

## Lancashire County Council

### Development Control Committee

Wednesday, 20th July, 2022 at 10.30 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 8 June 2022** (Pages 1 - 8)

The committee are asked to agree that the Minutes of the last meeting held on 8 June 2022 be confirmed and signed by the Chair.
4. **Update Sheet**

The Update Sheet will be considered as part of each related agenda report.
5. **West Lancashire Borough: application number LCC/2022/0016 Variation of conditions 2, 3, 4, 5, 7, 21 and 25 of planning permission LCC/2014/0008 to allow extension of the approved mineral working area. Ravenhead Quarry, Chequer Lane, Upholland** (Pages 9 - 34)
6. **Wyre Borough: application number LCC/2022/0018 Provision of multi-use games area and associated 3m high perimeter fencing and connecting pathway. Manor Beach County Primary School, Manor Drive, Thornton-Cleveleys** (Pages 35 - 52)

7. **Burnley Borough: application number LCC/2022/0025 Variation of conditions 1, 3, 10, 27, 28 and 29 of planning permission 12/06/0959 to allow landfilling to continue to 31 December 2032 and site to be restored by 31 December 2033 at Deerplay Landfill Site, Bacup Road, Cliviger** (Pages 53 - 84)
8. **Burnley Borough: application number LCC/2022/0026 Retrospective application for retention of perimeter litter fencing at Deerplay Landfill Site, Bacup Road, Cliviger** (Pages 85 - 90)
9. **Burnley Borough: application number LCC/2022/0029 Change of use to a waste transfer station for sorting and bulking of skip waste. Thorney Bank Industrial Estate, Burnley Road, Hapton** (Pages 91 - 106)
10. **Fylde Borough: application number LCC/2022/0030 Continuation of sand winning, including the winning and working of sand from the foreshore, exportation of sand off site and the retention of associated infrastructure including site access, secure compound and stockpiling area. Land at St Annes Foreshore, Clifton Drive North, Lytham St Annes** (Pages 107 - 112)
11. **Planning decisions taken by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation** (Pages 113 - 114)

**12. 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.

**13. Date of Next Meeting**

The next meeting of the Development Control Committee will be held on Wednesday, 7 September 2022 at 10.30 am 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, 8th June, 2022 at 10.30 am in Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston

#### Present:

County Councillor Matthew Maxwell-Scott (Chair)

#### County Councillors

S Clarke	A Kay
P Rigby	M Pattison
L Cox	E Pope
M Dad BEM JP	S Rigby
A Hindle	

#### 1. Welcome, thanks and apologies for absence

The Chair welcomed the following new Committee Members:

County Councillor Steve Rigby  
County Councillor Anna Hindle  
County Councillor Steven Holgate

and thanked the former Committee Members:

County Councillor Ged Mirfin  
County Councillor Hasina Khan  
County Councillor John Potter

Apologies for absence were received from County Councillor Holgate and County Councillor Yates.

#### 2. Appointment of Chair and Deputy Chair

Committee noted the appointment by the County Council on 26 May 2022 of County Councillors Maxwell-Scott and P Rigby as Chair and Deputy Chair of the Committee, respectively, for 2022/23.

#### 3. Disclosure of Pecuniary and Non-Pecuniary Interests

No pecuniary or non-pecuniary interests were disclosed.

#### **4. Constitution, Membership and Terms of Reference of the Committee**

A report was presented on the Constitution, Membership and Terms of Reference of the Development Control Committee.

**Resolved:** That the Constitution, Membership and Terms of Reference of the Development Control Committee be noted.

#### **5. Minutes of the last meeting held on 27 April 2022**

**Resolved:** That the minutes of the last meeting held on Wednesday 27 April 2022 be confirmed and signed by the Chair.

#### **6. Update Sheet**

The Update Sheet was circulated prior to the meeting (copy attached).

#### **7. West Lancashire Borough: application number LCC/2022/0013 Variation of conditions 2 and 5 of permission LCC/2021/0045 to allow Saturday working at the waste recycling yard on land off Southport Road, Scarisbrick**

A report was presented on an application for a Variation of condition 2 and 5 of permission LCC/2021/0045, to allow Saturday working at the waste recycling yard on land off Southport Road, Scarisbrick.

Committee were advised that the site operator's agent had previously advised that restricting the hours of working to Monday to Friday had been acceptable to the applicant and this had been seen as a means of minimising potential impacts on neighbouring residents. However, the site operator had now advised that this had been a misunderstanding and that the site had always operated on Saturdays. The applicant therefore wished to amend Condition 2 so waste management activity could formally continue to take place on Saturdays between the hours of 0800 and 1600 and wished to amend Condition 5 to allow waste to be imported to the site on Saturdays.

It was reported that it was common for businesses to wish to work over the weekend and that, on large industrial estates, there were often no controls on hours of working. However, on more restricted sites, it was often more accepted that weekend working be restricted to Saturday mornings, to seek to ensure that local amenity was not unduly compromised by intermittent disturbance. On that basis, it was recommended that Condition 2 be amended to allow Saturday morning working from 0830 to 1300 hours, as opposed to the applicant's request to work from 0800 to 1600 hours. It was also recommended that Condition 5 be amended to allow up to 6 vehicles to enter or leave the site on Saturday mornings. It was considered that these controls would still provide sufficient protection for local residents, whilst appreciating the business needs of the site.

The report included the views of West Lancashire Borough Council, Scarisbrick Parish Council and the Environment Agency. Three representations had been

received objecting to the application, the details of which were provided in the report.

Committee's attention was drawn to the Update Sheet which included details of an additional representation from a local resident.

The Development Management Officer presented a Powerpoint presentation showing a location plan and aerial view of the application site, nearest residential properties and the wider site retained for storage. A site layout plan was also provided together with photographs of the site entrance, skip sorting, aggregate/soil area, containers for sorted/separated waste, storage area and building outside the application site and views of the site from the surrounding areas.

Councillor John Herbert (Parish/District Councillor) addressed the Committee and made the following points:

The National Planning Policy Framework requires that a new development is appropriate to its location, taking into account the sensitivity of the wider area, and that adverse impacts on health and quality of life should be avoided. Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan emphasised the importance of taking into account sources of demonstrable harm and either eliminating these or reducing them to acceptable levels. For noise to be detrimental to a community, it simply had to make a place a less pleasant place to live. The World Health Organisation states that environmental noise is not only a cause of nuisance but a concern for public health. Councillor Herbert pointed out that the Environmental Health Officer from West Lancashire Borough Council had stated that there was a serious concern about the suitability of the location of the site and that it was not a small scale development. Vehicle movements were associated with reversing alarms, engine noise and the noise of loading/unloading skips, together with tipping the skips and the use of mechanical diggers. The noise assessments commissioned by the applicants give measurements much lower than expected. However, a noise rating of 4+ decibels was close to the level where adverse impact occurs. The Environmental Health Officer believed the context made this significant as the site was not in an industrial area and residential properties were in close proximity. Committee had approved the previous application with Conditions 2 and 5 being imposed to make the development acceptable in terms of DM2 and to protect the health and wellbeing of the local residents and Councillor Herbert stated that nothing had changed since that influenced this decision. Councillor Herbert considered that the residents deserved respite for the good of their physical and mental health, whether or not they had submitted an objection to the application. For these reasons, Councillor Herbert urged Committee to refuse the application.

The officer made it clear that Committee's remit was to consider whether the additional operating time on Saturday mornings was acceptable and not to consider the acceptability of the site.

As the site was currently operating all day on Saturdays and possibly Sundays, the Chair stated it was frustrating when previous conditions were not being

adhered to and asked whether this was a separate compliance issue. Committee noted that non-compliance in relation to the working hours of the site should not affect the determination of this application and that this could be investigated separately.

The county council had reviewed the applicant's request to continue working all day on Saturdays, together with the noise assessment and the comments from West Lancashire Borough Council and considered Saturday morning working to be acceptable, to allow business to continue at the site and to protect local amenity. It was noted that the site was required to have an Environmental Permit in order to operate and that discussions were ongoing in relation to this and that an application was to be submitted. An Environmental Permit would further scrutinise noise controls to ensure these were not at unacceptable levels. If an Environmental Permit were to be refused, then operations at the site would have to cease.

Committee's attention was drawn to the comments from a local resident in the Update Sheet where reference had been made to guidance regarding standard rules permits and requirements for separation distances from residents. The officer pointed out that the site operator would be required to apply for a more bespoke permit, if residents were within a certain proximity to the site.

Committee were reminded that if they were minded to refuse the application, this must be because Saturday working was considered to be unacceptable due to the impact on the residents and not because of the breach of the conditions. It was noted that the extension had been requested as, in the main, skips were being collected from households and that most people preferred for these to be collected at weekends.

County Councillor Pope stated that the site was unkempt, there were issues with vermin, checks needed to be carried out in relation to compliance and residents needed to be protected. County Councillor Pope wished to refuse the application and suggested that a site visit be carried out.

Following a discussion, it was Moved and Seconded that:

"The application be refused as the waste management activities on a Saturday would have an unacceptable adverse impact on the amenity of surrounding residents by virtue of noise, disturbance and associated heavy goods vehicle movements contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan."

Upon being put to the vote, the Motion was Carried.

**Resolved:** That the application be refused as the waste management activities on a Saturday would have an unacceptable adverse impact on the amenity of surrounding residents by virtue of noise, disturbance and associated heavy goods vehicle movements contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

**8. Pendle Borough: application number LCC/2022/0011 Removal of condition 6 (to allow crushing and screening of mineral) and variation of condition 23 (inert materials) of planning permission LCC/2020/0073 in relation to mineral working and site restoration at Catlow East Quarry, Catlow Fold Farm, Southfield Lane, Southfield, Nelson, Lancashire**

This Item and Item 9 were discussed together as both related to applications at Catlow Fold Farm.

Reports were presented on the following applications in relation to Catlow East and Catlow West Quarries at Catlow Fold Farm, Southfield Lane, Southfield, Nelson, Lancashire:

(i) an application for the removal of condition 6 (to allow crushing and screening of mineral) and the variation of condition 23 (inert materials) of planning permission LCC/2020/0073, in relation to mineral working and site restoration at Catlow East Quarry.

(i) an application for the removal of condition 18 (to allow crushing and screening of mineral) and variation of condition 26 (inert materials) of planning permission LCC/2015/0055 in relation to mineral working and site restoration at Catlow West Quarry.

It was reported that the proposed changes at both quarries would allow for the screening and size reduction of minerals and the importation of a wider range of inert waste materials for restoration to include inert naturally occurring excavation material, subsoil, topsoil, concrete, ceramics and brick.

The reports included the views of the Environment Agency and one representation, the details of which were provided in the reports. Pendle Borough Council, Nelson Town Council and LCC Highways Development Control had no comments on the applications.

The Development Management Officer presented a Powerpoint presentation showing a location plan and aerial view of the application sites and site access, the stone processing buildings/equipment and offices and location of the Catlow East and Catlow West crushing and screening activity area. Various photographs were also shown of the sites including the eastern slope, cutting shed, crushing plant, view looking east from the western side and quarry access at Catlow East and the block stone working, walling stone, flagstones and powerscreen at Catlow West and the Crawshaw Lane access to both sites.

It was reported that the applicant was currently applying for Environmental Permits for both sites and that an additional permit would be required in relation to the crushing and screening equipment from the local authority where the crusher had originally been registered, specifically in relation to air quality control.

Reference was made to the Environment Agency's objections in relation to the proposed variation of Condition 23 for Catlow East Quarry and the proposed variation of Condition 26 for Catlow West Quarry regarding inert materials. It was reported that these issues needed to be controlled through the Environmental Permit process and that they were outside the remit of the planning process.

In relation to Catlow East Quarry, it was:

**Resolved:** That planning permission be **granted** subject to conditions controlling conditions controlling working programme, site operations, noise, dust, hours of operation, highway matters, drainage and water resources, landscaping, restoration and aftercare, as set out in the Committee report.

In relation to Catlow West Quarry, it was:

**Resolved:** That planning permission be **granted** subject to conditions controlling commencement, working programme, site operations, noise, dust, hours of operation, highway matters, drainage and water resources, landscaping, nature conservation, restoration and aftercare, as set out in the Committee report.

- 9. Pendle Borough: application number LCC/2022/0012  
Removal of condition 18 (to allow crushing and screening of mineral) and variation of condition 26 (inert materials) of planning permission LCC/2015/0055 in relation to mineral working and site restoration at Catlow West Quarry at Catlow Fold Farm, Southfield Lane, Southfield, Nelson, Lancashire**

Please see Item 8.

- 10. Planning decisions taken 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 Development Control Committee on 27 April 2022, seven planning applications had been granted planning permission by the Head of Planning and Environment, in accordance with the county council's Scheme of Delegation.

**Resolved:** That the report be noted.

- 11. Urgent Business**

There were no items of Urgent Business.

- 12. Date of Next Meeting**

**Resolved:** That the next meeting of the Committee be held on Wednesday 20 July 2022, at 10.30am in Committee Room B – The Diamond Jubilee Room, County Hall, Preston.

L Sales  
Director of Corporate Services

County Hall  
Preston





# Agenda Item 5

## Development Control Committee

Meeting to be held on 20 July 2022

Electoral Division affected: Skelmersdale East
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**West Lancashire Borough: application number LCC/2022/0016**

**Variation of conditions 2, 3, 4, 5, 7, 21 and 25 of planning permission LCC/2014/0008 to allow extension of the approved mineral working area. Ravenhead Quarry, Chequer Lane, Upholland**

Contact for further information:

Helen Ashworth, 01772 530084

[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

### Executive Summary

Application – Variation of conditions 2, 3, 4, 5, 7, 21 and 25 of planning permission LCC/2014/0008 to allow extension of the approved mineral working area. Ravenhead Quarry, Chequer Lane, Upholland.

### Recommendation – Summary

That planning permission be **granted** subject to conditions controlling relating to time limits, working programme, completion dates for restoration, noise and dust, highway matters, ground and surface water, restoration and aftercare.

### Applicant's Proposal

The application seeks to vary a number of planning conditions attached to planning permission LCC/2014/0008 to allow an extension of the existing quarry. This would extend the duration of quarrying activities by approximately a further two years and would permit quarrying operations in an area to the south of the existing quarrying activities.

The extension would allow the extraction of a further 130,025m<sup>3</sup> of material, comprising of:

- Shale: 36,193m<sup>3</sup>
- Bullion rock: 29,595m<sup>3</sup>
- Inter-bedded sandstone/siltstone/shale: 64,237m<sup>3</sup>

The proposed extraction area, to be referred to as 'Phase 3', is located within the existing planning application boundary but outside of the existing approved working area which is delineated in pink on the approved plans attached to permission LCC/2014/008. The methods of extraction would remain the same as existing. The applicant has indicated that they anticipate that extraction activities would cease at the

site well in advance of the date stipulated in planning condition 1 attached to permission LCC/2014/008 which sets out that all winning and working of minerals shall cease by 22 February 2042.

The conditions that are proposed to be varied to achieve the extension of the quarry are:

Condition 2: Defines the approved drawings including the area of mineral working

Condition 4: Restricts the working of minerals within Phases 1 and 2 to the area edged pink on Drawing 6671.SS.008. It is proposed to amend this condition to also refer to the new Phase 3 area as shown on planning drawing 3151-01-04.

Condition 7: Restricts working in the area shown as Area B South on drawing 66721.SS.003 until details have been submitted to and approved by the local Planning Authority. The proposal would result in a slight encroachment into Area B South. It is proposed to amend the drawing referenced in condition 7 to reflect an updated Area B South boundary (shown on new drawing 3151-01-04), which excludes the proposed Phase 3 area.

It is also proposed to make consequential amendments to conditions 3, 5, 21 and 25 so that they now reflect the present circumstances, as since permission LCC/2014/008 was granted, various matters have been agreed or the conditions now require updating. The details of these conditions are as follows:

Condition 3: Requires that a scheme and programme for the landscaping of the Initial Restoration Area as shown on drawing ref 66721.SS.007 Rev be submitted within six months of the date of the decision. The area was to be restored with a 3-year period. The requirements of the condition have been met and thus the applicant proposes that it be deleted.

Condition 5: A scheme and programme of water monitoring has been submitted to and approved by the local Planning Authority in 2019 (reference LCC/2014/0008/2). The applicant proposes that condition 5 be amended to refer to this.

Condition 21: Required a scheme and programme detailing the specification of reversing alarms to be submitted. The scheme was approved in 2016 (LCC/2014/0008/1) and therefore the applicant proposes that the condition be amended to reflect this.

Condition 25: Requires a scheme of restoration and aftercare to be submitted within 10 years of the date of permission LCC/2014/008. Therefore, a scheme is required by 9 September 2025. The condition refers to the scheme and programme being based upon drawing 66721.SS.009. It is proposed to replace this drawing with Drawing 3151-01-03.

