

Development Control Committee

Meeting to be held on 20th January 2016

Electoral Division affected: West Lancashire South

West Lancashire Borough: Application number LCC/2015/0067
Change of use of land to storage and blending of soils, sand / minerals and green and organic compost together with the erection of a building, car park to provide 10 spaces and improvement to vehicular access from the A570 Rainford Road. Jubilee Wood, A570 Rainford Road, Bickerstaffe.

Contact for further information:

Rob Jones, 01772 534128

DevCon@lancashire.gov.uk

Executive Summary

Application - Change of use of land to storage and blending of soils, sand / minerals and green and organic compost together with the erection of a building, car park to provide 10 spaces and improvement to vehicular access from the A570 Rainford Road. Jubilee Wood, A570 Rainford Road, Bickerstaffe.

Recommendation – Summary

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

1. The development would be inappropriate development within the Green Belt. Very special circumstances have not been demonstrated to justify the location of the development within the Green Belt and hence the development would be contrary to Green Belt policy within the NPPF and Policy GN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document.
2. The use of the central reservation to the A570 by HGV's accessing the site would result in unacceptable highway safety impacts contrary to Policy GN3 of the West Lancashire Local Plan.
3. The application does not contain sufficient information to allow a proper assessment of the likely impacts on bats. The application is therefore contrary to policy EN2 of the West Lancashire Local Plan and policy DM2 of the Lancashire Minerals and Waste Local Plan.
4. The proposal is not located within one of the strategic sites listed in Policy WM2 of the Lancashire Minerals and Waste Local Plan and the proposed site does not comply with the exemption tests listed in policy WM2 for development outside of the allocated sites.

Applicant's Proposal

Planning permission is sought for the change of use of 1.42 hectares of land for the production of soil and compost and the associated storage of the raw materials and final products for commercial, agricultural and leisure use. The development would consist of the formation of a hardsurfaced area for use as a vehicular access and material processing and storage areas, the erection of a warehouse building for the storage of plant and machinery and final product, the provision of ten car parking spaces and wheel wash, and amendment to the existing vehicular access from the A570 Rainford Road.

The warehouse would be a portal framed building measuring 30.5 metres x 15.2 metres with a pitched roof to a ridge height of 7.0m. The warehouse would have two entrances, each measuring 4.3m x 4m, one in each of the northern and western elevations. The warehouse would have profiled vertical metal sheet cladding on all elevations and the roof.

An existing vehicular access from the A570 Rainford Road would be improved by widening the splay from the existing 18m to 31m at the point where it would adjoin the A570, and incorporating a splitter island to direct traffic emerging and entering the site, with a cycle access on its south side. The access road between the A570 and the proposed warehouse building would be 110m long and between 6-8m wide. A lockable gate and security fence would be sited halfway along the access road.

The hours of operation would be 0700 to 1800 hours Mondays to Saturdays with no operations on Sundays and public/bank holidays.

The site would generate a total of 30-35 two-way HGV movements per day equating to the processing of up to 250,000 tonnes of materials per annum.

Description and Location of Site

The application site is located on a former coal mine to the south side of Junction 3 of the M58 Motorway immediately west of the A570, which is a dual carriageway. The site has maximum dimensions of 260m by 80m to cover an area of 1.42 hectares. To the south of the site is an area used for mountain biking, known as Bickerstaffe Cycle Trails, that is the responsibility of the County Council. A large pond is about 5m from the northern perimeter of the application site. The nearest properties to the site are on the east side of the A570; Quattros Restaurant and several residential properties are 50m and 150m, respectively, due east of the site entrance, and two residential properties are 200m south-east of the site entrance.

The site is accessed from the A570 Rainford Road. The former coal mine and access has now regenerated with woodland. The site contains 3 derelict buildings with a wheel house and pit head structures associated with the former coal mine.

The new building would replace two derelict buildings. The access and the hardstanding area would be surfaced with hardcore and cover an area of approximately 0.25 hectares. The area to the west of the building would be slightly elevated and would cover an area of 0.87 hectares, be hardcored and be used for

the screening and blending activities to produce the soil and compost, and for the storage of pre and post blended materials. The development would require removal of trees and shrubs covering an area of approximately 1 hectare.

Three car parking spaces would be located adjacent to the proposed building for use by staff while seven spaces would be located along the south side of the access road for users of the mountain bike trails and for visitors to the wheel house and pit head structures that are proposed to be renovated as a monument to former pit workers.

The site is within the Green Belt.

