – Design and Quality

Consultations

Burnley Borough Council – No objection in principle and in terms of noise and air quality.

Hapton Parish Council – Object as the flues are excessively high and will spoil visual amenities. The plan would result in emissions of nitrogen oxide which creates acid rain near to residential properties and agricultural areas causing environmental problems to farmers.

Coal Authority – The application site **does not** fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for the Coal Authority to be consulted.

Environment Agency – No objection in principle. The installation may require a permit. A medium combustion plant permit would be required for anything with a thermal input of >1MW. The EA will be permitting these for anything that comes into operation after 20th Dec 2018. Otherwise such installations are permitted by the Local authority. Anything below that size is not permitted but covered by the Eco Design Directive.

LCC Highways Development Control - The additional HGV movements associated with the proposed development would have little noticeable impact bearing in mind the current number of vehicles visiting the site and on this basis no objection is raised to the proposal on highway grounds.

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

- Impact on residential amenity.
- Impact on nature conservation and trees, conservation area or listed buildings, animals, owls, birds and air quality, health and wellbeing.
- It is a smokeless environment.
- Inappropriate near a cemetery.

Advice

The former colliery site is used for a variety of waste management activities including materials recycling, tyre shredding, and recycled aggregate production that operate with the benefit of planning permission. The new building subject of this application has replaced a former open fronted industrial shed and concrete yard area that was used for the storage of recycled waste products. The new building would house two biomass boilers, a workshop area, and would also be used to store recycled waste products and woodchip to fuel the biomass boilers.

The NPPF seeks to ensure that the planning system supports and secures sustainable economic growth in order to create jobs and prosperity. The NPPF also states that the planning system plays a key role in securing radical reductions in greenhouse gas emissions, and supporting the delivery of low carbon energy. To help increase the use and supply of low carbon energy, the NPPF advises that planning authorities should recognize the responsibility on all communities to contribute to energy generation from low carbon sources. The NPPF states that applicants for energy development should not be required to demonstrate the overall need for low carbon

energy and that planning authorities should recognize that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF advises that applications for low carbon energy development should be approved if impacts are (or can be made) acceptable.

The application site falls within the Burnley urban boundary. Policy GP1 of the Burnley Local Plan advises that all new development, except that appropriate to a rural area, should be located within the urban boundary subject to meeting certain criteria. This includes considering the use of previously developed land, not having a detrimental effect on residential amenity by reason of noise and other nuisance, and not having a detrimental effect on the safe and efficient operation of the road infrastructure. Policy GP3 of the Burnley Local Plan seeks to ensure that development is of a good design and quality.

The development is small in scale and is of a size and location appropriate for its intended purpose. The design, materials and colour of the building are acceptable. The building has already been partially constructed but has no significant impact on the local area and when completed would similarly be acceptable particularly when considering the built development it would replace.

The heat produced from the boilers is likely to be transferred via underground ducting to other parts of the waste management site including use for the drying of solid recovered fuel (SRF). Development associated with this aspect may be subject to separate planning applications. The site is within a Smoke Control Area. However, the applicant has stated that the boiler type is listed by DEFRA as an exempt appliance under the Clean Air Act 1993 and meets air quality emissions requirements for the non-domestic renewable heat incentive scheme using compliant imported virgin woodchip. No waste products would be used as fuel in the boilers. On this basis it is unlikely that air quality issues would arise.

The nearest residential properties are located at Valley Gardens some 225m from the building and the cemetery is over 100m distant. Sound level data has been provided for the boiler components, which demonstrates that they would not be a significant noise source, particularly when housed within the building and would be unlikely to have any impact on sensitive neighbours given the stand-offs.

Neither Burnley Borough Council nor the Environment Agency have raised concerns in respect of air pollution or noise control and given the nature and location of the proposal it is considered that detrimental impacts would be unlikely.

Vehicle movements for the importation of fuel are estimated to be 2-3 HGVs per week, which would be insignificant in relation to the existing site operations. The County Council's Highways Development Control officer has commented that the additional HGV movements associated with the proposed development would have little noticeable impact bearing in mind the current number of vehicles visiting the site and on this basis no objection is raised to the proposal on highway grounds. However, in line with the operating hours for the main waste transfer activity it is considered reasonable and necessary in the interests of the amenity of local residents to restrict HGV delivery times to 0700-1800 hours Monday to Fridays and 0700-1300 on Saturdays with no deliveries on Sundays or Public Holidays.