The application is accompanied by a preliminary ecological appraisal and additional Great Crested Newt Reports and a Reptile Report have also been provided during the course of the application. An arboricultural assessment has also been provided.

## **Description and Location of Site**

Ravenhead Quarry and Brickworks is located in Up Holland to the east of Skelmersdale. The site is accessed off the A577 via Chequer Lane.

The site has an area of approximately 36 hectares, the northern part of which is comprised of the existing brickmaking factory and brick storage area. The remainder of the site is comprised of the existing quarry which has been worked to a maximum depth of 105-110 m above ordnance datum (AOD). Large areas of the existing quarry are used for the stockpiling of imported clay and shale materials that are used as feed stock for the brickworks.

To the north and east of the brick making factory and part of the quarry are residential areas accessed off Ormskirk Road (the A577): Fieldview, Highmeadow and Broadacre. There have also been a number of new residential developments within the area in recent years, with new developments to the west of the site, off Chequer Lane (Miners Way) and more recently to the south (Mason Drive). To the south east of the site are agricultural fields, which are within the Green Belt.

Much of the existing quarry is designated as a Site of Special Scientific Interest (SSSI) for its geological interest as it displays several important sections through the Lower Carboniferous Coal Measures.

The proposed extension area is a wedge-shaped area of land measuring 210 metres by 50 metres (maximum dimensions) immediately to the south of the existing quarry

## **Background**

Planning permission ref 9/10/26 for the working of shale minerals on this site was first granted in 1949.

The Environment Act 1995 provides an ability to review the working and restoration conditions to old minerals permissions every 15 years. This ensures that the conditions attached to such permissions reflect modern environmental standards. A first review of the working and restoration conditions to the 1949 permission under the Environment Act 1995 was completed in 1998 (ref 8/98/0008).

A further periodic review of the permission was undertaken in 2014 ref LCC/2014/0008. This was subject to conditions relating to working programme, completion dates for restoration, noise and dust, highway matters, ground and surface water, archaeology, restoration and aftercare.

A number of other permissions have been granted on this site for brick making plant and equipment. Planning permission ref LCC/2014/0148 was granted in 2015 for the redevelopment of part of the brickmaking plant as a concrete products factory. This permission has not been implemented.

## **Planning Policy**

### *National Planning Policy Framework (NPPF)*

Paragraphs 7 - 12, 51 - 53, 55 - 57, 81 - 85, 174, 179 - 182, 183 – 189, 209 - 214 are relevant with regards to achieving sustainable development, tailoring planning controls to local circumstances, planning conditions and obligations, building a strong and competitive economy, conserving and enhancing the natural environment, habitats and biodiversity, ground conditions/pollution impacts and facilitating the sustainable use of minerals.

### *Joint Lancashire Mineral and Waste Development Framework Core Strategy DPD - Managing our Waste and Natural Resources (LMWDF)*

Policy CS1 Safeguarding Lancashire's Mineral Resources  
Policy CS2 Minimising the need for Mineral Extraction  
Policy CS3 Meeting the demand for new Minerals  
Policy CS5 Achieving Sustainable Minerals Production  
Policy CS7 Managing our Waste as a Resource

### *Joint Lancashire Minerals and Waste Local Plan - Site Allocations and Development Management Policies - Part One (LMWLP)*

Policy NPPF1 Presumption in Favour of Sustainable Development  
Policy DM1 Management of Waste and Extraction of Minerals  
Policy DM2 Development Management

### *West Lancashire Local Plan 2012-2027 (adopted October 2013)*

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

## **Consultations**

West Lancashire Borough Council: No objections received.

Upholland Parish Council: The Parish Council supports local business and is content at necessary expansion for mineral extraction. However, the Parish Council seeks assurance s that the applicant has complied with the requirements of land restoration and reinstatement of the current planning permission. The business does create noise and dust disturbance for neighbours, so it is important that consideration for adjacent properties is now duly given.

Coal Authority: Confirm that they have no comments to make on the proposals.

Lancashire County Council (LCC) Ecology Service: Recommended that Natural England be consulted and that additional survey work to establish the presence/absence of Great Crested Newts and likely impacts on them is required and that further information to demonstrate that impacts on reptiles would be avoided. Following the submission of the requested information Lancashire County Council

(LCC) Ecology have confirmed that they have no objections to the proposals and recommend a number of conditions.

Environment Agency: Initially requested additional information pertaining to groundwater monitoring and groundwater/surface water management. The applicant has since provided information on the ground water monitoring that has been carried out to date and a copy of the Hydrogeological Impact Assessment that was carried out as part of the application for the abstraction licence. The Environment Agency has since confirmed that they no longer have any objections to the proposals.

LCC Highways Development Control: Confirm that they have no objection as there would be no increase in vehicle movements from the current operation and no proposed new vehicular access.

Natural England: Final comments awaited.

Lancashire County Council (LCC) Public Rights of Way: No comments received.

United Utilities: No comments received.

Ramblers Association: No comments received.

Health and Safety Executive (HSE): The site lies within the consultation distance of at least one major hazard site. The consultation request to Health and Safety Executive has been forwarded to the National Quarries Inspection Team.

Representations: The application has been advertised by site and press notice and neighbouring residents informed by individual letter. Eight representations have been received making the following comments:

- The submitted plans encompass land that is not owned by Ibstock.
- Cars are constantly covered in brick dust and dirt from numerous trucks travelling to and from the site.
- Increasing the amount of work at the site will create extra vehicles and traffic.
- The site does not take resident's concerns seriously.
- Object to further erosion of the area and effects on wildlife habitats, change in appearance of the landscape and devaluing property in the area.
- Possible contamination.
- Concern regarding noise, increased heavy traffic and possible subsidence.
- Object due to impact on environment, wildlife and road safety.
- Access to the quarry is already dangerous due to the volumes of lorries, the muddy surface created (despite sweeper lorries), the entrance from the mini roundabout is not wide enough for two vehicles side by side and this has caused multiple incidents over the years.
- The noise from the quarry is unbearable most of the time.
- Dust is an issue.
- The brickworks are already an eyesore, and it will destroy even more greenery.

One letter of support has been received stating that the proposed area of extension would not have any further impact than the current mining operation in terms of key issues which may affect residents. It will provide home grown local materials required for the construction sector and provides local employment. This outweighs the temporary loss of habitats which will be addressed as part of the restoration plan.

## **Advice**

The application seeks to vary a number of conditions of the extant planning permission LCC/2014/0008 to permit a minor extension to the extraction area of the quarry, to form phase 3 of the quarry development.

The original 1949 permission for mineral working at Ravenhead covered a large area and includes several areas outside of the existing quarry some of which are still in agricultural use and others which have subsequently been developed for residential use. As part of the Environment Act reviews of the original 1949 permission, working of minerals was only permitted within the existing quarry (named phases 1 and 2) with the extension of the site into unworked land prohibited by condition until schemes of working for those areas (named area B south and area B east) had been approved. The applicant has indicated that reserves have been almost entirely exhausted from phase 1 and 2 areas. In order to permit the continued working of the site, the applicant is therefore proposing to extend the quarry outside phases 1 and 2. The proposed extension area still lies within the boundary of the 1949 permission and therefore the principle of working minerals within this area cannot be questioned. However, it is appropriate to examine the environmental impacts of working this extension area and to ensure that it is subject to appropriate controls.

### *Policy context*

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.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, the Central Lancashire Core Strategy and West Lancashire Local Plan.

Paragraph 11 of the National Planning Policy Framework (NPPF) states that proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant policies or where the policies which are most important for determining the application are out of date, planning permission should be granted:

- Unless the policies in the National Planning Policy Framework (NPPF) that protect areas or assets of particular importance provide a clear reason for refusal.
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework (NPPF) as a whole.

The plan period for the Lancashire Minerals and Waste Core Strategy and Minerals and Waste Local Plan (LMWWLP) is from 2001 until 2021. Policies CS4 and M1 provide for a quantum of mineral extraction to be provided over the plan period and therefore in accordance with paragraph 11 of the National Planning Policy Framework (NPPF) it is now considered that less weight can now be attached to those policies. However, given that this proposal is for an extension of an existing operation within an existing permitted area rather than for new mineral resources, these policies are less relevant to this proposal.

It is considered that the policy of the Minerals and Waste Local Plan (LMWWLP) to which greatest weight should be attached when determining this application is Policy DM2 relating to the assessment of local environmental impacts. Whilst this policy is contained in a Plan which has now time expired, it is considered to accord with the current edition of the National Planning Policy Framework (NPPF) and therefore can still be relied upon for decision making purposes.

#### *Need for minerals*

Paragraph 211 of the National Planning Policy Framework (NPPF) states that great weight should be given to the benefits of mineral extraction, including to the economy and that a steady and adequate supply should be maintained.

The principle of mineral extraction at Ravenhead Quarry has been established for many years. The site is a supplier of a range of crushed aggregate materials that are used for a variety of basic construction purposes. The extension of the quarry within the existing permitted area would allow this site to continue for a further two-year period therefore allowing the supply of construction materials from this site to be maintained.

The main issues associated with the application are considered to be the impact upon the amenity of existing and future residents of the surrounding area from noise, vibration, dust and disturbance associated with the quarrying activities and vehicle movements, impacts on highway safety, ecological impacts, impact on the SSSI and landscape and restoration matters.

#### *Neighbour Amenities*

The National Planning Policy Framework (NPPF) seeks to ensure that the planning system supports and secures sustainable economic growth in order to create jobs and prosperity.

Policy CS5 of the Lancashire Minerals and Waste Development Framework (LMWDF) seeks to achieve sustainable minerals production by protecting the amenity and health of the population by the introduction of sensitive working practices that minimise harm and nuisance to the environment and local communities throughout the life of the development. Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP) requires that development for minerals or waste management operations will be supported where it can be demonstrated to the satisfaction of the mineral or waste planning authority that all material social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. Policy GN3 of the West Lancashire Local Plan also seeks to protect the amenities of neighbouring properties from development proposals.

A number of conditions are attached to planning consent LCC/2014/0008 that seek to control noise levels and dust mitigation at the site.

The proposed extension to the quarry would be over 140m away from the closest residential properties to the south on Tower Hill Road, approximately 150m from properties to the west on Slater Crescent (currently under construction) and over 200m from the closest residential properties to the north. This would result in the quarrying operations being approximately 50m closer to properties on Tower Hill Road compared to the existing situation (although the full extent of existing approved phase B operations could extend considerably closer to Tower Hill Road); and approximately 30m closer to properties on Slater Crescent to the west than at present.

It is considered that given the distance of the proposed extension from neighbouring residential properties, and the extant permission for the site (which allows mineral extraction until 2042), that it would be unreasonable to refuse the application on the grounds of impact upon neighbour amenity. The existing conditions relating to hours of working and noise and dust controls should be reimposed on any new permission in order to protect the amenity of local residents.

#### *Highway Safety*

The comments of the neighbouring residents regarding highway safety are noted. However, Lancashire County Council (LCC) Highways have confirmed that they have no objections to the proposals. The proposed extraction would take place over approximately two years. It is anticipated that work would commence in the extension area in late 2022 and no change to vehicle movements is anticipated.

The National Planning Policy Framework (NPPF) is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. As no objections have been raised by Lancashire County Council Highways it is considered that a refusal on highway safety grounds could not be sustained.

#### *Ecology*

The West Lancashire Local Plan allocates the whole site (excluding the brickworks) as a Nature Conservation Site. This is due to the designation of the Ravenhead Brickworks Geological Site of Special Scientific Interest (SSSI). The SSSI designation relates to a series of quarry faces that show sections through marine bands within the Carboniferous Coal Measures.

A preliminary ecological appraisal has been submitted with the application, and at the request of Lancashire County Council (LCC) Ecology the applicant has also provided additional information with regard to newts and reptiles. No great crested newts were found in any ponds within 250m of the quarry and no reptiles were present following additional survey work. The Preliminary Ecological Appraisal finds that no statutory or non-statutory sites designated for nature conservation should be directly or indirectly affected by proposals; habitats on site were considered not be of no more than local



importance and some non-native invasive species were noted on site. The appraisal recommends the production of a Biological Enhancement and Management Plan to outline restoration proposals for the site, in order to seek a net gain of biodiversity, and that a 10m woodland buffer strip is retained along the south boundary.

A number of groups of trees would need to be removed to enable the extension to the quarry. The arboricultural survey found that this tree cover all comprises naturally colonised groups which have established around the existing quarry and were considered of low quality from an arboricultural perspective.

The proposed scheme of restoration would result in additional tree and shrub planting that would mitigate against any loss as a result of the proposed quarry extension.

#### *Impact on the Site of Special Scientific Interest (SSSI)*

The proposed extension of the quarry would give rise to a number of new quarry faces on the southern side of the quarry. The restoration works would provide for their retention which would ensure that geological exposures of Site of Special Scientific Interest (SSSI) standard are retained. None of the existing SSSI faces would be affected by the proposed extension. Further comments from Natural England are awaited and will be reported on the update sheet.

#### *Landscape and Restoration.*

Ravenhead Quarry is split into Areas A and B on approved review of old minerals permissions (ROMP) drawing 66721.SS.003. Area B is restricted by a planning condition (condition 7), which does not allow mineral working to take place within Areas B East and Area B South until details have been submitted to and approved by the local Planning Authority.

Phase 3 slightly encroaches into Area B South, and therefore the current proposals include a slight revision to the existing Area B South boundary to exclude Phase 3 from this area therefore avoiding the need to submit all the details required by condition 7.

The applicant has indicated that completion of extraction in the proposed Phase 3 area is likely to be followed by restoration of the whole site in accordance with Restoration Masterplan 66721.SS.009, which is updated by planning drawing 3151-01-03 as part of this planning application.

Policy CS5 of the Lancashire Minerals and Waste Development Framework states that future restoration minerals sites are of critical importance. Planning Practice Guidance also states that mineral planning authorities should secure the restoration and aftercare of a site through imposition of suitable planning conditions and, where necessary, through planning obligations.

The applicant has provided an updated restoration plan to include the additional excavation area and revised extraction and restoration contours. It is considered that these details are acceptable and would represent only minor changes overall from the approved scheme in the context of the quarry as a whole.

### *Other matters*

The position of the red edge on the submitted location plan has been queried by objectors to the proposals. The current application seeks to vary conditions attached to the planning approval for mineral working at the site (application reference LCC/2014/0008) rather than it being a completely new, separate planning application. Hence the red edge of the application boundary must reflect the permission it seeks to vary. The site location (or 'red edge') submitted encompasses areas now occupied by residential housing as that boundary is that of the original quarrying consent. Since the original planning permission was granted, the owners of the brickworks have sold off parts of their landholding for housing including areas benefiting from planning permission for mineral working. The red line area of the application is therefore considered to be correct.

### *Conclusion*

In conclusion this application proposes a minor extension of a quarry within an area that already benefits from a permission for mineral working. The proposal would enable a continuation of supply from an existing minerals site and subject to suitable conditions would not have any unacceptable environmental impacts. The proposal would therefore comply with the National Planning Policy Framework (NPPF) and the policies of the development plan.

In view of the scale and nature of the proposals 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 winning and working of minerals authorised by this permission shall cease not later than 22 February 2042.

Area A (Phases 1,2 and 3) shall be restored in accordance with the scheme and programme approved under the requirements of condition 24 by not later than 22 February 2025.

The final restoration of all areas of the site outside of Area A shall be completed in accordance with the scheme and programme approved under the requirements of condition 24 by not later than 22 February 2043.

*Reason: To ensure the working and restoration of the site within a reasonable timescale in the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

## 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 Application for review of conditions ref LCC/2014/0008 and supporting statement received by the County Planning Authority on 10 January 2014 as amended by application ref LCC/2022/0016 dated March 2022.
  - b) Submitted Plans and documents:
    - Drawing 66721.SS.002 - Site Area Plan
    - Drawing 3151-01-01 - Phase 3
    - Drawing 3151-010-02 - Sections
    - Drawing 3151-01-03 - Restoration Masterplan
    - Drawing 3131-01-04 - Development Areas
  - 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 policy DM2 of the Lancashire Minerals and Waste Local Plan.*

3. Working of minerals shall only take place within the areas shown as phases 1, 2 and 3 on drawing 3151-01-04.

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

4. The approved scheme of water monitoring (Reference LCC/2014/0008/2, approved on 5 March 2019) shall be implemented and maintained at all times during the duration of mineral extraction.

*Reason: In the interests of the protection of ground and surface water resources and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

5. The Ravenhead Quarry Geological Site of Special Scientific Interest (SSSI) shall be maintained during the duration of mineral extraction and restoration operations in accordance with the Ravenhead Quarry SSSI Management Scheme dated November 2013.