Background

The site is a former coal mine. It was then used as a haulage yard associated with the construction of the M58 Motorway with the two existing buildings on site being used for workshops and garaging for lorries.

The following applications were then considered by West Lancashire Borough Council:

Outline planning permission for the erection of a hotel and leisure development was granted in February 1991 (ref. 8/88/451).

A reserved matters application subsequent to the above outline planning permission was approved in March 1997 (ref. 8/94/0209).

These permissions were not implemented.

Planning Policy

National Planning Policy Framework (NPPF): Paragraphs 11 – 14, 17 - 19, 28, 56 – 66, 79 – 81, 87 – 91, 109, 123 and 125 are relevant with regard to the presumption in favour of sustainable development, core planning principles, building a strong competitive economy, supporting a prosperous rural economy, the requirement for good design, protecting Green Belt land, conserving and enhancing the natural environment, noise and light.

National Planning Practice Guidance

National Planning Policy for Waste

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD

Policy CS7 Managing Waste as a resource
Policy CS8 Identifying Capacity for managing our waste
Policy CS9 Achieving Sustainable Waste Management

Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP)

Policy NPPF 1 Presumption in favour of sustainable development
Policy DM2 Development Management
Policy WM1 Capacity of Waste Management Facilities
Policy WM2 Large Scale Built Waste Management Facilities

West Lancashire Local Plan 2012-2027 Development Plan Document (DPD)

Policy GN1 Settlement Boundaries
Policy GN3 Criteria for Sustainable Development
Policy EN2 Preserving and Enhancing West Lancashire's Natural Environment

Consultations

West Lancashire Borough Council – Originally objected to the application due to the potential for highway safety issues resulting from the shared use of the access to the adjacent mountain biking facility which is considered to be contrary to policy GN3 of the West Lancashire Local Plan. However, in response to the submission of amended plans showing a separate access to the mountain bike facility, the Borough Council have indicated that their objections may be overcome.

Bickerstaffe Parish Council – No objection and provide the following comments:

- A condition should secure the provision of a cycle/ pedestrian access from the A570 Rainford Road so as to separate users of the mountain bike facility from the amended vehicle access. The separate cycle/ pedestrian access should be paid for by the applicant.
- The provision of the separate cycle/ pedestrian access may require some tree felling/pruning. Details should be provided of such as some trees on the site have tree preservation orders on them.
- The separate cycle/ pedestrian access may necessitate the re-directing of the existing red cycle trail. This should be paid for by the applicant.
- The proposed car park and footpath near the entrance should be available for users of the mountain bike facility at all times.
- Safety/ warning signs/ road markings should be provided for users of the cycle route along the A570 Rainford Road as the route crosses the path of the proposed vehicle access to the site.
- The information boards relating to the mountain bike facility would have to be revised and should be paid for by the applicant.

The land forming a part of the Bickerstaffe Cycle Trails has been designated as an Asset of Community Value. The decision to list the land means that the owners cannot dispose of the land without notifying the Council and until Bickerstaffe Parish Council and other qualifying bodies have had an opportunity to purchase it. An entry has been made on the Land Charges Register and a restriction placed on the title to the land. The applicant presumes that they can just use or purchase a section of the Bickerstaffe Cycle Trails (that has been designated as an Asset of Community Value) for use as a part of the proposed amended vehicle access from the A570 Rainford Road.

LCC Developer Support (Highways) – Object on highway safety grounds due to the close proximity of the site to the roundabout junction of M58 / Rainford Bypass (A570) and the proposed number of HGVs entering / exiting the site. LCC's five year data base for injury accidents indicates 12 collisions just on the south side of the roundabout.

Vehicles accessing the site from the north would do so by entering the filter lane leading to the central reservation gap and then crossing the northbound A570 carriageway into the site. However, such manoeuvres would present a hazard to traffic on the fast lane of the southbound A570. To prevent this, a solution could be to send vehicles 2.5km south along A570 to the roundabout junction with Lodge Lane and Bushey Lane, then back 2.5km in a northerly direction to enable them to enter the site from the south. However, this would mean sending these HGVs over the LCC boundary and into St Helen's area and may cause more problems at the roundabout at this point. This could be the subject of a legal agreement but there are doubts about how this could be policed/enforced.

The plans showing swept path and signing would satisfy the concerns regarding how the applicant ensures safety for users of the cycle trail, and the introduction of the splitter island and "one way" sign would ensure vehicles emerging from the site leave in a northerly direction.