The built development and operation of the biomass boilers would have no impact on trees or nature conservation interests, the site is not in a conservation area and no listed buildings would be affected.

Overall, it is considered that the development accords with the policies of the NPPF and the Development Plan.

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

Recommendation

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

Working Programme

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

- a) The Planning Application form dated 14.12.17

- b) Submitted Plans and documents:

Drawing no 501, Rev C - Existing and Proposed Biomass Boiler Plans, Elevations, Location Plan and Drainage Scheme.

Drawing no. 11575/30 - Biomass Boiler Infrastructure Layout Plan.

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 G1 and G3 of the Burnley Local Plan.

2. No delivery or removal of materials to or from the biomass boiler building shall take place outside the hours of:

0700 to 1800 Monday to Friday (except Public Holidays),
0700 to 1300 hours on Saturday.

No delivery or removal of materials to or from the biomass boiler building 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 conform with Policy G1 of the Burnley Local Plan.

Notes

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

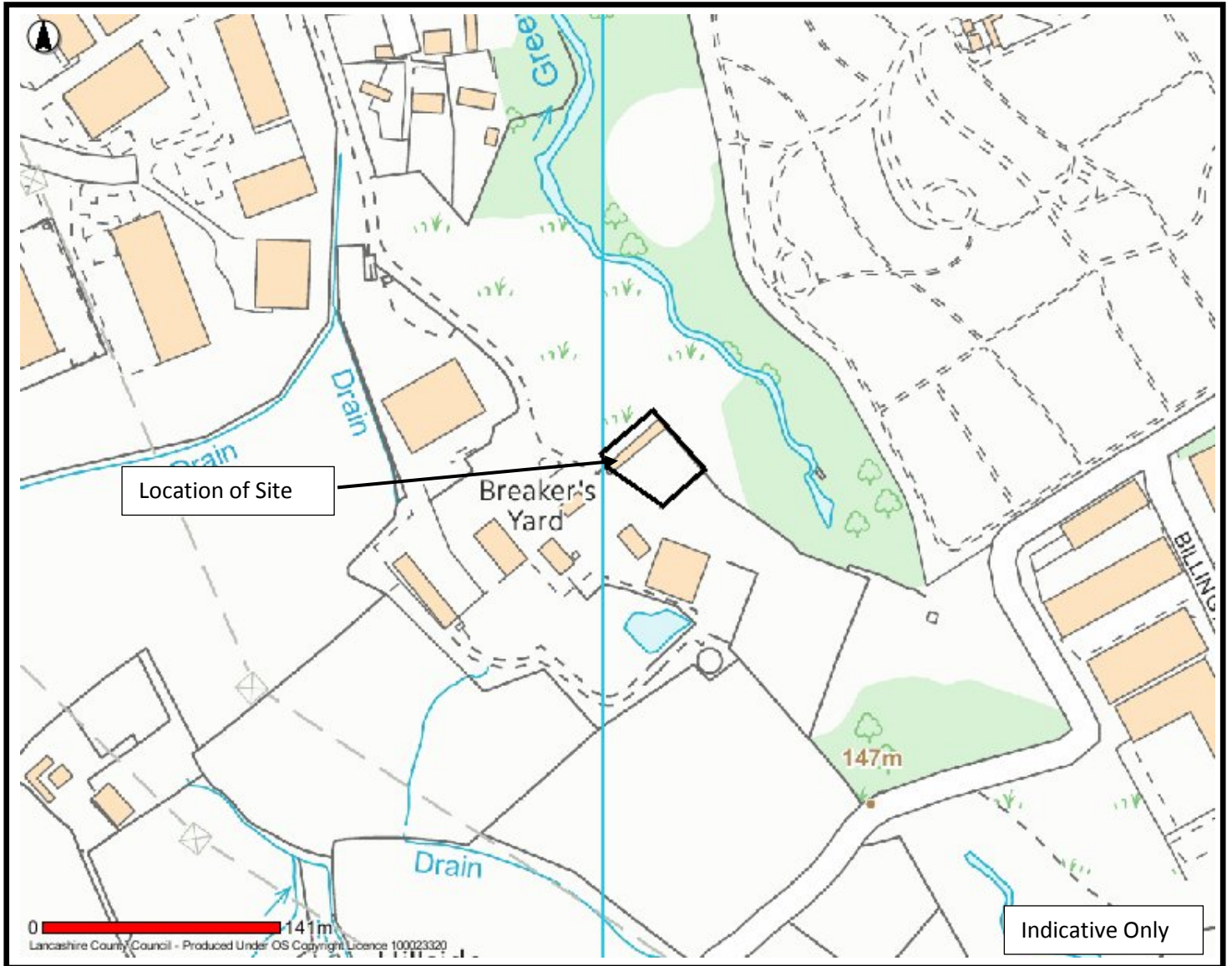
Local Government (Access to Information) Act 1985
List of Background Papers