*Reason: To ensure that the interest features of the geological Site of Special Scientific Interest (SSSI) are maintained during the working and restoration of the site and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

6. No soil stripping or winning and working of minerals shall take place within the areas shown as Area B (South) and Area B (East) on drawing 3151-01-04 until a scheme and programme of working and restoration has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:
- a) Details of standoffs from noise sensitive properties;
  - b) The locations, dimensions and means of construction of screening mounds around the perimeter of Area B;
  - c) Details for the working of minerals including limits of extraction, direction of working, phasing and configuration of faces;
  - d) Details of the areas to be used for the stockpiling of brick making materials including heights of stockpiling;
  - e) A revision and update of the restoration scheme approved under the requirements of condition 24 including details and positions of faces to be retained including those to preserve the Geological Site of Special Scientific Interest (SSSI), dimensions and depths of any water areas in the base of the excavation, removal of soil screening mounds and landscaping measures including details of tree and shrub planting.

*Reason: In order to ensure the proper restoration of the site in the interests of the visual amenities of the area and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

7. Noise emitted from the site shall not exceed 55dB LAeq (1 hour) (free field), as defined in this permission, when measured from any of the following properties at a point closest to the noise source or at any other location subsequently approved in writing by the County Planning Authority:
- a) No 11 Vale Croft
  - b) No 158 Tower Hill Road
  - c) No 232 Tower Hill Road

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

8. The noise limits set out in condition 7 above shall not apply during the stripping of soils and overburden on the site, the construction of storage mounds for these materials and their deconstruction and respreading during restoration of the site. Noise from any of these activities shall not exceed 70 dB LAeq (1 hour) (free field), as defined in this permission, as measured from any of the properties identified in condition 7 at a point closest to the noise source. For these activities the background +10 dB LAeq (1 hour) (free field) limit shall not be exceeded for more than 51 days in any one calendar year unless otherwise agreed in writing by the County Planning Authority. A written record shall be made of the dates that these activities are taking place and shall be made available to the County Planning Authority on request.

*Reason: To permit higher noise limits for certain activities and to still safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

9. No winning and working of minerals, formation of stockpiles or restoration works shall take place outside the hours of:

07.30 to 18.30 hours, Mondays to Fridays (except Public Holidays)

07.30 to 13.00 hours on Saturdays

No winning and working of minerals, formation of stockpiles or restoration works shall take place at any time on Sundays or Public Holidays.

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

The hours of operation stated by this condition shall not apply to the working of stockpiles in order to supply raw materials to the brickworks. Such operations shall not take place outside the hours of 06.00 - 18.00 Mondays to Sundays.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

10. Stockpiles of brickmaking materials or aggregate including imported materials shall not be located other than within the areas shown for that purpose on drawing 66721.SS.007 Rev A. Such stockpiles shall not exceed a level of 138 m above ordnance datum (AOD).

*Reason: In the interests of visual amenity and to protect the amenity of local residents and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

11. A topographical survey shall be submitted to the County Planning Authority within five years of the date of this permission or on any other occasion requested by the County Planning Authority. The survey shall consist of a plan drawn to a scale of not less than 1:2500 which identifies all surface features within the site, a 10 metre grid survey identifying levels and contoured to one metre intervals relating to all land over where winning and working and minerals has taken place.

*Reason: In order to allow the proper monitoring of the site and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

12. The provisions of Part 17 Class B of the Town and Country Planning (General Permitted Development) Order 2015 or any amendment, replacement, re-enactment thereof is excluded and shall not apply to this development. Any development referred to in that part shall only be carried out pursuant to a

planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment, replacement or re-enactment thereof.

*Reason: In the interests of the visual amenity of the area and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

13. The wheel cleaning measures installed at the site shall be used by all Heavy Goods Vehicles associated with the winning and working of minerals and the importation of shale materials into the site to ensure that no mud, dust or other deleterious materials are deposited on the public highway by Heavy Goods Vehicles leaving the site.

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

14. All vehicles transporting minerals of a size less than 100 mm in any dimension from the site shall be securely sheeted.

*Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

15. Any internal haul road or private way between the wheel cleaning facilities and the public highway that is used by heavy goods vehicles (HGVs) to egress the site shall throughout the development be metalled and drained and kept clear of debris along its entire length at all times

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

16. Access to and egress from the site shall only be via the existing entrances from Chequer Lane and Tower Hill Road as shown on drawing 66721.SS.003.

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

17. There shall be no use of the Tower Hill Access by heavy goods vehicles (HGVs) until a scheme and programme for the improvement of the access has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:

- a) The improvement of the access including turning radii and surfacing.
- b) Details of wheel cleaning measures to be provided including design and location of measures.
- c) Details of the signage to be provided to advise drivers that they should only turn right out of the access.

The access shall be improved in accordance with the requirements of the approved scheme prior to any heavy goods vehicles (HGVs) using the Tower Hill Road access.

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

18. 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 safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

19. Noise monitoring shall be undertaken in accordance with the noise management and monitoring scheme dated November 2013 and contained in Appendix 2 of the Supporting Statement.

A copy of the monitoring results shall be retained for a period of 12 months and shall be made available to the County Planning Authority on request.

20. All mobile plant used on the site shall be fitted with and use the types of reversing alarms contained in the scheme and programme submitted under the provisions of condition 21 of permission LCC/2014/0008 and approved on 15 June 2016.

*Reason: To safeguard the amenities of local residents and adjacent properties/landowners and land users and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

21. Measures to minimise the generation of dust shall be taken at all times in accordance with the Dust Management and Monitoring Scheme included at Appendix 3 of the supporting statement to application ref LCC/2014/0008.

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

22. No blasting shall be utilised in the winning and working of minerals at the site.

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

### **Safeguarding Watercourses/Drainage**

23. All foul drainage shall be discharged to a public sewer or else to a sealed watertight tank fitted with a level warning device to indicate when the tank needs emptying. Upon emptying the contents of the tank shall be removed from the site completely.

*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 DM2 of the Lancashire Minerals and Waste Local Plan.*

24. Within 18 months of the date of this permission, a scheme and programme for the final restoration of the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall be based upon drawing 3151-01-03 and shall provide for the following:
- a) The treatment of the lake margins and how these areas would be landscaped.
  - b) Details for the spreading of soils including depths of placement and types of materials to be respread or details for the treatment of remaining shale material to provide a soil making material suitable for the planting of trees and establishment of grassland.
  - c) Details for seeding of the restored surface including seed mixes to be used and rates of application.
  - d) Details for tree and shrub planting including areas to be planted, details of numbers, types and species of plants, planting techniques and protection measures.
  - e) Details for the measures to control the water level in the lake.
  - f) The retention of the Site of Special Scientific Interest (SSSI) geological exposures as proposed in the Geological SSSI Management Plan submitted in appendix 4 of the Supporting Statement.
  - g) The restoration of the clay stockpile area.

*Reason: In the interests of the visual amenities of the area and to ensure the proper restoration of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

25. Within two years of the date of this permission, a scheme and programme of aftercare of the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall contain details of the following:
- a) The maintenance of tree and shrub planting including maintenance of protection measures, replacement of failed planting and weed control.
  - b) Management of the Site of Special Scientific Interest (SSSI) exposures in accordance with the Geological SSSI Management Scheme.
  - c) Management of the grassland areas including re seeding works, measures to control erosion and other management measures to promote the development of a full grass sward across restored areas.
  - d) Measures to control invasive weeds.

Upon certification in writing of the completion of restoration in any phase of the site as defined in this permission, aftercare of that phase shall be undertaken for a period of five years in accordance with the approved scheme and programme of aftercare.



*Reason: In the order to ensure the proper restoration of the site in the interests of the visual amenities of the area and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

## **Notes**

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

## **Definitions**

**Completion of Restoration:** The date the County Planning Authority certifies in writing that the works of restoration in any phase of the site in accordance with the scheme and programme approved under the requirements of condition 24 have been completed satisfactorily.

**Heavy Goods Vehicle:** A vehicle of more than 7.5 tonnes gross weight.

**Free field:** At least 3.5 metres away from the facade of a property or building.

**Planting Season:** The period between 1 October in any one year and 31 March in the following year.

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

Paper	Date	Contact /Ext
LCC/2022/0016	July 2022	Helen Ashworth Planning and Environment (01772) 536195

Reason for Inclusion in Part II, if appropriate

Not applicable.



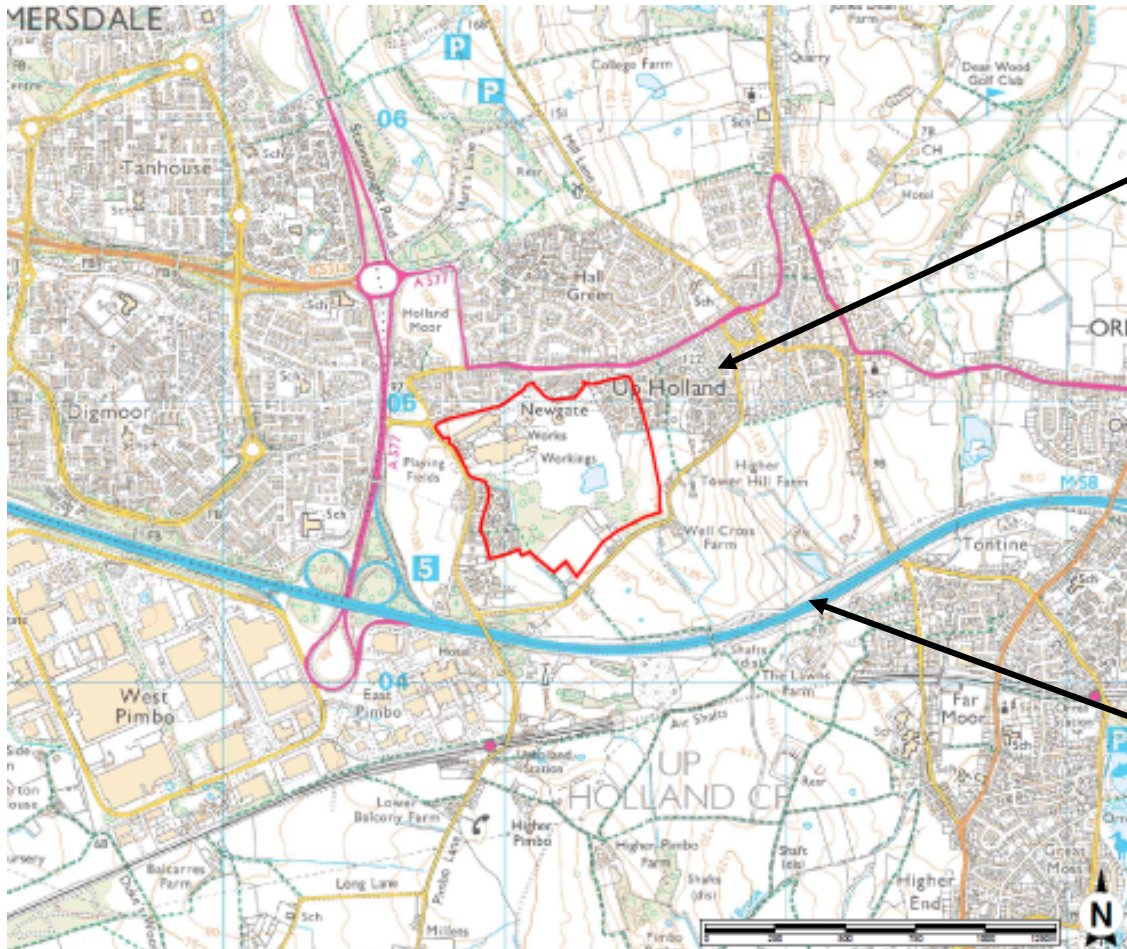
# **Planning application LCC/2022/0016**

**Variation of conditions 2, 3, 4, 5, 7, 21 and  
25 of planning permission LCC/2014/0008  
to allow extension of approved mineral  
working area**

**Ravenhead Quarry, Chequer Lane,  
Upholland**

# Planning application LCC/2022/0016

## Site Location Plan

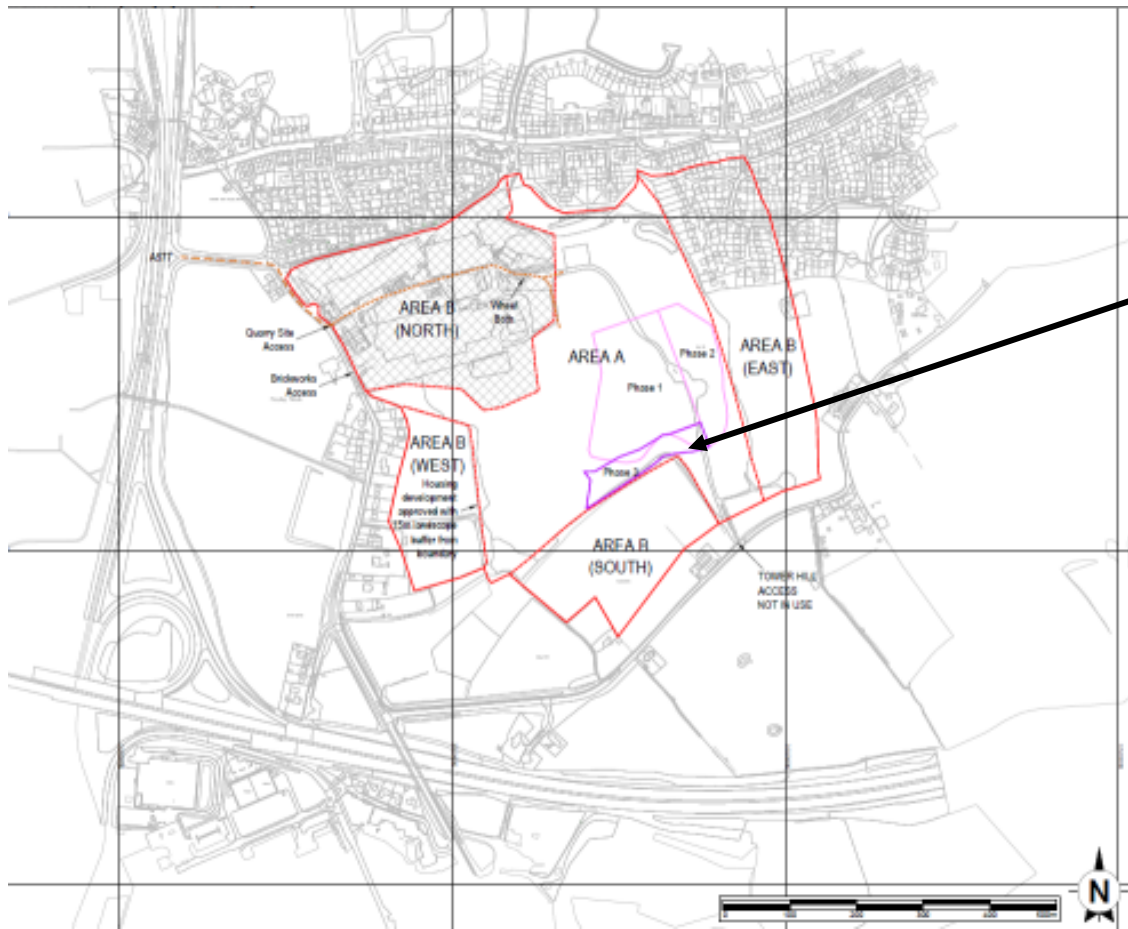


Up Holland

M58  
motorway

# Planning application LCC/2022/0016

## Areas of working



Proposed  
quarry  
extension



# Planning application LCC/2022/0016

## Aerial View

Ormskirk Road

Existing brickworks

Area of proposed extension



Miners Way

Slater Crescent

Tower Hill Road

# Planning application LCC/2022/0016

## Restoration masterplan







# Planning application LCC/2022/0016

## Existing quarrying operations



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# Planning application LCC/2022/0016

Area of quarry to be extended



# Agenda Item 6

## Development Control Committee

Meeting to be held on 20 July 2022

Electoral Division affected: Fleetwood West and Cleveleys West
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### Wyre Borough: application number. LCC/2022/0018

**Provision of multi-use games area and associated 3m high perimeter fencing and connecting pathway. Manor Beach County Primary School, Manor Drive, Thornton-Cleveleys**

Contact for further information:

Helen Ashworth, 01772 530084

[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

#### Executive Summary

Application - This application seeks consent for the provision of a multi-use games area (MUGA), with associated 3m high fencing and connecting pathway. The proposed multi-use games area (MUGA) would measure 30 metres by 15 metres. Manor Beach County Primary School, Manor Drive, Thornton-Cleveleys.

#### Recommendation – Summary

That planning permission be **granted** subject to conditions controlling construction traffic management, materials, surface water drainage and community use scheme.