Environment Agency - No objection and make the following comments:

- It is unclear as to what the intended purpose/ product of this operation is.
- The blending of waste materials is classed as a waste process and therefore will most likely require a permit.
- A written management system should be provided to assess the possible impacts from dust and bio aerosols from site operations.
- To prevent the blending of inappropriate materials to form soil substitutes, sufficient evidence should be provided to show that the material received at the site is acceptable.

LCC Specialist Advisor (Ecology) – The proposal would result in the demolition of two buildings. The structure of the building would make it suitable for use by bats but the buildings have not been surveyed for bats. The development would also result in the loss of a substantial area of woodland and no proposals have been submitted demonstrating how the loss would be mitigated.

LCC Specialist Advisor (Archaeology) – No objection but comment that no plans or other details have been provided of the proposed renovation works of the existing derelict wheel house and pit head structures. It is recommended that any surviving colliery structures are recorded before any such renovation takes place. Access routes should also be specified from the proposed new parking spaces to the renovated wheel house and pit head structures so as to allow safe and secure access for visitors.

LCC Environment and Community Projects – No objection and provide the following comments:

- The provision near the entrance of the 7 space car park and footpath for users of the mountain bike facility is welcomed but query if there would be restrictions regarding times/days of week that the car park could be used as the mountain bike facility would be at its busiest at times when the soil depot would be closed.
- The provision of a cycle/ pedestrian access from the A570 Rainford Road so as to separate users of the mountain bike facility from the amended access is welcomed but this would have to be achieved by a legal agreement.
- The payment by the developer for a revision to information boards relating to the mountain bike facility would also have to be achieved by a legal agreement.

National Grid Gas and Electricity – No objection.

Coal Authority – No objection subject to the imposition of a condition to require the investigation of the former mine workings on the site and submission of a scheme of remediation.

Representations – The application has been advertised by press and site notice and neighbouring residents have been notified by letter. Three representations have been received objecting to the application for the following reasons:

- The proposal would negatively impact on nearby residential properties and the Green Belt by the removal of a large number of trees.
- The use may create issues of light pollution, noise, dust, odours and emissions. No impact assessments of these have been provided.
- The proposed hours of operation of 0700 to 1800 hours Mondays to Saturdays are excessive, and should be limited to 0800 to 1700 hours Mondays to Fridays to reduce the impact on nearby residential properties.
- Vehicles accessing businesses from the slip road from the A570 located opposite the entrance to the proposed site will experience delays and problems entering the slip road.
- The proposal for HGV's to enter the site from the north by turning right across the existing break in the central reservation of the A570 and of vehicles exiting the site by turning directly on to the A570, would prejudice highway safety. This is because the central reservation is not large enough to accommodate more than one vehicle and there may be a backing up of vehicles to the M58 roundabout. Also, large vehicles exiting the M58 roundabout would have to leave in the fast lane to access the central reservation. Vehicles turning left out of the site and onto the A570 will be slow and impede traffic flow, as would vehicles turning right into the site from the northbound A570. All of the aforementioned would create traffic chaos and hazards especially during busy periods at the start and end of the day.
- Vehicles entering the site will pose a hazard for users of the cycle trail.
- Vehicle access/ egress to the site should be from a new access from the M58 roundabout, perhaps leading off the M58 slip road towards Liverpool.
- The proposed renovation of the existing derelict wheel house and pit head structures would attract more traffic to the site and exacerbate parking problems.
- It is unclear as to what the intended purpose/ product of this operation is.
- The proposed separate cycle/ pedestrian access from the A570 Rainford Road would be close to the amended vehicle access, and the access would cross the

existing cycle route along the A570. Both of these would create a hazard for cyclists.

- The applicant does not own the land where the proposed separate cycle/ pedestrian access would cross and hence it could not be implemented. This would result in cyclists accessing the cycle trail via a shared access with HGV's accessing the proposed development, which would be dangerous.
- An unsupervised parking area could lead to antisocial behaviour.

Advice

Planning permission is sought for the change of use of 1.42 hectares of land for the production of soil and compost and the associated storage of raw materials and final products. The development would comprise the formation of an area approximately 1.1 hectares in size to be covered in hardcore for the vehicle access route from the A570, the provision of an area for vehicle manoeuvring and a working area for the screening and blending activities to produce the soil and compost, and for the storage of pre and post blended materials. The warehouse building would be used for the storage of plant and machinery and the final soil and compost product. There would also be ten car parking spaces, a wheel wash, and an amendment to the existing vehicle access from the A570. Approximately 0.3 hectares of the site would not be developed except for the provision of a new footpath to access former coal mine structures.

