

Lancashire County Council

Development Control Committee

**Minutes of the Meeting held on Wednesday, 21st December, 2022 at 10.30 am
in Committee Room 'A' - The Tudor Room, County Hall, Preston**

Present:

County Councillor Matthew Maxwell-Scott (Chair)

County Councillors

P Rigby	M Pattison
S Clarke	E Pope
M Dad BEM JP	S Rigby
A Hindle	B Yates
A Kay	

1. Apologies for absence

Apologies were received from County Councillor Holgate and County Councillor Berry.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

The Chair declared a non-pecuniary interest in Item 5 as he was the Deputy Chair of the Forest of Bowland Area of Outstanding Natural Beauty Joint Advisory Committee.

County Councillor Yates declared a non-pecuniary interest in Items 8 and 9 as he was on South Ribble Borough Council's Planning Committee.

County Councillor Kay declared a non-pecuniary interest in Item 6 as she was on Wyre Borough Council's Planning Committee.

3. Minutes of the last meeting held on 7 December 2022

It was noted that the minutes of the meeting held on 7th December 2022 would be included on the agenda for the meeting to be held on 18 January 2023.

In relation to comments made by Committee Members regarding security arrangements following the meeting on 7th December, it was reported that, for future contentious meetings where there were a large number of speakers attending, the members of the public would be escorted out of the Committee room away from

Committee Members to avoid Members being approached and security personnel would be present in the Committee room at the time decisions were made, in addition to any other necessary adjustments for such meetings.

4. Update Sheet

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

5. Ribble Valley Borough: application number LCC/2021/0015 Revised quarry restoration scheme incorporating tunnel arisings from the Haweswater Aqueduct resilience programme (HARP) namely the Bowland and Marl Hill tunnel sections at Waddington Fell Quarry, Slaidburn Road, Waddington

A report was presented on an application for a revised quarry restoration scheme incorporating tunnel arisings from the Haweswater Aqueduct Resilience Programme, namely the Bowland and Marl Hill tunnel sections at Waddington Fell Quarry, Slaidburn Road, Waddington.

Committee noted the tunnelling proposal was the subject of separate planning applications across Lancashire. Of direct relevance to the Waddington Fell application was an application for the Bowland and Marl Hill tunnels, which would be determined by Ribble Valley Borough Council.

The report included the views of Ribble Valley Borough Council, Newton-in-Bowland Parish Council, Waddington Parish Council, County Landscape Service, County Ecology Service, the Environment Agency, LCC Highways Development Control, Natural England, the Lead Local Flood Authority and the Wildlife Trust for Lancashire, Manchester and North Merseyside. Fifteen representations objecting to the proposal had been received.

Committee's attention was drawn to the Update Sheet which included details of a number of changes requested by the applicant to the proposed conditions.

The Development Management Officer presented a Powerpoint presentation showing a site location plan, tunnel compound locations, aerial view of the site and photographs of the quarry, site entrance, Slaidburn Road heading down to Waddington, Slaidburn Road at the top of Waddington Fell, Slaidburn Road heading towards Newton, Hallgate Hill rising up from Newton. Details of the current approved final restoration, proposed site restoration and cross sections were also presented.

It was noted that an error within the planning database had resulted in the creation of an additional condition number, from the point at which there was a sub-heading '*Ecology and Restoration*'; the condition numbering would be amended accordingly.

It was reported that the number of HGVs stated under condition 14 was considerably lower than had been initially requested by the applicant, to ensure the safety of the local highway network and protection of the amenity of local residents.

Concerns were raised about comments in the report referring to the state of Slaidburn Road and that it would ordinarily be unsuitable for significant numbers of



HGV movements. A question was asked about why the developers were not being asked to contribute towards improving the highway. Committee were informed that the main scheme for engineering works for the tunnelling application was being dealt with by Ribble Valley Borough Council who would take responsibility for assessing the need for passing places, construction traffic management plans, any Section 106 agreements for road improvements, road monitoring and road condition surveys which would be carried out through the Haweswater Aqueduct Resilience Programme Scheme. The application before Committee today was purely for a decision on whether Waddington Fell was a suitable location for disposal of the tunnel waste. The county council could control vehicle movements in and out of the site but anything beyond that was for Ribble Valley Borough Council to control.