#### Applicant's Proposal

This application is for the provision of a multi-use games area (MUGA), with associated 3m high fencing and connecting pathway. The proposed multi-use games area (MUGA) would measure 30 metres by 15 metres and would be surrounded by 3m high weldmesh fencing coloured dark green. The multi-use games area (MUGA) would be surfaced in an artificial playing surface (porous asphalt tarmac). Access to the multi-use games area (MUGA) would be from the existing junior playground via a new footpath.

#### Description and Location of Site

Manor Beach County Primary school is located approximately 250m north of Cleveleys town centre and set back approximately 200m from Cleveleys promenade. The school is in a residential area bounded by houses on Manor Drive to the south, Palatine Road to the east and north and by The Links and Ocean Way to the west.

The multi-use games area (MUGA) would be located within the school grounds, to the north of the existing school buildings and car park, to the rear of properties on Palatine

Road to the north. The school has two hard play areas, for infants on the east side of the school and for juniors on the west side of the buildings and in the centre of the site. The school playing fields are on the north and west sides of the site. The rear boundary of the nearest houses on Palatine Road is approximately 10m from the proposed multi-use games area (MUGA).

## **Background**

The application site is within an established educational facility. The following permissions have been granted for development at the school:

Ref 02/13/0436 - Provision of trim trail and gazebo  
Approved July 2013

Ref 98/00591/FUL - Extensions to school and extensions to playground  
Approved October 1998

## **Planning Policy**

Paragraphs 11 - 14, 95, 98 – 103, 126 - 136 and 159-169 are relevant in terms of the presumption in favour of sustainable development, the requirement for new school places, protecting open spaces, the need for high standards of design and planning for flood risk.

The Wyre Local Plan Partial Review (2011-2013) (adopted in February 2019)

Policy SP2 - Sustainable development  
Policy CDMP2 - Flood risk and surface water management  
Policy CDMP3 - Design  
Policy CDMP4 - Environmental assets

## **Consultations**

Wyre Council: No objection. The proposal would not cause unacceptable visual harm or impact on neighbour amenity.

Lancashire County Council (LCC) Highways: No objection. It is noted that the proposed development is within a residential area and as such care is required when considering deliveries and construction if the proposed development was to be granted planning permission. A condition requiring a traffic management plan is recommended.

Sport England: No objection. They advise that they are satisfied that the proposed development meets exception 3 of their playing fields policy, in that:

'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- Reduce the size of any playing pitch;

- Result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- Reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- Result in the loss of other sporting provision or ancillary facilities on the site; or prejudice the use of any remaining areas of playing field on the site'.

They make a number of recommendations regarding the construction, dimensions and materials.

United Utilities: Request a condition is imposed requiring details of a sustainable surface water drainage scheme be submitted and approved.

Environment Agency: In accordance with the National Planning Policy Framework (NPPF) (paragraph 167, footnote 55), a Flood Risk Assessment (FRA) should be provided for all development in Flood Zones 2 and 3 (regardless of vulnerability classification). This should be appropriate to the nature and scale of the development and should demonstrate how flood risk will be managed now and over the lifetime of the development, taking climate change into account, and with regard to the vulnerability of its users. As the proposal is at an education establishment, it may well be classed as 'more vulnerable' in accordance with Annex 3 of the National Planning Policy Framework (NPPF), as that is the official vulnerability classification of the application site.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter.

Two letters of objection from neighbouring residents have been received. They make the following comments:

- The size and appearance of the proposed multi-use games area (MUGA) would impact on the character of the area being so close to residential properties.
- If the proposal, was to be used out of hours this would cause problems with car parking as the surrounding roads are full of parked cars as people return home.
- There would be the problem of noise pollution which could go on late into the evening in spring/summer months.
- There are other areas where the development could be sited without problems.
- There would be an invasion of privacy.

### **Advice**

Manor Beach school presently provides education for 215 no. children aged between 5-11 years. The school benefits from playing fields to the north and west of the existing buildings. The proposed multi-use games area (MUGA) is to be located to the north of the existing buildings. The existing playing field to the west are used for a range of activities throughout the summer months, including after school sports clubs and inter school competitions.



The applicant has provided the following in support of the application:

- The location of the multi-use games area (MUGA) has been carefully chosen to the north of the school building on an area with poor topography that is not currently used as a playing field.
- The provision of the multi-use games area (MUGA) would allow outdoor sport all year round (from October to April the field is not suitable for use as it is too wet) and the remaining playing field would remain in situ.
- Floodlighting is not proposed.
- The proposed multi-use games area (MUGA) would be open to community use, specifically after-school, at the weekends, or during the school holidays, which would bring further economic opportunities to the school. This would only be during daylight hours.
- The school serves a socially deprived area, with limited sports facilities close to the school. For almost all of the children, school is where most of their physical activity and sport experiences takes place.
- The school want to support our community in becoming physically more active to support both physical and mental well-being, countering the limited facilities locally.

#### *Loss of playing field*

The Wyre Local Plan Partial Review (2011-2013) was adopted in February 2019. It identifies all the land around the school as green infrastructure. Policy CDMP4 of the plan sets out the criteria that development proposals involving green infrastructure will have to meet. The policy states that development that involves the partial, or complete, loss of land identified as green infrastructure (including playing field) will not be permitted unless a number of criteria are met:

- a) A connected network of green spaces is maintained; and
- b) The development can be accommodated without the loss of the function of the Green Infrastructure site; or
- c) The site is surplus to requirements; and
- d) The impact on the green infrastructure as a whole can be mitigated or compensated for through the direct provision of new or improved Green Infrastructure elsewhere of the same or improved functionality and accessibility, or through the provision of a financial contribution to enable this to occur; or
- e) The need for or benefits arising from the development demonstrably outweigh the harm caused, and the harm has been mitigated or compensated for so far as is reasonable.

Paragraph 99 of the National Planning Policy Framework (NPPF) makes it clear that existing open space, sports and recreational grounds should not be built on unless an assessment has identified that the open space is surplus to requirements, the loss would be replaced, or the development is for alternative sports and recreation provision, the benefits of which clearly outweigh the loss of the current or former use.

Sport England have a statutory remit to protect Playing Fields. Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless it meets a number of exceptions. Sport England have not raised any objections to the proposal and indicated that they consider policy exception E3 of their playing field policy to be the most appropriate in this instance:

'The proposed development affects only land incapable of forming part of a playing pitch and does not:

- Reduce the size of any playing pitch;
- Result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- Reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- Result in the loss of other sporting provision or ancillary facilities on the site; or prejudice the use of any remaining areas of playing field on the site.'

The multi-use games area (MUGA) would provide an additional sporting facility for the school to enhance the quality and availability of usable open space. Sport England have not raised any objections. The proposal is therefore considered to comply with policy CDMP4 of the Wyre Local Plan.

### *Neighbour Amenity*

The National Planning Policy Framework (NPPF) states that developments should provide a high standard of amenity for existing and future users. Policy CDMP3 of the Wyre Local Plan states that development must not have an unacceptably adverse impact on the amenity of occupants and users of surrounding or nearby properties.

In response to the concerns raised by neighbouring residents the school have confirmed the following:

- After-school sporting activities finish at 4.30pm.
- Community use of the facility is proposed.
- Community use would be restricted to 8.00pm. Weekend use would be available, again restricted to 8.00pm.
- The school car park would also be used outside normal school hours. The Key Stage 2 playground could be used if more parking was needed.

The proposal is considered likely to result in a more intensive use of this part of the playing field by pupils of the school than is presently the case. However, it is important to note that the playing field can already be used by the school at any time, and there are a number of operations that could take place without the need for planning consent that could also intensify activity in the area. No floodlighting is proposed, and therefore the multi-use games area (MUGA) could only be used during daylight hours and up until 8.00pm during the summer. It is important to note that there are presently no

restrictions on the hours of use of the existing playing fields. However, given the increase in intensity of use on the site that could arise as a result of the proposals it is recommended that a condition be attached to limit the times of use of the MUGA.

The following times are proposed:

09:00 - 20:00 Mon – Fri,

09:00 - 17:00 Saturdays, Sundays and public holidays

The proposed hours on Saturday and Sunday afternoons are slightly less than suggested by the applicant but with these hours of use it is considered that the impacts on the amenity of local residents would be acceptable. It is considered that a condition should be imposed to control the use of the site by the wider community outside of school hours.

It is considered that the proposed development is unlikely to give rise to any significant increase in vehicle movements to and from the application site that would cause any undue increase in the level of noise and disturbance experienced by neighbouring residents, beyond that which is already experienced. Lancashire County Council (LCC) Highways have requested a condition for a traffic management plan. However, given the scale of development and the relatively short timescale of the construction works it is not considered that such a condition is necessary.

The size, scale and appearance of the proposed fencing is considered to be in keeping with the proposed development and existing use. It would be viewed in the context of the existing school building and is sufficiently far from the adjacent residential properties so as not to form an unduly overbearing or obtrusive feature.

The proposed development is therefore acceptable in terms of visual amenity and impact on residential amenity in accordance with the National Planning Policy Framework (NPPF) and policy CDMP3 of the Wyre Local Plan.

### *Flood Risk and Drainage*

The application site is located within flood zone 2, as is a significant amount of the wider area of Cleveleys. Parts of the school grounds and the neighbouring streets (Manor Drive, Beach Road, Palatine Road) are also at risk from surface water flooding.

In accordance with the National Planning Policy Framework (NPPF) (paragraph 167, footnote 55), a Flood Risk Assessment (FRA) should be provided for all development in Flood Zones 2 and 3 (regardless of vulnerability classification). Even though outdoor sport and recreation facilities are classified as water compatible development, the Environment Agency (EA) are of the view that because the facility is to be provided at an educational establishment it may well be classed as 'more vulnerable' in accordance with Annex 3 of the National Planning Policy Framework (NPPF), as that is the official classification of the application site.



The Environment Agency advises that the Flood Risk Assessment (FRA) should:

- Be appropriate to the nature and scale of the development;
- Should demonstrate how flood risk will be managed now and over the lifetime of the development (taking into account climate change); and
- Have regard to the vulnerability of the users.

The Environment Agency (EA) have also advised that the sequential test should also be applied in respect of the proposals. The sequential test requires that development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding.

Policy CDMP2 (Flood Risk and Surface Water Management) of the Wyre Local Plan states that development will be required to demonstrate that:

- a) It will not be at an unacceptable risk of flooding; and
- b) It would not lead to an increased risk of flooding elsewhere; and
- c) It would not adversely affect the integrity of tidal and fluvial defences or access for essential maintenance and emergency purposes.

It is considered that given the nature and scale of the proposals the main issue of concern is understanding how surface water run-off from the development will be managed.

The applicant has provided a Flood Risk and Surface Water Assessment to support the application. It concludes that:

- The proposals are for a multi-use games area (MUGA) associated with the existing school.
- Given the small scale of the proposals it would be unreasonable for alternative sites to be considered.
- The school has confirmed that there are currently no issues associated with flooding or standing water at the multi-use games area (MUGA) location.
- It is recommended that a flood management plan should be prepared. The plan should consider safe access and egress routes, how information will be disseminated, and information on how to prepare for a flood event / what to do during and after a flood event. Additionally, the plan should include a list of contact numbers.
- It is recommended that the surface of the multi-use games area (MUGA) will be porous asphalt tarmac. This will allow surface water to drain naturally through the surface. The advice of the installer / manufacturer should always be followed, and it is strongly recommended that they provide a maintenance schedule for the surface.

With regard to the sequential test, it should be noted that the land to the west of the school building is within Flood Zone 1, however this area is where the present playing

pitch facilities are located, and as such the development of the multi-use games area (MUGA) in this location would be likely to be unacceptable to Sport England. Furthermore, as the multi-use games area (MUGA) is to be used by pupils of the school, it cannot be reasonably located outside of the grounds of the school.

Given the nature of the proposed development and site constraints it is considered that the proposed multi-use games area (MUGA) is in accordance with the sequential test and would not give rise to any undue increase in surface water run-off. The multi-use games area (MUGA) could reasonably be located elsewhere, and appropriate, porous materials are proposed.

### *Highway Safety*

There is one vehicular access to the school, off Palatine Road, and two separate pedestrian accesses off Manor Drive and Palatine Road to the school. There is limited on street car parking in the surrounding area due to the density of housing development around the school.

The applicant has confirmed that they are happy with the proposed condition requiring a traffic management plan for the construction phase to be submitted and agreed.

The National Planning Policy Framework (NPPF) is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. As no objections have been raised by Lancashire County Council (LCC) Highways it is not considered that a refusal on highway safety grounds could not be sustained.

### *Conclusion*

Subject to the imposition of appropriate conditions the proposal would not give rise to any undue loss of amenity for neighbouring residents and would enhance the quality and availability of open space at the school. The proposal is accordingly recommended for approval.

In view of the size, scale and nature of the proposals 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 three 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 in accordance with the following documents:

Submitted Plans and documents:

Dwg. No. 11369-L01 Location Plan  
Dwg. No. 11369-L02 Proposed Site Plan of School  
Dwg. No. 11369-L03 Proposed Site Plan  
Dwg. No. 11369-L04 Fencing Details

*Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy CDMP3 of the Wyre Local Plan Partial Review.*

3. Prior to the commencement of development, details of a sustainable surface water drainage scheme shall be submitted to and approved in writing by the County Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations).

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The approved drainage systems shall be implemented in the construction of the multi-use games area (MUGA).

*Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.*

### **Hours of Working**

4. The multi-use games area (MUGA) shall not be used outside of the hours of:

09:00 - 20:00 Mondays to Fridays  
09:00 - 17:00 Saturdays, Sundays and public holidays.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and to conform with Policy CDMP3 of the Wyre Local Plan Partial Review.*

5. The multi-use games area (MUGA) shall not be brought into use until a scheme of community use of the facility has been submitted to and approved in writing by the County Planning Authority. The scheme shall contain the following information:
- a) Details of how community use will be managed including prevention of access outside of the hours in condition 4 above.
  - b) Details of litter collection facilities to be installed.

The use of the multi-use games area (MUGA) shall be managed in accordance with the approved scheme at all times.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and to conform with Policy CDMP3 of the Wyre Local Plan Partial Review.*

5. No flood lighting shall be installed to illuminate the multi-use games area (MUGA).

*Reason: To minimise the impact on local amenity and to comply with Policy CDMP3 of the Wyre Local Plan Partial Review.*

### **Building Materials**

6. No development shall commence until details of all surfacing materials used in the development have first been submitted to and approved in writing by the County Planning Authority. Thereafter only those materials approved shall be used in the development.

*Reason: To seek to ensure that drainage from the site can be adequately controlled and to minimise flood risk and to conform with Policy CDMP2 of the Wyre Local Plan Partial Review.*

### **Local Government (Access to Information) Act 1985**

#### **List of Background Papers**

Paper	Date	Contact/Directorate/Ext
LCC/2022/0018	July 2022	Helen Ashworth Planning and Environment (01772) 533069

Reason for Inclusion in Part II, if appropriate

Not applicable.