The applicant specialises in producing soils and composts for supply to industrial, recreational, domestic and commercial organisations. The company wish to obtain additional premises for their operation and hence the desire to develop the application site. The proposed operations would involve importing waste soils to the site where they would be screened and blended with sand, other minerals and green and organic material, such as manure, to make soils and compost. The majority of these materials would be derived from farms and agricultural land and also from industrial sites. There would be no crushing or screening of aggregates. The final product and plant and machinery would be stored in the warehouse building. The plant and machinery used on site would be a 20 tonne excavator, a loading shovel, a tromel grading machine, a 32 tonne tipper and a 40 tonne tipper.

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 Joint Lancashire Minerals and Waste Core Strategy and Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD and the West Lancashire Local Plan 2012-2027 Development Plan Document (DPD).

National Planning Policy encourages recycling and the re-use of waste to reduce reliance on land filling.

The NPPF seeks to ensure that the planning system supports and secures sustainable economic growth in order to create jobs and prosperity and plan for a low carbon future, whilst at the same time ensuring the environmental impacts of development are acceptable, and to support the sustainable growth and expansion of all types of business and enterprise in rural areas including through the provision of well designed buildings. Policy CS7 of the Core Strategy DPD seeks to manage our waste as a resource, while Policy CS8 of the Core Strategy DPD seeks to ensure an adequate provision of suitable waste facilities across the county to ensure that waste can be managed as a resource. The screening and blending of waste soils with sand, other minerals and green and organic material to make soil and compost products is a recycling and processing operation that complies with National Planning Policy and with Policies CS7 and CS8 of the Core Strategy DPD in terms of ensuring the adequate provision of waste management facilities and to move the management of waste up the waste hierarchy.

The proposal raises issues in relation to highway safety, the location of the site within the Green Belt, relationship with the policies of the Lancashire Minerals and Waste Local Plan, visual impact, the impact on nearby residential properties from noise, odour, dust and bio aerosols, and ecology.

In relation to highway matters, the proposal would involve amending the access by widening and incorporating a splitter island at its junction with the A570 to direct traffic emerging and entering the site, with a cycle access on its south side, the intention being to ensure the safe operation of the access including the adjacent cycle trail facility and the existing cycle lane on the A570 Rainford Road (northbound).

HGV movements to the site would equate to a total of 30-35 two-way HGV movements per day. The existing site access has been used to serve previous uses on this site including a former coal mine and a haulage yard associated with the construction of the nearby M58 Motorway. The access has adequate visibility onto the A570 but the volume and types of traffic would have changed since those uses were in operation.

The A570 Rainford Road is a strategic route with a speed limit of 60mph. The access to the site is located on the northbound side of the dual carriageway (A570) within 100m of the roundabout junction with the M58. There is an existing break in the central reservation directly opposite the proposed site access. The proposal is for vehicles approaching from the northerly direction (from the M58) to enter the filter lane leading to the central reservation gap and cross the north bound carriageway into the site. It is proposed that vehicles emerging from the site to travel south will turn left onto the A570, drive around the roundabout and then proceed south along the southbound carriageway. The splitter island would direct the traffic entering/exiting the site. However, the use of the gap in the central reservation by HGV's entering the site would require vehicles to move into the overtaking lane on the A570 in order to turn left. There may also be issues with queuing onto the A570 if more than one HGV is waiting to turn into the site. LCC Developer Support

(Highways) is concerned about the implications of such movements for highway safety and objects to the application on this basis.

In terms of Green Belt, the NPPF seeks to prevent inappropriate development that would be harmful to the Green Belt and which should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Policy GN1 of the West Lancashire Local Plan DPD states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies.

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings in the Green Belt as inappropriate development in the Green Belt. The only exemptions to this policy within which this proposal may fall are, firstly, the replacement of a building, provided the new building is the same use and not materially larger than the one it replaces, and, secondly, the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

In relation to the first possible exemption, the proposed warehouse would be larger both in footprint and height than the combined size of the two derelict buildings it would replace, and it would not have the same use being for a waste recycling use rather than associated with coal mining operations.

In relation to the second possible exemption, the pertinent question is whether the application site can be classed as brownfield land. The NPPF defines previously developed land or brownfield land as the following:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.'