Paper	Date	Contact/Ext
LCC/2018/0004	Feb 2018	R Hope/34159

Reason for Inclusion in Part II, if appropriate

N/A

APPLICATION LCC/2018/0004 NEW BUILDING TO HOUSE BIOMASS BOILERS INCLUDING 2 X 9M HIGH FLUES. HAPTON VALLEY COLLIERY SITE, ACCRINGTON ROAD HAPTON



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

Development Control Committee Meeting to be held on 7th March 2018

Electoral Division affected:
Chorley Central

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

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

Background

A report relating to a planning application for the creation of a car park extension at Astley Park School, Harrington Road, Chorley, formed part of the agenda to the meeting of the Development Control Committee on 24th January 2018. The report to the 24th January Committee is attached as Appendix A.

At the meeting, presentations under the Committee's public speaking procedures were made by a local resident, and by the School Business Manager. The issues raised by each of the speakers can be summarised as follows:-

The resident objected to the proposed extension for the following summarised reasons:

- The loss of playing fields would have an adverse impact on the school children.
- The car park would have a detrimental impact on the character of the area and would result in overall disruption to residential amenity due to loss of view and impacts from car headlights.

- Vehicles waiting to access and exit the car park on the narrow, single track, access road cause a 'bottle neck' effect which impacts on residents.
- There is no need for the extension as there are pay and display car parks available within a 4 minute walk from the site.

The School Business Manager explained that the need for the extra parking spaces was derived from rising pupil numbers and staff at the school. The school had been allowing the temporary parking of vehicles on unallocated areas within the school grounds, including on part of the application site, to address the demand for further parking spaces and to reduce issues of parking on adjacent public roads and also to encourage volunteers. It was explained that the application proposes to formalise the use of the area as a formal parking area which should help mitigate some of the impacts on residents in terms of on street parking and congestion. It was reported that the school would ensure that all cars reversed into the new car parking spaces thereby minimising the impact on residents. With regard to loss of playing field, the committee was advised that the school had 6.3 acres of playing fields and that 1.5 acres was proposed to be taken up by the car park extension. There would also be less likelihood of congestion on the access road to the car park should the extension be granted.

Following debate, the Committee resolved to visit the site.

Advice

At the site visit, Members will be able to view the site to assess likely impacts on residential amenity and also gain an appreciation of the highway impacts at the school.

At the 24th January Committee, the local resident objecting to the proposal raised concerns that the proposed development would have highway safety implications and negative impacts on the character of the area. The school is accessed from the northern end of Harrington Road using an access road approximately 4 metres wide which then turns into the school car park. During peak times (drop off and pick up) the school has approximately 25 vehicles (minibuses and cars) trying to gain access onto the school site. Due to space constraints on the school car park some of these vehicles are forced to park outside the school site on Harrington Road until space has been created on the school car park. Traffic movements to and from the car park are managed by members of staff at the school who direct vehicles accessing and egressing the site to / from Harrington Road.

LCC Highways have welcomed the proposal as it would allow cars that currently park on the surrounding streets to park on the new car park which would reduce congestion on Harrington Road which is itself of limited width. They also advise that the access road into the school site could not be widened into two lanes as the footpath located next to the access road has to be wide enough for wheelchair users trying to gain access into the school. Widening of the access road would also require removal of a significant tree. Highways conclude that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. It is not considered that the car park would intensify the

use of the access road to such a degree as to make its widening essential prior to the extended car park being brought into use.

The new car park spaces would be used by school staff and would not increase vehicle movements associated with the operation of the school. The additional parking would have benefits in terms of easing on-street parking on Harrington Road thereby addressing existing highway safety and amenity issues. It is therefore considered that the development can be supported and that any remaining impacts can be adequately addressed through 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 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 Layout

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
LCC/2017/0094 Environment / 01772 538810	January 2018	Faiyaz Laly / Planning and

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

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.