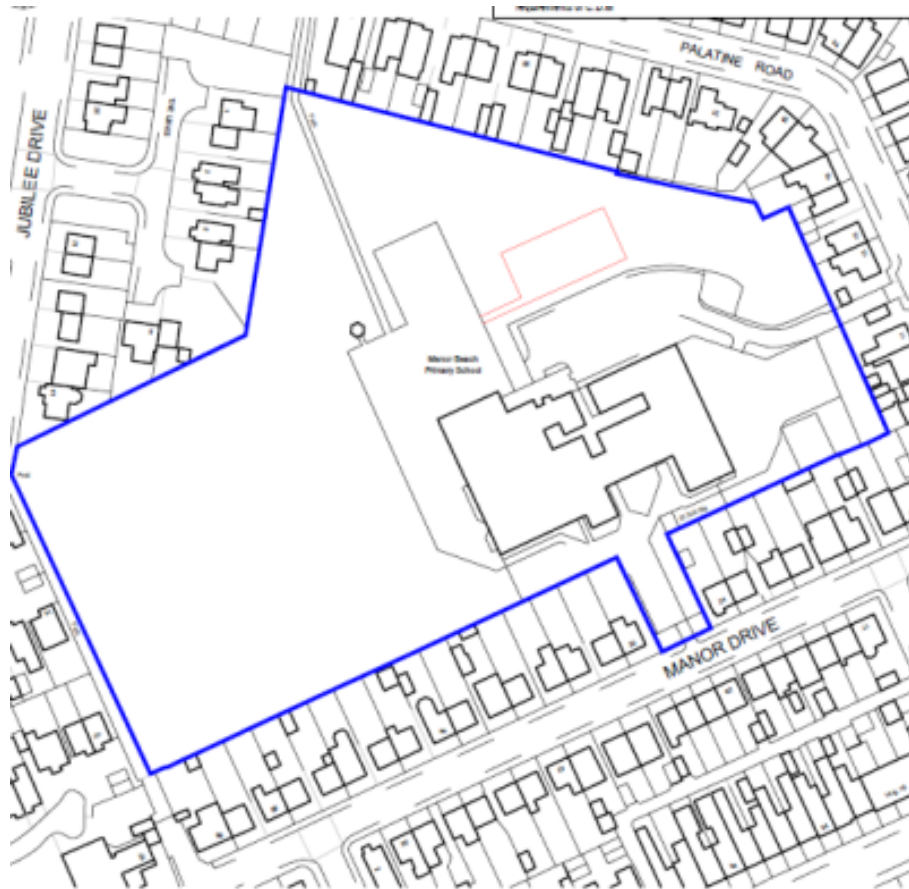
**Planning application LCC/2022/0018**

**Provision of multi use games area (MUGA)  
and associated 3m high perimeter  
fencing and connecting pathway**

**Manor Beach County Primary School,  
Manor Drive, Thornton-Cleveleys**

# Planning application LCC/2022/0018

## Site Location Plan



# Planning application LCC/2022/0018

## Aerial View

Palatine Road



Application site

Manor Drive



# Planning application LCC/2022/0018

## Proposed site plan



Proposed multi use games area

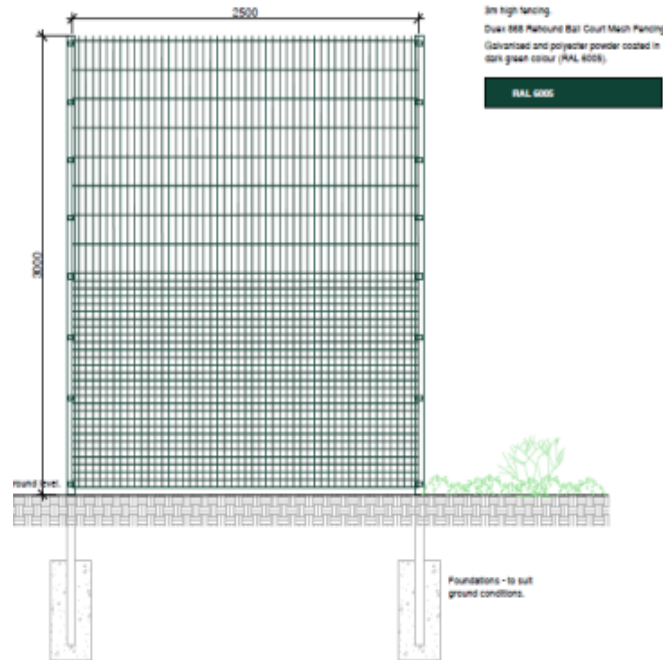
Existing playing fields



# Planning application LCC/2022/0018

## Proposed fencing

FENCING DETAIL  
Scale 1:20



# Planning application LCC/2022/0018

View of houses on  
Palatine Road from site



# Planning application LCC/2022/0018

Adjacent car park to south





# Agenda Item 7

## Development Control Committee

Meeting to be held on 20 July 2022

Electoral Division affected: Burnley Rural
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### **Burnley Borough: application number LCC/2022/0025**

**Variation of conditions 1, 3, 10, 27, 28 and 29 of planning permission 12/06/0959 to allow landfilling to continue to 31 December 2032 and site to be restored by 31 December 2033 at Deerplay Landfill Site, Bacup Road, Cliviger**

Contact for further information:

Robert Hope, 01772 534159

[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

#### **Executive Summary**

Application - Variation of conditions 1, 3, 10, 27, 28 and 29 of planning permission 12/06/0959 to allow landfilling to continue to 31 December 2032 and site to be restored by 31 December 2033 at Deerplay Landfill Site, Bacup Road, Cliviger.

#### **Recommendation – Summary**

That planning permission be **granted** subject to conditions controlling the duration of development by allowing landfilling until 31 December 2029 and final restoration by 31 December 2030, working programme, site operations, ecology, restoration and aftercare.

#### **Applicant's Proposal**

This application is to request a change of conditions on the existing planning permission to allow landfilling to continue to 31 December 2032 and the site to be restored by 31 December 2033.

The current planning permission for mineral extraction and landfilling was granted on 17 April 2008 (ref. 12/06/0959). Condition 1 to that permission requires that mining and landfilling operations shall cease no later than 31 December 2022, and that the site shall be progressively restored by 31 December 2023, or within 12 months from the date of the site being restored to approved levels, whichever is the sooner.

As part of the proposal for a time extension there is also a request to update conditions 3, 10, 27, 28 and 29 to account for updates and changes to the working programme, to remove reference to stockpiling of minerals, to remove the unnecessary reference to securing an Environmental Permit, and in relation to details of final restoration and aftercare. All other controls relating to site operations and tipping levels would continue as existing including hours of working, which is currently restricted to 0700 to

1900 hours, Mondays to Fridays (except Public Holidays) and 0700 to 1300 hours on Saturdays.

## **Description and Location of Site**

Deerplay landfill site is located within a shale/stone quarry and covers an area of approximately 14 hectares within an open moorland setting. The quarry is being restored by landfilling with non-hazardous waste to create a final landform of grassland and woodland. The site is accessed from the A671 Bacup Road via a dedicated entrance and access road. The site also includes a site infrastructure area including a netted waste tipping bay, portacabins, a landfill gas flare, wheel washer and leachate treatment plant.

The nearest residential properties are Long Shay Farm House and Cottage, a garden of which is located adjoining the western site boundary, and the houses themselves some 70m from the lined tipping area. There are no other residential properties in close proximity to the site.

## **Background**

Mineral extraction was established at the site in 1947 when the site was operated as a quarry with an associated brickworks. The brick works closed, and the buildings were demolished in the late 1970's. Planning permission was subsequently granted on 7 September 1981 to reopen the quarry and to deposit household, industrial and commercial non-hazardous waste until 31 December 1996. Further time extensions allowed mining and landfilling operations to continue to the present day. The landfill site was mothballed to waste imports in 2006 and landfilling operations have only recently recommenced. Quarry operations have now ceased.

More recently, in June 2021 planning permission was granted for a netted tipping bay for the temporary containment of waste and the installation of two portacabins for the duration of landfilling and associated activities. (ref. LCC/2021/0016). This permission expires on 31 December 2023.

## **Planning Policy**

*National Planning Policy Framework*

*Waste Management Plan for England (December 2013)*

*National Planning Policy for Waste (October 2014)*

*Our Waste, Our Resources: A Strategy for England (December 2018)*

*Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document*

Policy CS7 Managing our 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*

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals
Policy DM2	Development Management
Policy LF1	Sites for Non-Hazardous Waste

*Burnley Local Plan*

Policy SP1	Achieving Sustainable Development
Policy SP5	Development Quality and Sustainability
Policy NE5	Environmental Protection

**Consultations**

Burnley Borough Council – No objection.

Cliviger Parish Council – Concern over the cleaning of the net on the litter fencing, height of landfill and potential problems of waste materials contaminating local water supplies.

Lancashire County Council (LCC) Highways Development Control – No objection.

Coal Authority – No comments to make.

Lancashire County Council Ecology Service – Note that the applicant has submitted an ecological assessment report, which includes recommended ecological protection measures. A condition is recommended to comply with the protection measures. The revised restoration proposals include seeding the restored area with a more species diverse grassland mix, instead of the currently approved restoration to agricultural grassland, which is welcomed.

Environment Agency – No objection. The landfill operations are regulated by the Environment Agency under the Environmental Permitting Regulations. The operator holds a modern environmental permit and has the relevant management systems to enable them to comply with their permit.

Lancashire County Council Landscape Service – It is disappointing that the site has not been restored in accordance with the requirements of the planning permission. The area has had to endure significant visual and landscape impacts for a very long time. Nevertheless, an updated landscape and visual assessment is required to account for any changes to the local environment and the time extension should be limited to 5 years to provide an earlier end date to site activities. Additionally, the restoration scheme should be revised to include more species rich grassland and appropriately planted native trees and shrubs.

Lead Local Flood Authority – No objection following the submission of a flood risk assessment and surface water management report.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. 3 representations have been received including from the adjacent properties raising the following summarised comments:

- Cliviger has a natural beauty which will be blighted by the landfill site being opened.
- Concern over contamination of drinking water, which is supplied locally by boreholes, springs and run-off water.
- Landfill smells and traffic generated litter and air pollution.
- Agreement in principle that comprehensive restoration is beneficial and that using a strategically important non-hazardous landfill void is better than creating new landfills but that the time extension should be reduced to 5 years.
- A neighbouring garden borders the site, which is closer than the 50m quoted for the nearest 'property'.
- It is unclear why the site has been mothballed for so long when the applicant makes the case for future tipping.
- Past and current tipping rates and void space appear to be unreliable.
- Given the applicant's predicted increased demands for tipping at this site based on availability elsewhere the time extension should be limited to 5 years.
- 12 months ago, the applicant said at a local meeting that they hope to fill the site within 6 years.
- There have already been time extensions in 1997 and 2006 and this time more consideration should be given to the wellbeing of local residents.
- The site could actually be restored to an acceptable state without the need to achieve full capacity especially given the undulating nature of the local landscape.
- Over tipped mineral stockpiles should be regraded as proposed.
- There should be no working on bank holidays.
- Noise and odour do cause disturbance.
- To ensure transparency, annual update reports should be given to local residents explaining where the site is up and a brief overview as to volumes received and where the site is in relation to the timescales.
- No further time extension applications should be allowed.

## **Advice**

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework sets out the Government's planning policies and is a material consideration in planning decisions.

National Planning Policy for Waste sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. A key part of this is to drive waste management up the waste hierarchy, this principle being derived from the Waste Framework Directive, which is the European Union legislation that governs waste management. The waste hierarchy sets out the following order of preference in waste prevention and management legislation and policy: a) prevention; b) preparing for re-use; c) recycling; d) other recovery, (for example energy recovery); and e) disposal as the least preferable option. This



includes helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment and recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal.

Policy LF1 of the Joint Lancashire Minerals and Waste Local Plan refers to sites for non-hazardous landfill and states that long term landfilling of non-hazardous waste will only be supported at Whinney Hill Landfill Site in Accrington. Elsewhere, landfilling of non-hazardous waste will be supported at existing permitted sites.

The National Planning Policy Framework and the Joint Lancashire Minerals and Waste Local Plan recognise that minerals and waste developments have the potential to give rise to adverse impacts on the quality of life of people for a variety of reasons including noise, dust and vibration. More specifically, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan supports development for minerals or waste management operations where it can be demonstrated that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals, account should be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts could be controlled in accordance with current best practice and recognised standards.

The landfill site covers a total area of approximately 14 hectares and the remaining landfill void is approximately 1 million tonnes of capacity when considering previously approved tipping levels. The applicant states that given previous historic and proposed maximum input levels, the site could reasonably be expected to operate for a further 10 years with an additional 12 months to complete restoration. National waste management policy seeks to reduce the production of waste and to re-use and recycling waste where possible. However, it is acknowledged that facilities for waste disposal are still required for waste materials that have no further use or it is not currently feasible to reuse or recycle. With this in mind it is considered that the principle of continued landfilling at this site can be supported in compliance with national policy and Policy LF1 of the Joint Lancashire Minerals and Waste Local Plan.

The main issue relates to the acceptability of the proposed ten-year time extension. However, concern is raised about the continuing impact of landfilling operations on the landscape and neighbouring residents, and the length of time it is taking to restore the site. Lancashire County Council's Landscape Advisor and several local residents have suggested that a five-year time extension would provide sufficient time for the site operator to complete the site to a satisfactory standard while also giving some comfort that landfilling operations will be completed within a short time frame.

The site is largely enclosed from surrounding areas and operations are only likely to become visible from distant viewpoints as waste tipping levels reach higher flanks of the site. The site is not located within or close to an area that is covered by any higher tier landscape designations and the approved development scheme includes returning the land to its previous pre-development use. The application includes a landscape and visual appraisal following the recommendations of Lancashire County Council's Landscape advisor, which reasonably concludes that the landscape and visual effects of the proposal would not be significant.

The applicant asserts that the principal benefits of the continuation of landfilling are to achieve a sustainable final landform, to provide a strategically important non-hazardous landfill void and to deliver a comprehensive restoration. The approved indicative restoration scheme includes predominantly 'agricultural' grassland, with native shrub and tree planting within a sloping landform. The site and adjacent area are not subject to any European or national level ecological designations and currently has limited ecological features. To enhance the potential biodiversity value of the site, the applicant proposes to use a more diverse seed mix within the restoration scheme, which would provide ecological benefits compared to the existing restoration scheme.

Notwithstanding the benefits of allowing a continuation of landfilling at the site, a balance needs to be struck so that the site is restored at the earliest opportunity while also appreciating that neighbouring residents have had to endure long periods of general disruption along with uncertainties around prolonged temporary closure. Paragraph 211 of the National Planning Policy Framework (NPPF) states that mineral planning authorities should ensure that restoration and aftercare is provided for at the earliest opportunity.

The applicant has indicated that there have been historic inputs of, and future maximum input levels of around 150,000 tonnes per annum. Taking into account these figures, ongoing landfilling operations, surplus spoil restoration material (some 33,000m<sup>3</sup>), and the estimated void capacity of around 1 million tonnes it is considered that the remaining void space could be infilled by 2029 rather than the applicant's request to 2032 and restoration within the following 12 months. Whilst the local residents and Lancashire County Council Landscape advisor have proposed that any time extension should be limited to five years, it is considered that such a short timescale would not allow sufficient waste to be imported to achieve a landform that would be satisfactory in pollution control terms. A time extension until 2029 would give sufficient time for the site operator to focus on achieving the approved levels based on realistic inputs. Should the approved levels not be fully achieved by this time they should still be sufficient to achieve a satisfactory landform. Furthermore, a condition is recommended to require details of a lower-level restoration scheme should approved levels not be reached, and for the re-imposition of a condition relating to submission of reports for the annual monitoring of landfilling and restoration activity at the site.

It should be borne in mind that the applicant could appeal any decision that would curtail the landfill operations prematurely and also to submit further applications for time extensions to the duration of operations should they wish. Any application would have to be considered on its merits at the time.

Regarding pollution control and local amenity, landfilling activities have the potential to generate noise, air pollution and littering impacts through the operation of plant and machinery within the site and the disposal of waste. However, these issues are well understood at this site and are controlled through the Environmental Permit. There are two houses that are very close to the boundary of the landfill and the proposal has the potential to impact on the amenities of these properties by way of odour, noise, dust and litter by extending the duration of the landfill activities. Granting permission for the continuation of landfill activities until 2029 would allow a satisfactory final landform

to be achieved whilst seeking to limit the amenity impacts of the operations to be controlled to acceptable levels as required by Policy DM2 of the Lancashire Minerals and Waste Local Plan.

As part of improved waste management controls at the site, the site operator has installed a new temporary high level litter fence, which is subject to a separate retrospective planning application (see ref. LCC/2022/0026 which is the subject of a report elsewhere on this agenda). This supplements a recently installed netted tipping bay within the site compound area (see ref. LCC/2021/0016).

Netting systems are not a new concept at Deerplay Landfill Site. Given the exposed location, a similar proposal was previously permitted and installed in October 2000 and 2003. Those large structures were dismantled following the temporary cessation of tipping activities. The netted tipping bay is an alternative smaller scale solution to managing litter from imported waste before the waste is transferred to the permanent tipping area and it allows the site to continue to accept waste during windy conditions where normal tipping activities may have to be suspended to avoid litter problems. The Environmental Permit may dictate that further netting systems are required in future within the wider site along with other environmental controls.

Paragraph 188 of the National Planning Policy Framework states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. The Environment Agency has raised no objection and has stated that the site operator employs the relevant management systems to enable them to comply with their permit.

The application is accompanied by a flood risk assessment and a surface water management report. The site is not within a flood risk zone. However, as it is over one hectare there is a requirement to submit a flood risk assessment to demonstrate that the proposed development would not be affected by flooding and would not increase flooding elsewhere. The report concludes that there is low probability of flooding from fluvial sources, there is a low susceptibility to groundwater and surface water flooding, and the proposed development is unlikely to lead to significant increase in flooding elsewhere. Likewise, there is sufficient capacity and containment on site to ensure there would be no surface water management issues. Proposed restoration conditions require the submission of details of surface water management in relation to the final landform. The Lead Local Flood Authority has raised no objection.

In terms of highway matters, waste materials are imported to the site via the A671 Bacup Road. A time extension for landfilling operations would extend the duration of time during which vehicle movements would take place. However, impacts are unlikely to be environmentally significant and the road network has the capacity to accommodate heavy goods vehicle (HGV) movements, which are currently unrestricted. Lancashire County Council's Highways Development Control have raised no objection.

## *Human Rights*

The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 1 of Protocol 1 states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance with the law and as is proportionate.

Activity at the landfill site would be unlikely to generate a degree of impact on neighbouring properties, which would breach these rights. However, it is considered that any potential impacts could be minimised through the recommended planning conditions and also through the controls within the Environmental Permit for the site.