The site is a former coal mine. Whilst it is very unlikely that any development control procedures exist requiring the restoration of the site upon closure of the mine, remains of the former mine buildings and access infrastructure have blended into the landscape in the process of time and the site now has the appearance of a woodland. The land therefore cannot be classed as brownfield land and so the development would not comply with Paragraph 89 of the NPPF. A planning permission was granted in 1991 for the development of the site as a hotel. However, this planning permission was never implemented and therefore there is no fall back

position that the applicant can now claim as justifying the further development of the site.

Paragraph 90 of the NPPF states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. The development types referred to are mineral extraction, engineering operations, local transport infrastructure which can demonstrate a requirement for a Green Belt location, the re-use of buildings provided that the buildings are of permanent and substantial construction, and development brought forward under a Community Right to Build Order.

The applicant argues that the proposed soil blending operation would be an engineering operation and hence should not be regarded as inappropriate development in the Green Belt. Whilst the proposal would involve some engineering operations such as changes in ground levels and the laying out and formation of roads, the application is primarily for the change of use of land to an industrial use. Changes of use are not amongst the types of development listed as not inappropriate and the application proposal would conflict with one of the five purposes of the Green Belt, namely to assist in safeguarding the countryside from encroachment. The proposed use is therefore considered to be inappropriate development in the Green Belt and hence, does not comply with Paragraph 90 of the NPPF. Very special circumstances therefore need to be demonstrated to justify the location of the development within the Green Belt.

The applicant's justification for the development is that additional premises are required for his existing soil and compost production operations. They have provided a sequential approach to site selection to demonstrate that there are no alternative sites in suitable locations that could accommodate the proposed development. The applicant states that as there would be some movement of vehicles between his existing site and any additional site, then a distance of more than 10km between the sites would mean that the operation of the second site would not be financially or logistically viable. Four sites in industrial locations have been considered; Land at Simonswood Industrial Estate, Knowsley, Pimbo Industrial Estate at Skelmersdale, Gillibrands and Stanley Industrial Areas at Skelmersdale, and Burscough Industrial Estate, plus other rural locations within the Green Belt. The sequential assessment concluded that the industrial sites were unsuitable for various reasons including economic viability due to the cost of rent or purchasing or undertaking the required improvements to the site, and the lack of available sites. The other rural locations within the Green Belt were considered unsuitable as they had no natural screening. The tree screening that the application site possesses is the reason why it was selected by the applicant.

The applicant has referred to Policy WM2 of the LMWLP that supports large scale built waste management facilities at the strategic sites listed in the policy and exceptionally, on other vacant, previously developed or greenfield sites where the applicant can demonstrate three points; that land is not available on the allocated sites for development at a time to meet the applicant's needs, that a sequential approach to site selection has been followed, and that there is equally good or improved access to the road network. The policy also states that where in

exceptional circumstances the development is proposed on a greenfield site, the applicant must include provision for additional land surrounding the development to create an effective new landscape.

The applicant considers that these three tests are satisfied and therefore the development complies with Policy WM2 of the LMWLP. However, even if the development were considered to be acceptable in terms of Policy WM2, the development would still conflict with the policies of NPPF relating to the protection of the Green Belt. It is not considered that the factors referred to by the applicant amount to very special circumstances to justify the location of the proposal in the Green Belt, and hence the development would not accord with Green Belt policy within the NPPF and Policy GN1 of the West Lancashire Local Plan.

Notwithstanding the applicant's views in relation to Policy WM2, it is officer's conclusions that the development does not conform with this policy. Policy WM2 directs waste developments with a capacity exceeding 200,000 tonnes per year to certain strategic sites and that development on other vacant, greenfield or previously developed sites will only be supported where sites in the strategic locations are not available, where there has been a sequential approach to site selection and where there is an equally good or improved access to the road network. However, for the reasons set out above, it is considered that the highway impacts of this development are not acceptable and therefore the proposal conflicts with Policy WM2.

There are concerns from a local resident in relation to contamination risks, fire safety concerns and from potential hazards, such as explosions, associated with the storage of the type of waste materials that the site accepts. Issues relating to the types of waste received at the site and contamination risks are a matter for the Environment Agency and it is not considered that there would be any fundamental pollution or safety concerns with the type of operation proposed. The operations at the site would be covered by controls under an exemption to the Environmental Permitting Regulations, a copy of which has been submitted with the application. The EA only issue such an exemption if activities do not cause harm to human health and amenity and do not cause risk to water, air, plants and animals.