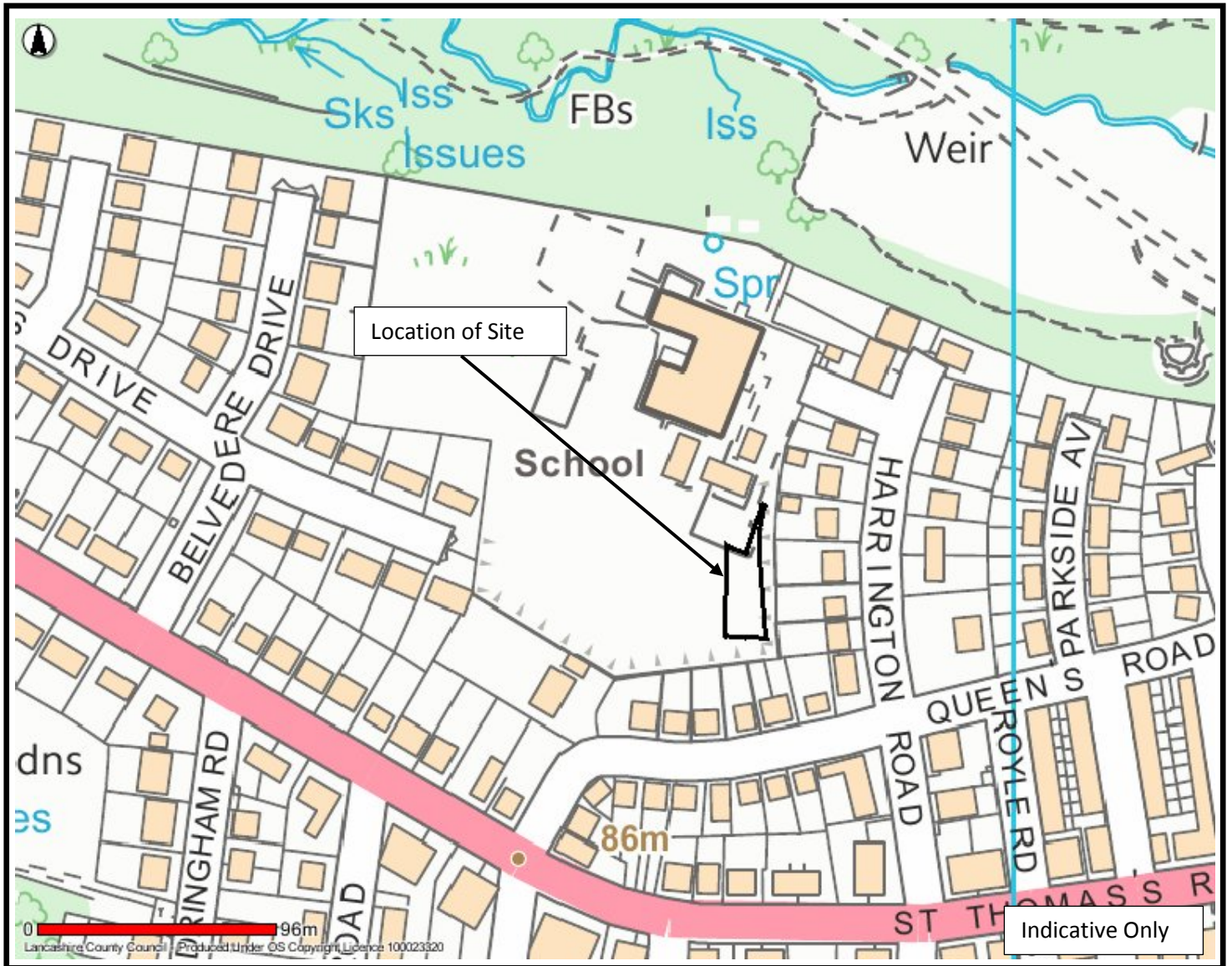
Local Government (Access to Information) Act 1985 List of Background Papers

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

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



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

Development Control Committee
Meeting to be held on 7th March 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 24 January 2018, the following decisions on planning matters have been taken in accordance with the County Council's Scheme of Delegation.

Lancaster

Application: No. LCC/2017/0092
Chadwick High School, Mainway, Lancaster.
Erection of 2.4m and 3m high boundary fence.