## *Conclusion*

The proposed time extension for the existing landfill site would allow for the continued landfilling of waste that cannot currently be managed further up the waste management hierarchy and allow for the appropriate restoration of the site as previously approved. However, it is considered that the applicant's proposed time scales would be likely to prolong landfill activity beyond a reasonable timeframe leading to loss of amenity for local residents. On this basis it is recommended that permission be granted for landfilling until 2029 rather than the applicant's request to 2032 with final restoration thereafter. Additionally, subject to the re-imposition of previously approved conditions, removal of superfluous conditions relating to the environmental permit and a scheme for mineral stockpiling, and new conditions relating to improvements to the restoration plan to include enhanced nature conservation features, it is considered that there should be no unacceptable adverse impact on the environment, local highways or the amenity of local residents. The proposal is then considered to be acceptable in terms of the policies of the National Planning Policy Framework and the development plan and other material considerations.

## **Recommendation**

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

### **Time Limits**

1. The mining operations and landfilling authorised by this permission shall cease not later than 31 December 2029. The site shall be progressively restored in accordance with the conditions to this permission and shall be finally restored by 31 December 2030, or within 12 months from the date the approved tipping levels are achieved if sooner.

*Reason: To provide for the completion and progressive restoration of the site within a reasonable timescale in the interest of local amenity and the local landscape and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

## Working Programme

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

a) Submitted Plans:

Figure 1 - Site location

Drawing no. 3112-01-02 - General Arrangement

Drawing no. 3112-01-03 - Consented pre-settlement contours

Drawing no. 3112-01-04 - Cross Sections

Drawing no. 3112-01-05 - Proposed Phasing (excluding date references)

Drawing no. 3112-01-06, rev A - Indicative Restoration Proposals

- b) All details reserved by condition 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 Policy DM2 of the of the Joint Lancashire Minerals and Waste Local Plan and Policy NE5 of the Burnley Local Plan.*

3. A copy of this permission and all the documents referred to in condition 2 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 to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

4. A topographical survey shall be submitted to the County Planning Authority annually by the 31 December every year until the end of the aftercare period referred to in this permission. The survey shall have been carried out within the two months preceding this date and shall consist of a plan drawn to a scale of not less than 1:1250 which identifies all surface features within the site and is contoured at one metre intervals, relating to ordnance datum, over all the land where wastes have been deposited and contoured at two metre intervals over the remaining area of mineral extraction.

*Reason: To enable the County Planning Authority to monitor the site to ensure compliance with the planning permission and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

5. The provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any amendment, replacement or re-enactment thereof are excluded and shall not apply to this development. Any development referred to in that part shall only be carried out pursuant to a

planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment, replacement or re-enactment thereof.

*Reason: To maintain the County Planning Authority's control of the development and to safeguard the amenity of local residents and adjacent properties/landowners and land users, and the Conservation Area, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

6. Waste materials arising from the winning, working and processing of minerals under this permission shall only be deposited within approved restoration, landscaping or engineering works.

*Reason: To safeguard the visual amenity and the amenity of local residents and adjacent properties/landowners and land users and to ensure satisfactory restoration and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

7. The site shall be the final place of deposit for all waste and no waste shall be removed from the site once it has been deposited within the landfill area.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and prevent the pollution of adjacent land and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

8. No mining operations, landfilling or restoration shall take place except between the hours of:

0700 to 1900 hours, Mondays to Fridays (except Public Holidays)  
0700 to 1300 hours on Saturdays

No such development or restoration shall take place at any time on Sundays or Public Holidays.

This condition shall not, however, operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential maintenance to plant and machinery used on site.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and prevent the pollution of adjacent land and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

9. Wheel cleaning facilities shall be available for use at all times during the operational life and restoration of the site, to ensure that no debris from the site is deposited by vehicle wheels on the public highway. The wheel cleaning facilities shall be maintained in full working order at all times throughout the operational life and restoration of the site.

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

10. The wheel cleaning facilities provided under condition 9 shall be used by all heavy goods vehicles leaving the site.

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

11. Any internal haul road or private way between the wheel cleaning facilities and the boundary of the site shall be metalled and drained and kept clear of debris along its entire length at all times throughout the operational life and restoration of the site.

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

12. All vehicles transporting minerals from the site of a size less than 100 mm in any dimension shall be securely sheeted.

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

13. Measures shall be taken to ensure that no dust or windblown material is carried on to adjacent property and in, particular, shall include the watering of all haul and access roads and the spraying of storage heaps or areas as necessary during dry weather conditions.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and prevent the pollution of adjacent land and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

14. No explosives shall be used on the site.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and prevent the pollution of adjacent land and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

15. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

*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 DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

16. All foul drainage shall be discharged into a public sewer or else to a sealed tank and the contents of the tank shall be removed from the site completely.

*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 DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

17. 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.

*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 DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

18. Repair, maintenance and fuelling of plant and machinery shall only take place on an impervious surface drained to an interceptor and the contents of the interceptor shall be removed from the site completely.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

19. The measures detailed within Table 5.1 and Appendix 2 of the Ecological Assessment Report (Avian Ecology, 20th April 2022), to ensure the protection of habitats and species and to ensure compliance with relevant legislation, shall be implemented during the ongoing operations and during restoration of the site.

*Reason: To seek to ensure protection of habitats and species and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

20. All available topsoil and subsoil shall be stripped from any part of the site before that part is excavated or is traversed by heavy vehicles, plant or machinery, or roads, buildings, plant yards or stores are constructed on it. All stripped topsoil and subsoil shall be stored on the site for use in the restoration of the site.

*Reason: To ensure the proper removal, storage and replacement of soils to ensure satisfactory restoration and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

21. No topsoil, subsoil or overburden shall be sold or otherwise removed from the site.

*Reason: To ensure the proper removal, storage and replacement of soils to ensure satisfactory restoration and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*



22. Any trees within the site which are either removed or damaged, become diseased or which die at any time during the development, restoration and the aftercare period as provided for in this permission shall be replaced during the first available planting season, as defined in this permission, after which such condition is discovered with trees of a similar type, number and species so affected.

*Reason: To ensure satisfactory restoration and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

23. By 31 December 2023 details of the phased restoration of the whole site, in general accordance with drawing no. 3112-01-06, rev A - Indicative Restoration Proposals shall be submitted to the County Planning Authority for approval in writing.

The details shall provide for:

- a) The removal of all plant, machinery, buildings, structures, erections and their foundations including the removal of all internal haul roads, visibility splays, subsidiary site roads and hardstanding areas other than those required and permitted by b) below;
- b) All surface plant, machinery, buildings, structures and erections, roadways, pipelines or other similar apparatus which are either to be retained beyond the period required to complete the restoration of the site in accordance with this permission, or will be required for the future management of the site;
- c) The works necessary to make good any damage to the land brought about by the repair or provision of the apparatus referred to in b) above or through uneven settlement of the wastes;
- d) Drainage and surface water management information for the final landform;
- e) The re-spreading of soils or soil making materials and their cultivation;
- f) The restoration of the land concerned following the removal or cessation of the use of each item of the apparatus referred to in b) above;
- g) Location and layout of native tree/shrub planting areas, numbers, species, types and sizes of species to be used, planting techniques, protection measures and seed mixes to be used and rates of application
- h) The methods to be employed to promote normal plant growth;
- i) Monitoring of settlement and remedial measures to be adopted;
- j) A timescale for the implementation of the above restoration works.

The land shall be restored in accordance with the approved details and the timescales set out therein.

*Reason: To ensure satisfactory restoration and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

24. If by 31 December 2030, the levels of landfilling have not reached the approved levels, alternative details for the final restoration of the whole site, in general

accordance with the features shown on drawing no. 3112-01-06, rev A - Indicative Restoration Proposals, shall be submitted to the County Planning Authority within 1 month of 31 January 2030 for approval in writing. The submitted details shall include:

- a) A contour plan showing the final levels and landform of the site at not less than one metre intervals;
- b) The replacement of soils or soil making materials including details of the materials to be used, depths of replacement and their treatment;
- c) The landscaping of restored areas including seeding or tree and shrub planting including details of location and layout of planting areas, numbers, species, types and sizes of species to be used, planting techniques, protection measures and seed mixes to be used and rates of application;
- d) The measures to be taken to secure normal plant growth;
- e) Details of surface water management including identification of discharge points and measures to control run off and prevent erosion;
- f) Details for the treatment of any water areas including depths of water, creation of shorelines and appropriate planting and landscaping of water features;
- g) The removal of all plant, machinery, buildings, structures, erections and their foundations including the removal of all internal haul roads and hardstanding areas;
- h) Details for the creation of any wildlife habitat areas.

Thereafter, the site shall be restored within 12 months of the approval in writing of the alternative details of restoration.

*Reason: To ensure satisfactory landscaping and restoration of the site and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan*

25. By 31 December 2028 details for the aftercare of the site shall be submitted to the County Planning Authority for approval in writing. The details shall provide for the aftercare of the site for a period of five years to promote amenity/nature conservation after use of the site and shall contain details of the following:

- a) Maintenance and management of the restored site to promote its amenity/biodiversity interest;
- b) Scrub clearance where necessary;
- c) Maintenance of tree planting which shall include, where necessary, replacement of dead and dying species, thinning and weed control;
- d) An annual inspection to be undertaken in conjunction with representatives of the County Planning Authority to assess the aftercare works that are required in the following year.

The approved details shall be employed upon certification in writing by the County Planning Authority of the completion of restoration.

*Reason: To ensure satisfactory restoration and aftercare of the site in accordance with an approved scheme and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

26. By 31 January every year until the end of the aftercare period referred to in this permission, a report shall be submitted to the County Planning Authority recording in detail the operations carried out on the land during the previous 12 months in respect of landfilling and measures taken to implement the restoration and aftercare provisions and setting out the intended operations for the next 12 months.

*Reason: To enable the County Planning Authority to monitor the site to ensure compliance with the planning permission and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

## **Definitions**

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

Planting Season: The period between 1 October in any one year and 31 March in the following year.

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration in accordance with condition 24 have been completed satisfactorily.

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

Paper	Date	Contact/Ext
LCC/2022/0025	July 2022	R Hope Planning and Development (01772) 534159

Reason for Inclusion in Part II, if appropriate

Not applicable



# Planning application LCC/2022/0025 & 0026

**Burnley Borough: application number LCC/2022/0025**

**Variation of conditions 1, 3, 10, 27, 28 and 29 of planning permission 12/06/0959 to allow landfilling to continue to 31 December 2032 and site to be restored by 31 December 2033 at Deerplay Landfill Site, Bacup Road, Cliviger**

**Burnley Borough: application number LCC/2022/0026**

**Perimeter litter fencing at Deerplay Landfill Site, Bacup Road, Cliviger**

# Planning application LCC/2022/0025 & 0026

## Location plan



Site boundary

Site access  
A671

Deerplay  
Moor



# Planning application LCC/2022/0025 & 0026

## Aerial view (taken in 2020)

Long Shay  
Cottage  
and  
Farmhouse

A671

Landfill  
liner

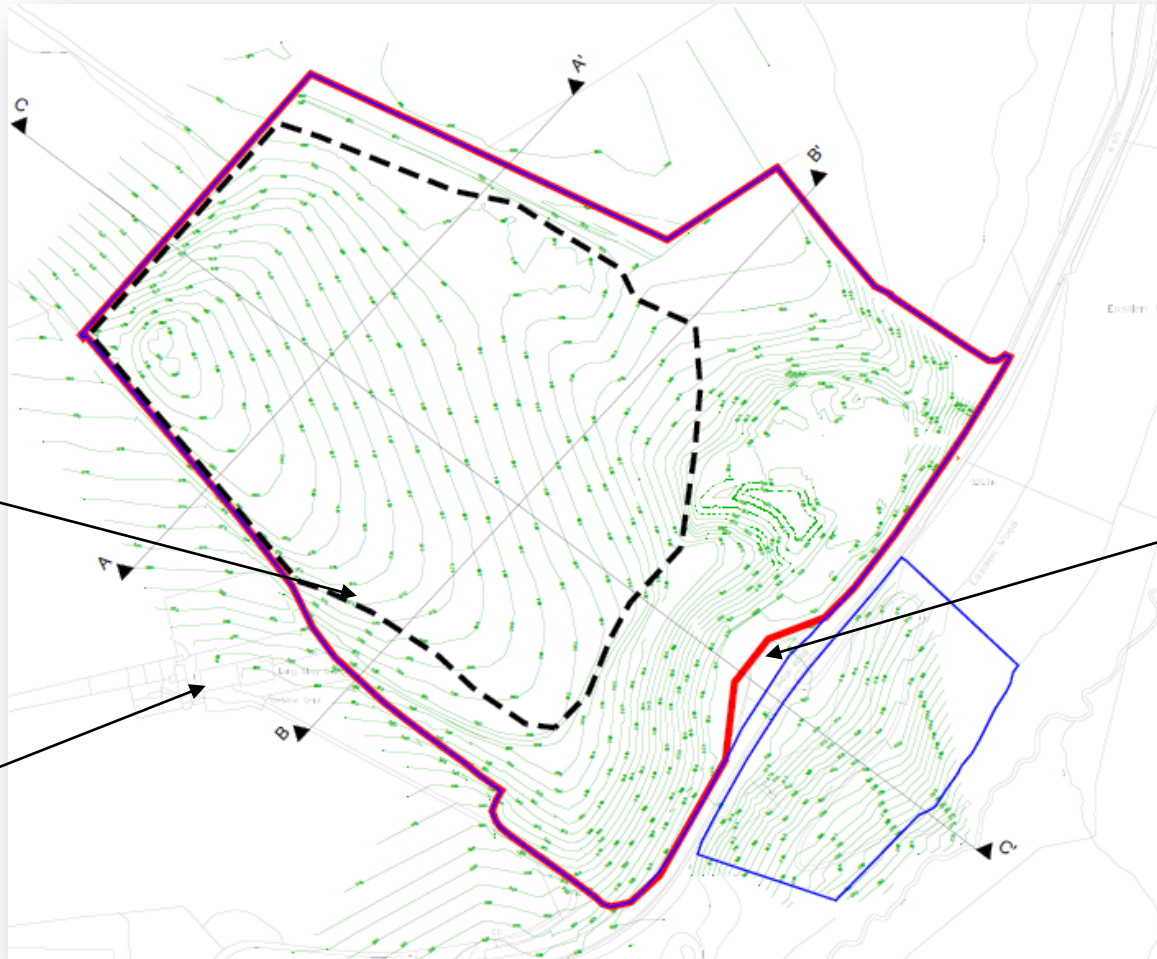


# Planning application LCC/2022/0025 & 0026

Consented levels

Page 72  
Spatial extent of remaining landfill (dashed line)

