

## Annex A

### Development Control Committee Update – 14<sup>th</sup> November 2018

#### Item 4 – Application LCC/2018/0019 – Westby Landfill Site

##### Consultations

###### Representations

An objector has submitted records from a seismograph local to the landfill site on Saturday and Sunday 3rd and 4th November 2018 and on Wednesday 7th November 2018. The objector states that this demonstrates the vibrations that are experienced at properties near to the site when it is operating.

##### Conditions

The applicant has submitted an email in relation to the proposed conditions:

Condition 13 – this should require that ‘all HGVs’ instead of ‘all vehicles’ leaving the site should use the wheel cleaning facilities because it would not be appropriate to make all cars drive through the wheel wash.

Condition 19 – The applicant considers that the requirement should not relate to screening plant as the use of dust suppression sprays on such equipment can hinder the effectiveness of the plant.

Condition 28 – the applicant disputes the need for condition 28. They are of the view that condition 4 requests a restoration phasing plan plus timescales which combined with the requirement of condition 7 to submit an annual topographical survey, allows adequate tracking of progress without the need for condition 28. They say that condition 28 would be detrimental in terms of business planning and investment and would not allow for fluctuations in inputs year on year, due to market forces, which may even themselves out within the 10 year timespan.

##### Advice

###### Response to further representations

The resident is of the view that activities on the site are generating vibrations that are being picked up by seismic monitors that have been installed in the area. These monitors have been installed to allow monitoring of seismic impacts generated by the nearby Preston New Road hydraulic fracturing site. The monitors are very sensitive and will pick up vibrations caused by activities at the ground surface as well as those caused by fracking activities. However, due to the distance from the site to the resident's property and the nature of activities at the site, it is not considered that there would be unacceptable vibration impacts

###### Email from applicant relating to proposed conditions

Condition 13 should be amended as suggested by the applicant to read as follows:

'The wheel cleaning facilities at the site shall be maintained in full working order and shall be used by all *HGV's* leaving the site during the development so as to ensure that no debris from the site is deposited by vehicle wheels upon the public highway.'

Condition 19 - The changes requested by the applicant are not supported. The condition does not require water suppression to be fitted to all plant and there are other measures that can be fitted to reduce dust emissions from such plant that do not require the application of water.

Condition 28 – On reflection it is considered that the combination of conditions 4 and 7 should provide a means to control the phasing of the site and monitoring of the progress of tipping. If tipping progress did not match the phasing as set out in condition 4, it would provide a mechanism for reviewing matters.

The applicant has also been asked to review the wheel cleaning measures at the site. Whilst they consider that the existing wheel cleaning measures are adequate, the applicant does say that if a further planning permission is forthcoming, they will undertake further improvements to the internal site roads including increasing the amount of surfaced road. It is considered that this would improve the cleanliness of vehicle wheels to the benefit of the local environment. It is considered that a further condition should be imposed relating to this matter as follows:-

12. Within three months of the date of this permission, a scheme and programme detailing the further lengths of internal road that are to be hard surfaced shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall detail the lengths of road to be surfaced, the means of hard surfacing and a timescale for undertaking the works.

The works shall thereafter be undertaken in accordance with the details and timescale as set out in the approved scheme and programme.

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

A number of other minor amendments to the conditions are recommended as follows:-

Condition 2 should be amended by including the following text in italics:

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

a) Planning Permissions Nos. 5/93/115, 5/98/124, 5/99/27 and 05/09/0152, as amended by Planning Application LCC/2018/0019 and Planning Statement received by the County Planning Authority on 22 May 2018, and the emails received from the applicant on 12 July 2018.

b) Submitted Plans and documents accompanying planning permission 5/99/27:

Drawing no. JEK/WW/TS1A - Location Plan  
Drawing No. JEK/4W - Infrastructure Layout Phases 13 to 23

Submitted Plans and documents accompanying planning permission 05/09/0152:

Drawing No. TC/P2057/JEK/TIMEX 08 - Location Plan  
Drawing No. P2057/04/SK-1/A - Cell Development Plan  
Drawing No. J1982\_08/D/C\_500/STH/B - Site Survey  
Drawing No. J2025\_08 - Digitised Data of Final Profile  
Drawing No. J2025\_08/XS/LS/2 - Proposed Final Profile and Existing Profile

Submitted Plans and documents received by the County Planning Authority on 22 May 2018 accompanying planning application LCC/2018/0019:

Drawing No. 09516/01 - Site Location Plan  
Drawing No. 09516/12A - Site Plan  
Drawing No. 09516/14 - Cell Layout  
Drawing No. sss-7294 - Topographical Survey

*Submitted Plans and documents received by the County Planning Authority on 11 October 2018 accompanying planning application LCC/2018/0019:*

*Habitat Management Plan dated October 2018*

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

Condition 3 should be amended by including the following text in italics:

'The landfilling operations approved by this permission shall be landfilled in phases in the numerical order, as indicated on *Drawing No. 09516/14 - Cell Layout*.

Non-hazardous active industrial, commercial and demolition waste shall only be deposited in cells 1 and 2 at the site, as indicated on Drawing No. 09516/14 - Cell Layout.

Non-hazardous inert industrial, commercial and demolition waste shall only be deposited in cells 3 - 14 at the site, as indicated on Drawing No. 09516/14 - Cell Layout.'

## **Item 5 Application - LCC/2016/0046 - Preston Western Distributor Road**

### **Representations**

Since the report was prepared two further letters of representation have been received from DPP, a consultant working on behalf of Tom Barron Farms Ltd, a land owner at the northern end of the scheme. The letters raise the following issues:-

- DPP state that the scheme would require a licence from Natural England due to impacts on European protected species (great crested newts). DPP state that such a licence can only be issued where it can be demonstrated that the

three tests in the Habitats Directive are satisfied including that there is no satisfactory alternative to the proposed scheme. DPP consider that there is an alternative scheme which would not have the same impacts on protected species and therefore to grant planning permission for the proposed alignment would offend the requirements of the Directive.

- DPP also state that the incorporation of the Hodder Aqueduct into the scheme has not been properly advertised and consulted upon and the dates when information has been submitted or amended are incorrect.

## Advice

In relation to the protected species issue, the report to the 4<sup>th</sup> October 2017 Committee did address the issues relating to the three tests in the Habitats Regulations (pages 81 and 82 of the report). It also deals with the issue of alternative route options (pages 66 – 69 of the previous report). The conclusion of the report was that the proposed route was the only option when considering all environmental impacts of the road. It is therefore my opinion that the County Council has addressed the requirements of the Habitats Regulations including the test relating to alternatives.

In relation to the Hodder Aqueduct issue, further information has been submitted but this was advertised according to the Regulations on 13<sup>th</sup> October 2018. On the second issue, the County Council has reviewed the sequence of information being submitted and does not consider that there is any procedural error. All further submitted information has been advertised and consulted upon.