

## **Development Control Committee Update – 1<sup>st</sup> March 2017**

### **Item 5 Beconsall Exploration site**

On Monday 27<sup>th</sup> February 2017, Members received a presentation from Ribble Estuary Against Fracking (REAF). The issues raised in the presentation are summarised as follows:

- REAF consider that the variation to condition 16 relating to noise should also have incorporated a variation to the condition relating to hours of working.
- REAF state that they have submitted a specialist report in relation to noise which is not referred to in the officer's report.
- The existing permission for the site is LCC/2014/0047. The planning conditions that were attached to that permission must have been considered to have met the relevant tests for conditions at that time. When that application was determined, there was plenty of time to discuss the wording of condition 16 so why is there a need to vary it now?
- There are differences between the title of the application on the application form and how the application was advertised which is confusing.
- The noise levels proposed are way in excess of those that were originally proposed. The site is surrounded by open fields with low daytime noise levels and very low night time background noise levels. The site is also close to the Ribble Estuary and its associated bird species – the area is therefore a very noise sensitive area.
- The proposed change to the noise level and the monitoring location will allow 8x more noise to be produced
- It is not correct to say that the applicant is likely to breach the 42Db(A) – these are average noise levels over one hour and therefore the operator could make noise above 42 db(A) without breaching the condition.
- REAF urge Members to reject the application as the site can be restored under the conditions that have been previously applied

### **Consultations**

Environment Agency: No comment to make – the proposed variation to planning permission LCC/2014/0047 would not duplicate or conflict with any EA regulation of the site.

Health and Safety Executive: The operator is required to provide notification to the HSE prior to decommissioning and abandoning the well. The notification allows HSE inspectors to scrutinise the activity to ensure the well is abandoned in accordance with the OFFSHORE Installations and Wells (Design and Construction) Regulations. These regulations require all oil and gas wells to be abandoned in such a way so that there can be no escape of liquids from the well.

### **Representations**

A representation has been received from REAF which includes their own noise assessment and which raises the following issues:-

- The application has been incorrectly advertised as it only refers to the variation of condition 14. The applicant is also proposing to vary condition 8 (hours of working) as they propose the plugging and abandonment works during the night time period.
- The noise levels in the advertisement should have included (1 hour) (free field) after the noise level – the absence of this information makes a considerable difference to the noise level.
- Natural England and the RSPB should have been consulted given the relationship with the wetland areas close to the site.
- REAF have also commissioned a noise assessment. This concludes that the proposed noise level of 55Db(A) would significantly exceed the background noise level and would be contrary to the Planning Policy Guidance for noise from mineral workings.

### **Advice**

In relation to the representation from REAF, the application has now been modified so that there is no proposal to undertake any works during the night time period. It should also be noted that condition 8 of the existing permission allows plugging and abandonment works during the night time period so even with the original proposal to undertake these works within the night time period, no variation to condition 8 was required.

The advert did not include the full information about noise levels. However, the advert refers any reader to the County Council's website where the full details of the proposal can be viewed. It is considered that the advert considered sufficient detail such that the purpose of the application was clear.

The issues in relation to consultation with Natural England and noise levels are covered in the report.

### **Conditions**

The applicant has reviewed the proposed conditions and has requested that the time limits for restoration in Condition 1 be 31<sup>st</sup> October 2017 rather than 31<sup>st</sup> August. This change is considered acceptable – it would ensure that the site is restored prior to the bird over wintering season and would still ensure that the site is restored earlier than required under the existing permission

### **Item 6 – Application LCC/2016/0084 - Foggs Farm**

#### **Consultations**

LCC Highways Development Control: No objection as the development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site and the proposed route for HGVs is acceptable. If planning permission is

granted, a condition should be attached requiring that no development shall commence until the access has been approved in accordance with a scheme to be approved by the Highways Authority under section 278 of the Highways Act.

Advice: Condition 6 requires the access improvements contained in the applicant's transport statement to be undertaken prior to any waste material being imported which is considered to be an appropriate way to address the highway impacts. The following note should be added to the permission advising the applicant that the access improvement works will need to be the subject of a section 278 agreement as they involve works within the public highway.

Note: This consent requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980, the County Council, as Highway Authority, must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Before any works to the access commence you should contact LCC Highways, Cuerden Way, Bamber Bridge, Preston, PR5 6BS, Tel: 01772 658560 quoting the planning permission reference.

#### **Item 7 – Application LCC/2017/0004 – Heyhouses Endowed C of E Junior Primary School**

##### Consultations

LCC Highways Development Control – No objection. The provision of the pod classroom is not expected to result in any significant increase in peak period traffic movements.

It is acknowledged that the current school operations result in a few parking and movement issues. In order to support highway safety, it is recommended that the applicant pursue a day time waiting restriction over a length of Clarendon Road North from the existing 'no waiting at any time' (double yellow lines) at Ramsgate Road/Clarendon Road North to a point some 25 metres east. This would provide a safer environment to allow pedestrian movements across Clarendon Road North in this location, with improved visibility which will also prevent children and parents having to cross between parked vehicles.

It is also suggested that no part of the development hereby approved shall be occupied or opened for use until an updated School Travel Plan that reflects both this proposal and the full permitted land uses on the site has been submitted to and approved by the County Planning Authority.

##### Advice

The suggestion by LCC for a waiting restriction over a length of Clarendon Road North Monday to Friday 8:00 am to 6:00pm, is noted. However, the suggested parking restrictions would require a Traffic Regulation Order (TRO) that is a separate legal process that would have to be pursued outside the planning process and which therefore should not be the subject of a planning condition.

With regard to the request for a school travel plan, such a requirement was included on the planning permission ref 5/13/0122 for a new school on this site which was granted in June 2013. It is not considered necessary to repeat the requirement on the permission for classroom pod.

## **Item 9 – LCC/2016/0090 - Balshaw Lane**

### **Consultations (summary)**

Further comments have been received from Euxton Parish Council following the submission of the applicant's Transport Statement. The Parish Council maintains its objection. The transport statement identifies the issues but concludes that there would be no unacceptable impacts. The Council considers that the proposed car parking would be insufficient and that no effort has been made to manage on-street parking and reduce the inconvenience to local residents. No effort has been made to provide off-street parking. Opportunities for off-street parking may be limited but options could be considered near Euxton Skatepark or Euxton Cricket Club. The Council considers that the proposed expansion should be withdrawn.

### **Advice**

Most of the issues have already been addressed in the report. In terms of off-site car parking options, the land suggested is outside the control of the applicant and therefore cannot be considered as part of the application. The school and nursery are looking at options to provide alternative access but this would be investigated separately.