Long Shay

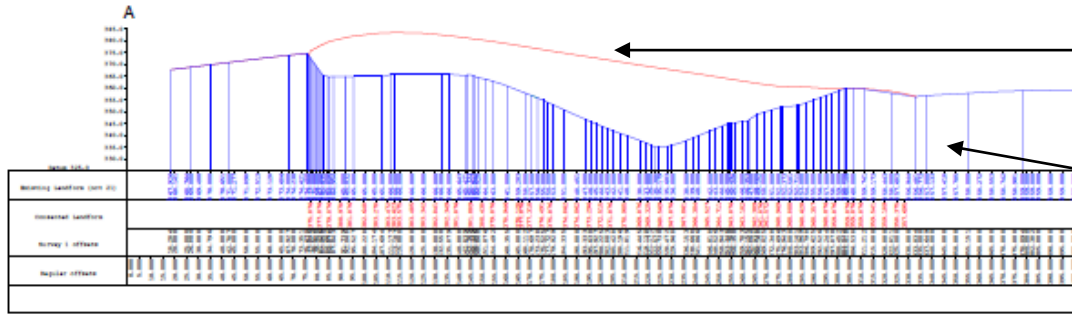


Site access



# Planning application LCC/2022/0025 & 0026

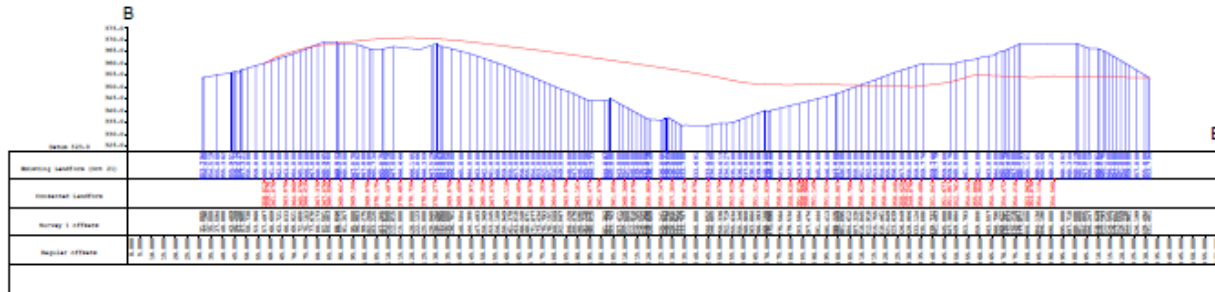
## Sections



Proposed levels

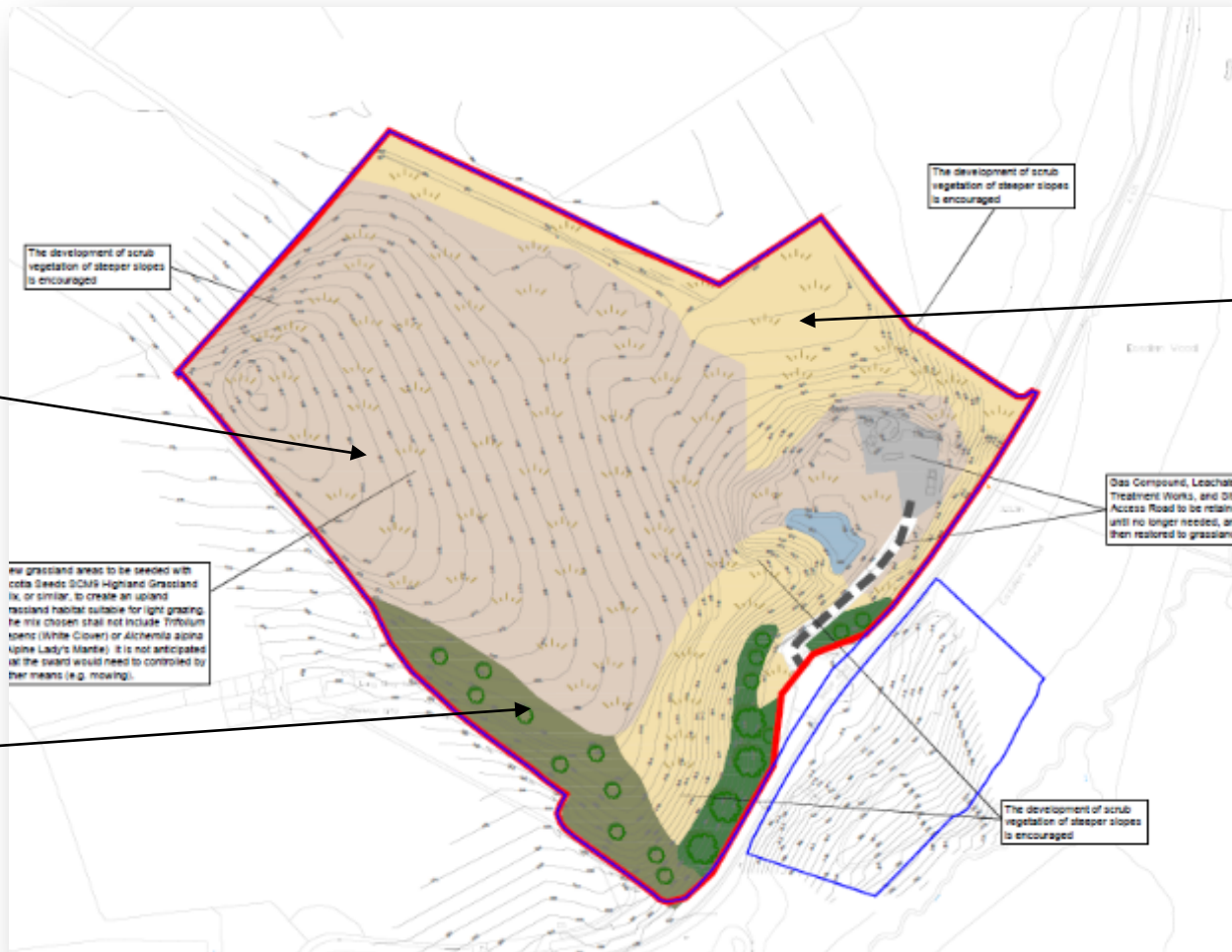
Existing levels

Section A-A'



Section B-B'

# Planning application LCC/2022/0025 & 0026



Grassland

Scrub vegetation

The development of scrub vegetation of steeper slopes is encouraged

The development of scrub vegetation of steeper slopes is encouraged

Gas Compound, Leachate Treatment Works, and Site Access Road to be retained until no longer needed, and then restored to grassland

Grassland areas to be seeded with cota seeds (CMS Highland Grassland IX, or similar, to create an upland heathland habitat suitable for light grazing. The mix chosen shall not include Trifolium spencei (White Clover) or Alchemilla alpina (Upland Lady's Mantle). It is not anticipated that the sward would need to be controlled by other means (e.g. mowing).

The development of scrub vegetation of steeper slopes is encouraged

Final Restoration



# Planning application LCC/2022/0025 & 0026



Litter netting



# Planning application LCC/2022/0025 & 0026



Site access

# Planning application LCC/2022/0025 & 0026



Site compound looking into landfill area

# Planning application LCC/2022/0025 & 0026



Active landfilling area



# Planning application LCC/2022/0025 & 0026



Remaining void space



# Planning application LCC/2022/0025 & 0026



Site compound

# Planning application LCC/2022/0025 & 0026



Long Shay



# Planning application LCC/2022/0025 & 0026



Long Shay



# Agenda Item 8

## Development Control Committee

Meeting to be held on 22 July 2022

Electoral Division affected: Burnley Rural
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**Burnley Borough: application number LCC/2022/0026**  
**Retrospective application for retention of perimeter litter fencing at Deerplay Landfill Site, Bacup Road, Cliviger.**

Contact for further information:

Robert Hope, 01772 534159

[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

### Executive Summary

Application – Retrospective application for retention of perimeter litter fencing at Deerplay Landfill Site, Bacup Road, Cliviger.

### Recommendation – Summary

That planning permission be **granted** subject to conditions controlling duration of development and working programme.

## Applicant's Proposal

This application is for the retention of an existing litter fence. The fence is constructed from wooden poles piled into the ground at approximately 5.5m to 6m intervals and 5.5m high, with mesh netting attached in between. The fence is approximately 300m in length and runs around the north western and north eastern sides of the landfill site.

## Description and Location of Site

Deerplay landfill site covers an area of approximately 14 hectares within an open moorland setting that is being restored with non-hazardous waste to create a final landform of grassland and woodland. The site is accessed from the A671 Bacup Road via a dedicated entrance and access road. The site also includes a site infrastructure area including a netted waste tipping bay, portacabins, a landfill gas flare, wheel washer and leachate treatment plant.

The nearest residential properties are Long Shay Farm House and Cottage, a garden of which is located adjoining the western site boundary, and the houses themselves some 70m from the lined tipping area. There are no other residential properties in close proximity to the site.

The fence is located at an elevated position on the upper eastern, northern and western flanks of the site.

## **Background**

Mineral extraction was established at the site in 1947 when the site was operated as a quarry with an associated brickworks. The brick works closed, and the buildings were demolished in the late 1970's. Planning permission was subsequently granted on 7 September 1981 to reopen the quarry and to deposit household, industrial and commercial non-hazardous waste until 31 December 1996. Further time extensions allowed mining and landfilling operations to continue to the present day. The landfill site was mothballed to waste imports in 2006 and landfilling operations have only recently recommenced. Quarry operations have now ceased.

More recently, in June 2021 planning permission was granted for a netted tipping bay for the temporary containment of waste and the installation of two portacabins for the duration of landfilling and associated activities. (ref. LCC/2021/0016). This permission expires on 31 December 2023.

An application for a time extension of the landfill itself is the subject of a separate report on this agenda (ref LCC/2022/0025).

## **Planning Policy**

*National Planning Policy Framework*

*Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document*

Policy CS7 Managing our 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*

Policy NPPF1 Presumption in Favour of Sustainable Development  
Policy DM1 Management of Waste and Extraction of Minerals  
Policy DM2 Development Management  
Policy LF1 Sites for non-hazardous landfill

*Burnley Local Plan*

Policy SP1 Achieving Sustainable Development  
Policy SP5 Development Quality and Sustainability  
Policy NE5 Environmental Protection

## **Consultations**

Burnley Borough Council – No objection.

Cliviger Parish Council - Concern over the cleaning of the net on the litter fencing, height of landfill and potential problems of waste materials contaminating local water supplies.

Lancashire County Council (LCC) Highways Development Control – No comments received.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. One representation has been received with comments on this application and application LCC/2022/0025. The resident comments that Cliviger has a natural beauty which will be blighted by the landfill site being opened.

### **Advice**

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework sets out the Government's planning policies and is a material consideration in planning decisions.

National Planning Policy for Waste sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. A key part of this is to drive waste management up the waste hierarchy, this principle being derived from the Waste Framework Directive, which is the European Union legislation that governs waste management. The waste hierarchy sets out the following order of preference in waste prevention and management legislation and policy: a) prevention; b) preparing for re-use; c) recycling; d) other recovery, (for example energy recovery); and e) disposal as the least preferable option. This includes helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment and recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal.

Policy LF1 of the Joint Lancashire Minerals and Waste Local Plan refers to sites for non-hazardous landfill and states that long term landfilling of non-hazardous waste will only be supported at Whinney Hill Landfill Site in Accrington. Elsewhere, landfilling of non-hazardous waste will be supported at existing permitted sites.

The National Planning Policy Framework and the Joint Lancashire Minerals and Waste Local Plan recognise that minerals and waste developments have the potential to give rise to adverse impacts on the quality of life of people for a variety of reasons including noise, dust and vibration. More specifically, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan supports development for minerals or waste management operations where it can be demonstrated that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals, account should be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts could be controlled in accordance with current best practice and recognised standards.

As part of improved waste management controls at the site, the site operator has installed a new, temporary, high level litter fence subject of this application. The application is made under section 73A of the Town and Country Planning Act 1990, which allows for applications for the grant of planning permission for development that has already been carried out. The fencing supplements a recently approved and installed netted tipping bay within the site compound area (see ref. LCC/2021/0016).

Netting systems are not a new concept at Deerplay Landfill Site given the exposed location. A similar proposal was previously permitted and installed in October 2000 and 2003. Those large structures were dismantled following the temporary cessation of tipping activities. The netted tipping bay is an alternative smaller scale solution to managing imported waste before the waste is transferred to the permanent tipping area and it allows the site to continue to accept waste during windy conditions where normal tipping activities may have to be suspended to avoid litter problems. An Environmental Permit for the site may dictate that further netting systems are required in future within the wider site along with other environmental controls.

Paragraph 188 of the National Planning Policy Framework states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.

Given the location of the fencing within an active landfill site, there are no particular planning concerns so long as the structures are removed following completion of landfilling. The fencing would allow the better control of litter when waste is tipped on the site which is a risk at this site given the exposed upland location and proximity to two properties. A condition is recommended to control the duration of the development, which ties in with planning application LCC/2022/0025 for a time extension for landfilling at the site.

In view of the small-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.

The development complies with the policies of the National Planning Policy Framework and the development plan.

## **Recommendation**

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

### **Time Limits**

1. The development authorised by this permission including all foundations shall be removed from the site by 31 December 2028 and the land thereafter be restored in accordance with the approved restoration scheme for the Deerplay Landfill Site.

*Reason: To provide for the completion and progressive restoration of the landfill site within a reasonable timescale in the interest of local amenity and the*



*local landscape and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

## **Working Programme**

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

Submitted Plans:

Figure 1 - Site Location Plan  
Drawing no. 3112-02-01- Statutory Plan  
Drawing no. 3112-02-02 - Fence Elevations

*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 Policy DM2 of the of the Joint Lancashire Minerals and Waste Local Plan and Policy NE5 of the Burnley Local Plan.*

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

Paper	Date	Contact/Ext
LCC/2022/0026	July 2022	R Hope Planning and Environment (01772) 534159

Reason for Inclusion in Part II, if appropriate

Not applicable.



## Development Control Committee

Meeting to be held on 20 July 2022

Electoral Division affected: Padiham and Burnley West
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**Burnley Borough: application number LCC/2022/0029**  
**Change of use to a waste transfer station for sorting and bulking of skip waste.**  
**Thorney Bank Industrial Estate, Burnley Road, Hapton**

Contact for further information:  
Jonathan Haine, 01772 534130  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

### Executive Summary

Application - Change of use to a waste transfer station for sorting and bulking of skip waste. Thorney Bank Industrial Estate, Burnley Road, Hapton.

### Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, empty skip storage, highway matters, hours of working and control of sorting operations.

### Applicant's Proposal

The application is for the change of use of an industrial unit to a waste transfer use for the sorting and recycling of skip waste. The skips would predominantly arise from small building sites and would mainly contain construction or site clearance wastes.

Skips would be imported into the building, emptied onto the floor and the contents sorted into a number of separate bays for wood, metal, paper and card, hardcore, soils and residual waste (such as plastics and textiles). When the bays are full the contents would be removed off site to other recycling companies or for reuse.

No mechanical processing of waste would be undertaken. An external yard area would be used for the storage of empty skips.

It is proposed that the business would use two skip vehicles which would allow a maximum throughput of 25,000 tonnes of waste per year. This would equate to an average of 11 vehicle movements per day.

The hours of operation would be from 07.00 – 18.00 Mondays to Fridays and 07.00 – 13.00 on Saturdays.

## **Description and Location of Site**

The application site is on the Thorney Bank Industrial Estate located off Burnley Road (A679) approximately 500 metres south of Hapton village.

The industrial estate has two entrances from the A679 and is divided into a number of units used for a variety of business, storage and distribution purposes. At the eastern end of the industrial estate is a large area of concrete hardstanding used for storage of empty skips and shipping containers used for self-storage. The industrial unit subject to the application measures approximately 35 metres by 17 metres and the external yard covers a similar area. There is a roller shutter door to the eastern side of the unit. The adjacent units are used by companies that produce horticultural fertilizers and supply precision engineering parts.

The nearest residential properties are located on the northern side of Burnley Road approximately 80 metres from the application site. Further properties in Hapton village are located approximately 180 metres to the north east.

## **Background**

The application site is on an existing industrial estate with a variety of light industrial, storage and distribution uses. The unit subject to the application is currently vacant.

## **Planning Policy**

### *National Planning Policy Framework (NPPF)*

The following paragraphs are particularly relevant: 11 (presumption in favour of sustainable development), 47 (determining applications), 81 – 82 (building a strong competitive economy), 111 (highway impacts), 185, 188 (development and pollution).

### *National Planning Policy for Waste*

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

Policy CS7 – Managing our waste as a resource

Policy CS8 – Identifying capacity for managing our waste

### *Joint Lancashire Minerals and Waste Local Plan (JLMWLP)*

Policy DM2 – Development Management

Policy WM1 – Capacity of waste management operations

Policy WM3 – Local built waste management facilities

### *Burnley Local Plan*

Policy SP1 – Achieving sustainable development

Policy SP4 – Development Strategy

Policy SP5 – Development Quality and Sustainability

Policy EMP3 – New and improved sites and premises  
Policy NE5 – Environmental protection  
Policy IC1 – Sustainable Travel

## **Consultations**

Burnley Borough Council: The site is outside the settlement boundary in an area of open countryside where Policy SP4 applies. This requires that development be strictly controlled. However, the proposal appears to only utilise an existing building. There are some properties along Burnley Road with potential for noise impacts and an hours of working condition should be imposed.

Burnley Borough Council (Environmental Health): The building subject to this application was previously used for the sand blasting and respraying of waste skips. A complaint about odour and dust emissions from these operations affecting the health and safety of employees in the adjacent industrial units was received in April 2022. The Environmental Health Officer (EHO) found that the building had not been correctly adapted for this operation and that dust and odour from volatile organic compounds were accessing the adjacent units via the party walls. The Environmental Health Officer (EHO) therefore recommends that any planning permission be subject to a condition requiring a scheme of works to prevent the egress of dust and odour via the party wall to adjacent premises.

Hapton Parish Council: Object to the application as the site is too close to residential properties and will cause environmental nuisance to neighbours through noise and pests.

Coal Authority: The site lies within a high-risk coal mining area. However, as the development is for a change of use with no new building work, no mining risk assessment is required, and the Coal Authority do not object to the application.

Environment Agency: The development will require a permit under the Environmental Permitting Regulations 2016. Based on the information submitted there are no major permitting concerns and there is no objection to the planning application.

Lancashire County Council (LCC) Highways Development Control: No objection. Based on the size and nature of the proposals, the development should have a negligible impact on highway safety in the vicinity of the site.

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

- Increase in heavy goods vehicle (HGV) traffic on Burnley Road. The road is very busy, and the proposal will create further dangers.
- There is no signage to Thorney Bank Industrial Estate.
- Increase in noise levels to residential areas.
- Hazards to health from contamination of the atmosphere from the waste material being handled.

