

**Development Control Committee**  
Meeting to be held on 15<sup>th</sup> October 2014

Electoral Division affected:  
Fylde West

**Fylde Borough: Application LCC/2014/0105**  
**Construction of a bund with soils and inert waste. Ream Hills Farm, Mythop Road, Weeton**

Contact for further information:  
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**Executive Summary**

Application - Construction of a bund with soils and inert waste. Ream Hills Farm, Mythop Road, Weeton.

**Recommendation – Summary**

That planning permission be **refused** for the following reasons:-

- 1) Part of the proposed bund is located within an area having a high probability of flooding. The creation of the bund would result in a loss of flood storage capacity and unacceptably increase the risk of flooding elsewhere contrary to policy EP30 of the Fylde Borough Local Plan.
- 2) The development is not considered to be essentially required in order to support the continuation of the existing tourist facilities and by reason of scale and design would harm the character of the surrounding countryside. The development is therefore contrary to Policies SP2 and EP11 of the Fylde Borough Local Plan.

**Applicant's Proposal**

Planning permission is sought for the construction of a bund using soils and inert waste at Ream Hills Farm, Mythop Road, Weeton. The purpose of the bund, which would be landscaped with trees / shrubs, is to provide shelter from the wind to the tourist facilities on the site. The proposed bund would be constructed from soils and inert waste, and would run the total length of the north-west boundary of the site towards the M55 motorway. The bund would measure 860m in length and approximately 30m in width, with a height of approximately 2.5m.

The development would involve the importation and deposit of 62,500 cubic metres of inert waste materials over a period of two years. The operations would take place on weekdays between 07:30 and 16:30 and on Saturdays between 07:30 and 13:30. The development would generate a maximum of 60 HGV loads per day.

## **Description and Location of Site**

The application site is an area of agricultural land measuring 3.0 ha in area at Ream Hills Farm, which is located approximately 1.4km west of Weeton and 200m north of the M55 motorway.

The proposed bund is located adjacent to an existing field boundary with a hedge / ditch to west of the Ream Hills Farm itself and adjoins the M55 motorway at its southern end. Wildings Hill Wood is located adjacent to the field boundary but would not be directly affected by the proposed bund.

The southern end of the bund lies within Flood Zone 3 (area having a high probability of flooding).

## **Background**

Planning permission on land to the east of Ream Hills Farm was granted in October 2009 (ref no. 05/09/0437) for the raising of land levels to form a new horse paddock.

## **Planning Policy**

National Planning Policy Framework (NPPF)

Paragraphs 28, 99 – 103, 109 and 118 are relevant with regards to the protection of the character of the countryside, conserving and enhancing the natural environment, and the flood risk issues of new development.

Joint Lancashire Minerals and Waste Development Framework Core Strategy (JLMWDF)

Policy CS7 Managing our Waste as a Resource

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy NPPF	Presumption in Favour of Sustainable Development
Policy DM2	Development Management

Fylde Borough Local Plan

Policy SP2	Development in Countryside Areas
Policy SP8	Expansion of existing businesses and commercial operations
Policy TREC7	Touring caravans and camping sites
Policy TREC10	Countryside Recreation
Policy EP11	Development in Rural Areas
Policy EP30	Development within Floodplains

## **Consultations**

Fylde Borough Council – Object to the proposed development on the basis that it would be excessive in size and inappropriately designed to the extent that it would

detract from the character of the surrounding countryside, and that the development is not essential for the continuation of any rural enterprise at the site. Concerns are also raised over the highway safety implications of the development with the increased number of vehicles that will access the site to construct the bund.

Environment Agency – Object to the proposed development on the basis that part of the bund is located with Flood Zone 3 with a high probability of flooding and that the construction of the bund would prevent flood waters entering the area and would result in a net loss of flood storage and increased flooding elsewhere.

National Air Traffic Control: The application does not conflict with any airport safeguarding policies.

LCC Developer Support (Highways): No observations received.

Representations – The application has been advertised by press and site notice. No representations have been received.

### **Advice**

Planning permission is sought for the construction of a bund with soils and inert waste at Ream Hills Farm, Mythop Road, Weeton. The applicant states that the purpose of the bund would be to provide shelter from the wind to the tourist facilities on the site which includes a recently constructed caravan / camp site, accommodation lodges and a large lake that is used for wakeboarding, paddle boarding and a range of other water sports. The bund would be approximately 2.5 metres in height and would be planted with trees and shrubs to provide a landscaped feature which would shelter the areas of the site used for these activities from the prevailing south westerly wind.

The main issues raised by the application include the impacts on the flood plain, the appropriateness of the bund in the landscape and the need for the mound in terms of its stated purpose.

Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk of flooding. Policy EP30 of the Fylde Borough Local Plan states that development will not be permitted which would create an unacceptable increase in the risk of flooding within the development site or elsewhere. The southern - most 300 metres of the bund is located adjacent to a ditch that passes under the M55. The area of land directly north of the M55 adjacent to the ditch is located within Flood Zone 3 which is an area defined as having a high probability of flooding. The construction of the bund in this area would prevent waters from entering the flood zone and would therefore prejudice the ability of this area to function as flood storage and may increase the risk of flooding elsewhere. The Environment Agency state that the flood risk assessment submitted with the application fails to adequately address this issue. The applicant has been advised that this issue could be resolved by removing that part of the bund that lies within the flood plain but the applicant has declined to amend the proposal. The development is therefore contrary to the NPPF and policy EP 30 of the Fylde Borough Local Plan.

Policy SP2 of the Fylde Borough Local Plan states that within countryside areas, development will not be permitted except for that essentially required for the purposes of agriculture, horticulture or forestry or other uses appropriate to a rural area or development essentially needed for the continuation of an existing enterprise or operation of a type and scale which would not harm the character of the surrounding countryside.

Whilst the applicant contends that the bund is required as part of the permitted tourism / recreational uses, it is considered that the bund is not essential for the successful operation of these uses. The majority of the bund is located at some distance from the parts of the farm, including the lake, that are used for these activities and therefore it is considered that the mound in its proposed location would have very little sheltering benefit for these activities in any event. The tourism uses appear to have established successfully taking into account the current wind conditions and therefore it is not considered that the bund is essentially needed for the continuation of the existing enterprise. For these reasons, the development conflicts with a key criteria of Policy SP2 of the Fylde Borough Local Plan.

Policy EP11 of the Fylde Borough Local Plan requires that new development in rural areas should be sited in keeping with the distinct landscape character types identified in the Landscape Strategy for Lancashire. The site is located in the South Fylde Mosses landscape character area, the key features of which are the flat, open countryside. The Strategy aims to enhance landscape character by careful siting and design of development and limiting tree planting to locations where there is established tree cover. The proposed mound would extend over a considerable distance and whilst not particularly high needs to be of sufficient width to allow the development of a substantial belt of planting which the applicant maintains is required to provide shelter to the nearby recreational / tourism activities. The bund would therefore require the importation of a substantial volume of waste soils and clays over a period of two years. It is considered that the creation of a mound of this length would create a substantial linear feature in a generally flat and open landscape, the impact of which would be amplified by the proposed tree planting along its length. The proposed mound would therefore conflict with the local landscape character in this area contrary to Policy EP11 of the Fylde Borough Local Plan.

An area of land at the southern end of the bund is also safeguarded under Policy TR11 for the construction of the proposed Fylde Coast Easterly Bypass. The policy states that development which would prejudice the future implementation of the road scheme will not be permitted. Given the scale of the mound, it is not considered that the development would prejudice the future construction of the road and therefore it is considered that the development is acceptable in terms of Policy TR11. However, compliance with this policy does not outweigh the conflicts with the other policies of the local plan that have been identified above and for those reasons, it is considered that planning permission for the construction of the bund should be refused.

Human Rights Issues:-

The proposal raises issues relating to the protection of amenity and property under Article 1 of the 1<sup>st</sup> Protocol of the Human Rights Act 1998.

Article 1 of the 1<sup>st</sup> Protocol concerns the enjoyment of property and provides that everybody is entitled to the peaceful enjoyment of his possessions and that no one should be deprived of the enjoyment of property except in the public interest. The applicant has rights under this article. However, the County Council has a duty to secure the proposed location and design of waste development in order to protect the character of the countryside as set out in the policies of the development plan. It also has a duty to ensure that floodplains continue to operate effectively in order to avoid increasing the risk of flooding elsewhere and to safeguard highway safety. The proposal would conflict with these policies of the development plan designed to achieve these aims and the interference in the rights of the applicant is therefore considered to be justified in order to protect the public interest. It is considered that the public interest can only be safeguarded by the refusal of permission and that the refusal of the application would not be disproportionate.

### **Recommendation**

That planning permission be **refused** for the following reasons:-

- 1) Part of the proposed bund is located within an area having a high probability of flooding. The creation of the bund would result in a loss of flood storage capacity and unacceptably increase the risk of flooding elsewhere contrary to policy EP30 of the Fylde Borough Local Plan.
- 2) The development is not considered to be essentially required in order to support the continuation of the existing tourist facilities and by reason of scale and design would harm the character of the surrounding countryside. The development is therefore contrary to Policies SP2 and EP11 of the Fylde Borough Local Plan.

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

Paper	Date	Contact/ Directorate/ Ext
LCC/2014/105 Environment, 34130	18.6.2014	Jonathan Haine,

Reason for Inclusion in Part II if appropriate

N/A