In relation to ecology, an Ecological Walkover Assessment and Protected Species survey has been submitted. However, two buildings which are proposed to be demolished and which have potential for bats have not been surveyed for this species. Bats are European Protected Species and are material considerations in the determination of planning applications. Therefore the value of a development site for bats must be properly established before planning permission can be granted. This application does not contain sufficient information to properly establish the value of the site for bats contrary to policy DM2 of the Lancashire Minerals and Waste Local Plan and policy EN2 of the West Lancashire Local Plan. The County Council's Specialist Advisor Ecology has also commented upon the loss of trees that would arise from the development. Whilst the trees that would be lost have all self seeded since the closure of the coal mine, a substantial area of tree cover would be lost which would have ecological impacts requiring mitigation. The mitigation proposals have not been sufficiently developed in order to demonstrate that the impacts can be adequately offset.

Concerns have been expressed in relation to the impact on the mountain biking trails in the woodland to the south of the application site which are reached from the access to the application site. Bickerstaffe Parish Council have commented that the red cycle trail may have to be redirected as a consequence of the amended access but that would not be the case. LCC Environment and Community Projects have queried if there would be restrictions regarding times/days of week that the proposed car park could be used as the mountain bike facility would be at its busiest at times when the soil depot would be closed. However, the lockable gated access and security fence to restrict access to the proposed soil blending operation would be located to the west of the car park and hence access will be available to the car park at all times. The cycle access from the A570 would be adjoined to the south side of and form a part of the amended vehicle access and hence would not have to be secured by a legal agreement. The payment by the developer for a revision to information boards relating to the mountain bike facility could be achieved by a legal agreement if it was considered necessary.

The Environment Agency have expressed concerns as to the possible impacts from dust and bio aerosols from the site operations, while concerns from local residents refer to potential detrimental effects from noise, odour, lighting and hours of operation. Given the distance to the nearest properties, it is considered that such impacts would not be significant or could be controlled through suitable conditions. Other aspects of the development that could be the subject of conditions are the suggestion by the LCC Specialist Advisor (Archaeology) that access routes should be specified from the proposed new parking spaces to the renovated wheel house and pit head structures so as to allow safe and secure access for visitors, and also those suggested by the Coal Authority.

The applicant has proposed to restore the former pithead and remnants of the mine workings as a tourist attraction. However, the benefits of such works are not considered to outweigh the impacts of the development.

Conclusion

The proposal is for the development of a facility that would produce soil materials from waste products and other soil making materials. It would therefore reduce the landfilling of such wastes through reuse and thereby secure a movement up the waste hierarchy. However such benefits have to be balanced against the impacts of the development. The development would constitute inappropriate development in the Green Belt for which no very special circumstances can be demonstrated to justify over riding the protection of the Green Belt. The proposal would also conflict with Policy WM2 of the Lancashire Minerals and Waste Local Plan in that it is not located on one of the strategic sites allocated in that policy and the applicant has not demonstrated why the exemptions to the policy should apply in this case.

Furthermore, it is also considered that the proposed access route across the A570 to access the site would give rise to unacceptable highway safety impacts. In addition, the applicant has not undertaken sufficient surveys for bats and therefore the impact on European protected species cannot be properly established. The application is therefore considered to be contrary to Policies GN1, GN3 and EN2 of the West Lancashire Local Plan and Policies WM2 and DM2 of the Lancashire Minerals and Waste Local Plan.

Human Rights Issues

Article 1 of the 1st 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 refusal of planning permission has the potential to affect the applicant's rights under this Article. However, the County Council has a duty to secure the proper location of waste development in order to protect the openness of the Green Belt, highway safety and to ensure the protected species of wildlife are adequately safeguarded as set out in the policies of the Development Plan. The proposal would conflict with these policies 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 refusal of permission and that refusal of the application would not place a disproportionate burden on the applicant.

Recommendation

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

1. The development would be inappropriate development within the Green Belt. Very special circumstances have not been demonstrated to justify the location of the development within the Green Belt and hence the development would be contrary to Green Belt policy within the NPPF and Policy GN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document.
2. The use of the central reservation to the A570 by HGV's accessing the site would result in unacceptable highway safety impacts contrary to Policy GN3 of the West Lancashire Local Plan.
3. The application does not contain sufficient information to allow a proper assessment of the likely impacts on bats. The application is therefore contrary to policy EN2 of the West Lancashire Local Plan and policy DM2 of the Lancashire Minerals and Waste Local Plan.
4. The proposal is not located within one of the strategic sites listed in Policy WM2 of the Lancashire Minerals and Waste Local Plan and the proposed site does not comply with the exemption tests listed in policy WM2 for development outside of the allocated sites.

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

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

LCC/2015/0067

Rob Jones
Planning and Environment
534159

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