- The fire risks to other adjacent businesses including the self-storage containers, pallet yard, Hapton Animal Feeds and the paint suppliers.
- Litter issues on the highway.
- The site closely abuts farm land with livestock and horses.
- The application has not been advertised on the site and insufficient residents have been informed.
- The proposal will be visually unattractive.

## **Advice**

The application is for the change of use of an existing industrial unit to a waste transfer station for the recycling of waste collected in skips. In 2020 the applicant applied for a site located at Heightside Farm near Bacup. This application was refused by the County Council and this decision was subsequently upheld on appeal. The purpose of the current application is to find an acceptable location for the applicant's business.

The main issues relate to the relationship with national and local planning policy and the local environmental impacts of the proposal.

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.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy, the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies and the Burnley Local Plan.

Paragraph 11 of the National Planning Policy Framework states that proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant policies or where the policies which are most important for determining the application are out of date, planning permission should be granted:

- Unless the policies in the National Planning Policy Framework that protect areas or assets of particular importance provide a clear reason for refusal.
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework as a whole.

The plan period for the Lancashire Minerals and Waste Core Strategy and Minerals and Waste Local Plan is from 2001 until 2021. Certain of the policies in these documents (CS7, CS8, WM1 and WM3) provide for a quantum of waste processing capacity to be provided over the plan period. Whilst it may be considered that these policies are now out of date, they still accord with the general aim of government policy which is to ensure that waste is dealt with at the highest level of the waste hierarchy and to maximise the amounts of waste being reused or recycled. The proposal would allow mixed waste collected in skips to be sorted into different material types therefore allowing the recovery of resources and minimising the volumes of waste that are finally disposed of. The proposal is therefore considered to comply with the aims of

Government waste policy and the policies of the development plan which relate to these matters.

In terms of the use of this part of the Thorney Bank Industrial Estate for a waste transfer use, Policy WM3 of the Lancashire Minerals and Waste Local Plan supports local waste management facilities at the strategic sites listed in policy WM2 (Altham and Lomeshaye Industrial Estates) and at Whitewalls and Heasandford Industrial Estates. The application site is not on a site listed in either of the policies. However, it is considered that these policies do not prevent waste management operations in other industrial locations including on the Thorney Bank Industrial Estate provided that the impacts are acceptable.

Policy DM2 of the Lancashire Minerals and Waste Local Plan states that development for waste management operations will be supported where it can be demonstrated that all material social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels.

Policy SP5 of the Burnley Local Plan relates to the quality and sustainability of development. It states that high standards of design, construction and sustainability will be sought in all types of development and that there should be no unacceptable adverse impacts on the amenity of neighbouring occupiers or land users.

The proposal is for the reuse of an existing industrial building. The proposed waste transfer use would not require any extensions to the building or other adaptations other than the installation of storage bays within the building for different types of materials. No mechanised waste sorting equipment would be employed within the building as all sorting operations would be by hand and no waste would be deposited outside of the building.

The nearest houses are located relatively close to the site. However, there are other industrial units and the A679 between the application site and the nearest houses. Given the relatively small scale of the proposal and the containment of the operations within the building, it is considered that the impacts on residential amenity would be acceptable. A permit from the Environment Agency would also be required which would contain conditions on matters such as noise and dust as well as a fire control plan. Conditions should be imposed on any planning permission in relation to hours of working, skip storage and undertaking all sorting operations within the building.

In relation to highways, the site is an existing industrial estate which has an access direct onto the A679. The visibility splays at the access are adequate and Lancashire County Council (LCC) Highways have raised no objection. The highway impacts from this development are likely to be very similar to those which could arise from another lawful use of this building.

Burnley Borough Council's Environmental Health Officer has raised concerns about the impacts on adjacent users of the industrial estate. The previous occupier of the building was involved with the repair of skips including sand blasting and spray painting. The impacts of these operations are likely to be considerably greater than those currently proposed where the potential for odour and dust would be much more limited. The applicant has commented that the fumes and dust issues were

investigated at the time and there was an old doorway between the units which have been inadequately bricked -up. The gap has now been filled with expanding foam. For these reasons, it is considered that the existing condition of the party walls is considered sufficient to prevent any harm to the amenity of the occupiers of the adjacent units.

Paragraph 188 of the National Planning Policy Framework states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. In this case, the operation would require a permit from the Environment Agency which would contain conditions on matters such as noise, waste types and pollution controls.

Taking into account these issues, it is considered that the impact of the operations on local residents and the amenity of adjacent land users would be acceptable, and the proposal therefore complies with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy SP5 of the Burnley Local Plan.

In view of the nature, scale 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 in accordance with the following documents:

- a) The Planning Application received by the County Planning Authority on 25 April 2022.

- b) Submitted Plans and documents:

Drawing no. 22977/05 - Location Plan

Drawing no. 22/977/06A - Existing and proposed site 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 policy DM2 of the of the Lancashire Minerals and Waste Local Plan.*

3. All waste sorting and recycling operations shall take place within the building shown edged red on drawing no 22977/06A.

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

4. No mechanised waste sorting equipment shall be installed within the building.

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

5. Empty skips shall only be stored within the building or within the hatched area shown on drawing no 22977/06A. Where skips are stored within the hatched area, the maximum height of storage shall not exceed 3 metres above ground level.

*Reason: In the interests of visual amenity and the conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

6. All vehicles transporting waste materials or recycled waste products into the site or from the site shall be securely sheeted or contained.

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

### **Hours of Working**

7. No waste sorting operations or importation or export of waste or recycled materials to and from the site shall take place outside the hours of:

07.00 to 18.00 hours, Mondays to Fridays (except Public Holidays)

07.00 to 13.00 hours on Saturdays

No waste sorting operations or importation or export of waste or recycled materials to and from the site shall take place at any time on Sundays or Public Holidays.

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

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

## Drainage

8. All foul drainage shall be discharged to a public sewer or else to a sealed watertight tank fitted with a level warning device to indicate when the tank needs emptying. Upon emptying the contents of the tank, these shall be removed from the site completely.

*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 DM2 of the Lancashire Minerals and Waste Local Plan.*

9. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

*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 DM2 of the Lancashire Minerals and Waste Local Plan.*

## Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

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

Paper	Date	Contact/Directorate/Ext
LCC/2022/0029	July 2022	Jonathan Haine Planning and Environment (01772) 534130

Reason for Inclusion in Part II, if appropriate

Not applicable.

# **Planning Application LCC/2022/0029**

**Change of use to a waste transfer station for sorting  
and bulking of skip waste.  
Thorney Bank Industrial Estate, Burnley  
Road, Hapton**

# Planning application LCC/2022/0029

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# Planning application LCC/2022/0029

A679

Application site

Nearest properties





# Planning application LCC/2022/0029



Nearest properties

A679

Application site

Building to be used for waste transfer use

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# Planning application LCC/2022/0029



Building to be used for waste transfer purposes

Yard area – empty skip storage

# Planning application LCC/2022/0029



Building to be used for waste transfer purposes



# Planning application LCC/2022/0029



Access  
to industrial  
estate

A679  
Burnley  
Road



## Development Control Committee

Meeting to be held on 20 July 2022

Electoral Division affected: St Annes North
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**Fylde Borough: application number LCC/2022/0030**

**Continuation of sand winning, including the winning and working of sand from the foreshore, exportation of sand off site and the retention of associated infrastructure including site access, secure compound and stockpiling area. Land at St Annes Foreshore, Clifton Drive North, Lytham St Annes**

Contact for further information:

Jonathan Haine, 01772 534130

[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

### **Executive Summary**

Application - Continuation of sand winning, including the winning and working of sand from the foreshore, exportation of sand off site and the retention of associated infrastructure including site access, secure compound and stockpiling area.

Land at St Annes Foreshore, Clifton Drive North, Lytham St Annes.

### **Recommendation – Summary**

That the Committee visit the site before determining the application.

### **Applicant's Proposal**

The application is for a continuation of sand extraction from the beach at St Annes for a further 15-year period.

The proposal includes the following elements:

- Extraction of sand from the inter tidal area. Sand would be worked during low tide periods at a maximum rate of 100,000m<sup>3</sup> per year (equating to 150,000 tonnes per annum). The sand would be worked by hydraulic excavator to a maximum depth of 0.6 metres and then transported by dump truck to a stockpiling area.
- The stockpiling area would be located on the upper beach adjacent to the dunes. Stockpiles would be limited to 2 metres in height with the total amount of sand being stockpiled at any one time being limited to 5,000 tonnes. The stockpiles are needed to allow the sand to dry out before export for use in the construction industry.
- An existing compound area and weighbridge used for storing the excavation plant and staff welfare facilities would be retained. The compound is located adjacent to the access road which runs through the dunes to the junction with the main road network.

A full description of the site operations and associated mitigation measures will be provided when the application is presented for information.

### **Description and Location of Site**

The application site with a total area of around 170 hectares is located off the Fylde coast, 1km west of St Annes and 3km south of Blackpool South Shore.

The proposed extraction area is located on an area of beach between the mean low and high tide lines known as Salter's Bank. The beach at this point is very flat without any major physical features and forms part of the wider Ribble Estuary area, the main channel of which is around 1km to the south of the proposed extraction area.

The stockpiling area would be located on the beach approximately 1.5km north east of the extraction area. It would be located above the highwater line and adjacent to the sand dunes that run along the top of the beach. In this area there is a gap in the coastal dunes that contains an access track leading to a junction with the A584 mid-way between Blackpool and St Annes.

The nearest houses are located off the A584, around 300 metres to the north and south of the site access. There is also a residential care home and a block of residential apartments located between the A584 and the coastal dunes approximately 70 metres to the north of the site access.

The site is subject to a number of environmental designations. The proposed extraction area is located within the Ribble Estuary Special Protection Area which is an international designation for its value for over wintering birds and associated habitats. It also forms part of the Ribble Estuary Site of Special Scientific Interest (SSSI). The offshore area is also a Marine Conservation Zone, designated for its value for smelt (a fish species).

The coastal dunes are also designated as a Site of Special Scientific Interest for their geological interest and an area of dunes to the south of stockpiling area is also a Biological Heritage Site, designated for its sand dunes habitat. The area of dunes around the compound area is also a Geological Heritage Site.

### **Advice**

The working of sand from the beach at St Annes has historically been an important contributor towards the supply of construction aggregate materials in Lancashire. The original planning permission for this operation was granted in 1989 but it has been concluded that this permission is no longer valid and on this basis the sand winning operation ceased in 2019.

The current application is to allow the continuation of sand extraction for a further period of 15 years but at a reduced volume and slightly smaller area from that operated previously.

As the operation also includes land below the mean high tide mark, the operation also requires a Marine Licence from the Marine Management Organisation. To support both the planning application and marine licence application a single Environmental Impact Assessment (EIA) has been undertaken. The EIA covers issues such as the

ecological impacts of the operation, the impacts on sediment flows and deposition in the Ribble Estuary, landscape, transport, noise, water environment, cultural heritage and impacts on beach safety.

The application is subject to a number of planning constraints and raises a range of environmental issues. It is therefore considered that members of the Committee should visit the site before considering the application.

### **Recommendation**

That Members of the Committee visit the site before determining the planning application.

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

Paper	Date	Contact/Directorate/Ext
LCC/2022/0030	July 2022	Jonathan Haine Planning and Environment (01772) 534130

Reason for Inclusion in Part II, if appropriate

Not applicable.



# **Planning Application LCC/2022/0030**

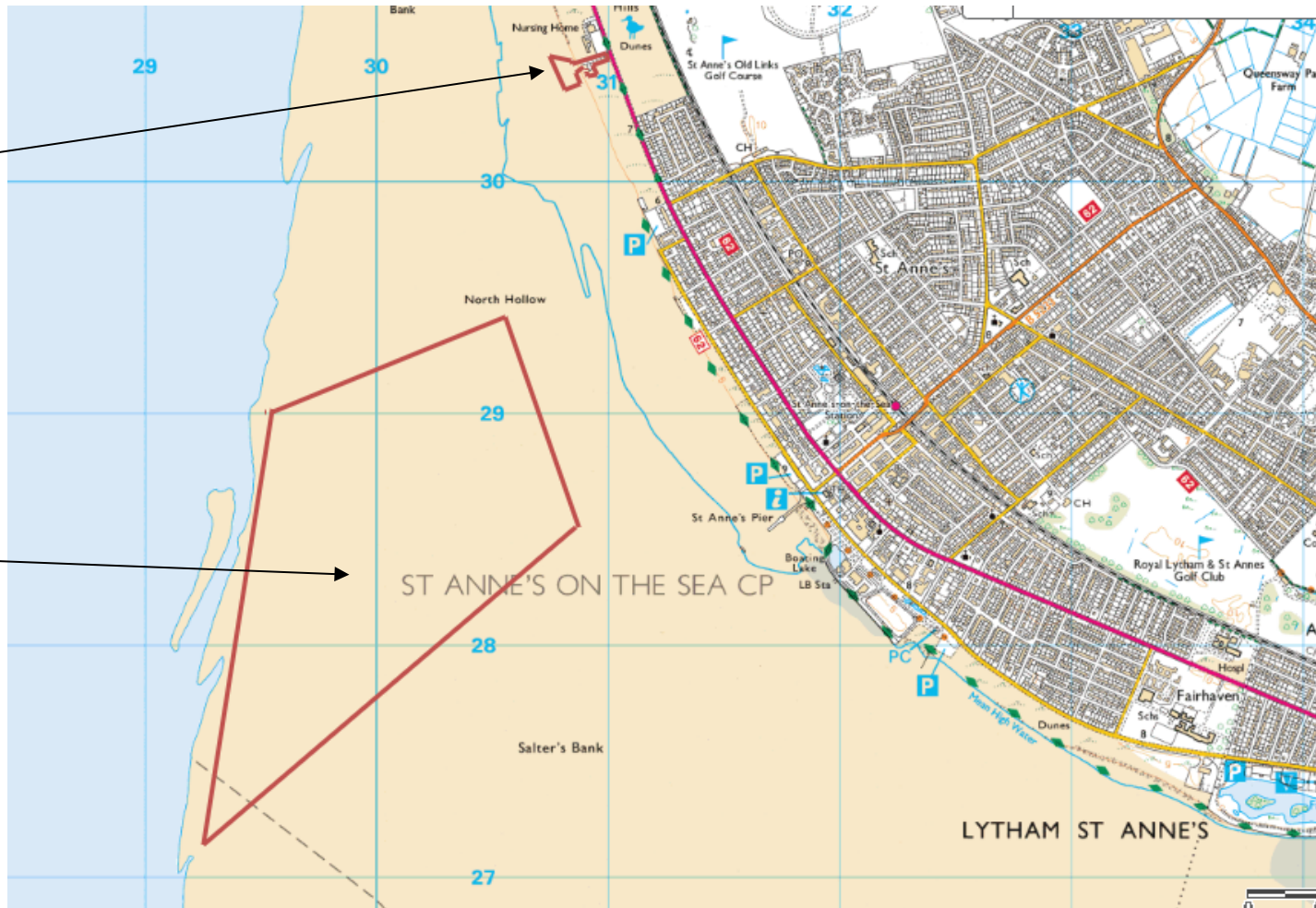
**Continuation of sand winning, including winning and working of sand from the foreshore, exportation of sand off site and the retention of associated infrastructure including site access, secure compound and stockpiling area**

**St Annes Foreshore, St Annes**

# Planning application LCC/2022/0030

Stockpiling area and access

Proposed Sandwinning area



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**Development Control Committee**  
Meeting to be held on 20 July 2022

Electoral Division Affected: All
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**Decisions taken on development control matters 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](mailto:devcon@lancashire.gov.uk)

**Executive Summary**

Decisions taken on development control matters 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 8 June 2022, the following decisions have been taken on development control matters by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation:

**Wyre**

Application: No. LCC/2020/0069/2  
Bowgreave Rise, Garstang Road, Bowgreave, Garstang  
Compliance with condition 3 of planning permission LCC/2020/0069 - landscaping, external lighting, and facing materials.

Application: No. LCC/2020/0039/1  
Highfield Farm Fisheries, Ghants Lane, Hambleton  
Compliance with condition 6, 7, 8 and 17 of planning permission LCC/2020/0039 – floor levels, unit brochures, construction management plan and ecological mitigation plan.

## **Pendle**

Application: No. LCC/2022/0024

Burnley Wastewater Treatment Works, Woodend Road, Off Barden Lane, Burnley  
Construction of eight kiosks and a building in association with wastewater improvements.

Application: No. LCC/2022/0017

Colne Primet Academy, Dent Street, Colne

Erection of two twin temporary classroom blocks, access ramp associated external fencing

## **Recommendation**

That the report be noted.

## **Local Government (Access to Information) Act 1985**

### **List of Background Papers**

None

Reason for inclusion in Part II, if appropriate

Not applicable.