Wyre

Application: No. LCC/2017/0086
Lancashire Waste Recycling, Burn Hall Industrial Estate, Venture Road, Fleetwood.
Erection of detached office and workshop / maintenance building with associated car park and cycle storage areas and relocation of existing weigh bridge and associated weighbridge office.

South Ribble

Application: No. LCC/2017/0089
Blackburn Waste Water Treatment Works, Cuerdale Lane, Samlesbury.
New permanent access in to the east side of the treatment works.

West Lancashire

Application: No. LCC/2017/0088

Whitemoss Horticulture, North Perimeter Road, Knowsley Industrial Park, Kirkby.

Variation of condition 5 of permission LCC/2015/0103 to allow the increase in height of the stockpiles from 3m to 5m.

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/20170092

LCC/2017/0086

LCC/2017/0089

LCC/2017/0088

Reason for inclusion in Part II if appropriate.

N/A

Development Control Committee Meeting to be held on 7 March 2018

Electoral Division affected: None

Amendments to the Constitution - Development Control Committee

Contact for further information:

Josh Mynott, Tel: (01772) 534580, Democratic and Member Services Manager,
josh.mynott@lancashire.gov.uk

Executive Summary

At the Full Council meeting on the 22 February 2018, the Full Council agreed the following changes to the Council's Constitution in relation to the Development Control Committee:

- i. To enable Cabinet Members to speak at meetings of the Development Control on issues of local interest.
- ii. To make training on Development Control matters mandatory for any member of the Development Control Committee.

Recommendation

The Development Control Committee is asked to note the changes, as set out in the report, to Standing Order 19(2) and to the Terms of Reference of the Development Control Committee.

Background and Advice

Cabinet Members right to speak at Development Control and Regulatory Committee

Prior to the Full Council decision on the 22 February 2018, Standing Order (SO) 19 (2) related to the right of Members to attend and speak at Committee of which they are not a member. The wording of the relevant section is:

- "19. (1) Subject to Standing Orders 19(2) and 19(4), and to the provisions of "the Councillors Code of Conduct, any Councillor may attend meetings of the Cabinet and any Committee including those of which they are not a member. They may not speak without the consent of the Cabinet or Committee, or in any case vote.
- (2) Cabinet Members shall not be members of the Development Control Committee or the Regulatory Committee and shall not be entitled to attend meetings of those Committees by virtue of Standing Order 19(1)."

SO 19(2) was intended to prevent any potential conflict between the role of the executive and the committee, and it remains important that this is the case. However, it also has the effect of preventing members of the Cabinet speaking as local representatives on matters of interest in their own area. This is clearly unfair on members of the Cabinet and to people living in their divisions. Full Council therefore agreed to change the wording of SO 19(2) to:

- '(2) Cabinet Members shall not be members of the Development Control Committee or the Regulatory Committee but shall be entitled to attend any part of a meeting of those Committees in accordance with Standing Order 19(1) where a matter affecting their electoral division is under discussion.'

Mandatory Training

It is recognised that the Development Control Committee deals with very important and complex issues, and Members taking those decisions need to have a good understanding of the legal and regulatory framework in which they operate. Whilst regular training is provided, it was not mandatory for members of the Committee to undertake this training.

The Full Council has now made training mandatory for any Member who wishes to serve on the Committee. This will result in better informed and more robust decision making.

To achieve this aim, the following has been added to the Committee's Terms of reference:

"All members of the Committee must:

- i. Have undertaken mandatory training on the relevant law and procedures which relate to the committee's work.
- ii. Undertake further mandatory training on an ongoing basis whilst they continue to be members of the Committee"

The decision on whether training is mandatory will lie with the Monitoring Officer. All Members will be informed in advance if training is mandatory.

This requirement applies to both regular 'permanent' members of the Committee, and also to any Members who are appointed as replacement 'temporary' Members. All mandatory training will be open to all County Councillors to ensure that there are Members with the necessary knowledge and understanding to act as replacements should they be required to do so. Training may relate to general matters of development control; or it may relate to specific issues and topics.

It is proposed to hold the first mandatory training event in early June (date to be advised). Members of the Committee who are unable to attend will be offered an alternative date.

Until the first mandatory training session has taken place, all Members remain entitled to continue to serve on the committee.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

There are no legal or financial implications. The proposals in relation to mandatory training will help ensure decisions made by the Development Control Committee are robust in the face of potential challenge.

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

Paper	Date	Contact/Tel
-------	------	-------------

N/A

Reason for inclusion in Part II, if appropriate

N/A