The Development Management Officer answered questions from Committee.

After a discussion, County Councillor Yates Proposed to Defer the application until either more information was provided on highway safety or a site visit took place. County Councillor Pope Seconded the Proposal.

In relation to comments around vehicle movements, it was confirmed that the current limit was 85 HGV movements per day; at the time of peak production, this limit may have been reached but was currently much lower. The application proposed a maximum of 175 HGV movements per day although it was noted that figures would not reach this for the majority of the time. The conditions therefore proposed a maximum of 100 HGV movements per day.

It was reported that the operator (United Utilities) would be required to record all vehicle movements so these could be checked and monitored. Currently, the HGVs went from the quarry through Waddington Village which had always been a concern. This application avoided HGVs using small villages although it was acknowledged that both sides of Slaidburn Road would be used, should the application be approved. The wider scheme included numerous highway improvement works and passing places to address any safety issues.

Ribble Valley Borough Council were awaiting a decision on this application as the wider application was dependent on Waddington Quarry being the disposal site for the tunnel waste. If it was decided that Waddington Quarry was an unacceptable site, the wider scheme could not go ahead. The alternative would be to transport the waste through small villages and other areas. If Ribble Valley concluded that the aqueduct was essential, then tunnelling operations would have to go ahead or there would be a clean water crisis for the North West.

A question was asked about whether conditions could be included for road-widening, 30 mph speed limits, passing points and highway repairs. It was reported that Highways were satisfied that all these requirements would be dealt with through Ribble Valley; if this did not happen, the material would not be able to leave the site.

It was confirmed to Committee that, should the application be approved, a letter could be sent to Ribble Valley Borough Council explaining Committee's concerns with regard to HGV impacts, and requesting that Ribble Valley Borough Council include sufficient controls in the planning permission for the HARP scheme to



address these concerns. A copy of the letter would be circulated to the Committee. County Councillor Yates was supportive of this and therefore withdrew his Proposal to Refuse the application. It was therefore:

Resolved:

- (i) That planning permission be **granted** subject to conditions controlling time limits, working programme, hours of working, details of access improvements, details of wheel cleaning and mud/dust prevention, vehicle number restrictions, recording of vehicle movements, tunnel excavated mineral waste only, retention of site office, weighbridge and entrance area, reversing alarms, restoration and aftercare, as set out in the Committee report, and changes to conditions 1, 3, 5, 7, 10, 12, 13, 19, 20 and 22 as detailed in the Update Sheet.
- (ii) That a letter be sent to Ribble Valley Borough Council explaining the concerns of Committee with regard to HGV impacts, and requesting that Ribble Valley Borough Council include sufficient controls in the planning permission for the HARP scheme to address these concerns. A copy of the letter would be circulated to the Committee.

6. Wyre Borough: application number LCC/2021/0030 Excavation of a lake and change of use of land to allow a commercial fishing lake associated with Pheasants Wood Fishery. Fisheries at Crane Hall Barn Estate, Rawcliffe Road, St Michaels-on-Wyre

A report was presented on an application for the excavation of a lake and change of use of land to allow a commercial fishing lake associated with Pheasants Wood Fishery. Fisheries at Crane Hall Barn Estate, Rawcliffe Road, St Michaels-on-Wyre.

The report included the views of Wyre Borough Council, Out Rawcliffe Parish Council, Jacobs UK Ltd (Ecology comments), the Environment Agency and LCC Highways Development Control. One representation objecting to then proposal had been received.

The Development Management Officer presented a Powerpoint presentation showing a location plan and aerial view of the site, proposed site plan and photographs of the view of the junction of Crow Lane and Rawcliffe Road and view of Rawcliffe Road in St Michaels on Wyre (looking east).

The Development Management Officer answered questions from Committee.

County Councillor Kay requested that the start time in Condition 7 be amended to 9.00am, in order to allow time for travelling to work and school.

Resolved: That planning permission be **granted** subject to:

- (i) Conditions controlling time limits, working programme, depths and area of excavation, highway matters, hours of operation and landscaping/ecology, as set out in the Committee report.



(ii) The following amendment to condition 7:

7. No heavy goods vehicles associated with the export of excavated materials from the site, as defined in this permission shall leave the site outside the hours of :

09:00 to 17.00 hours Monday to Friday

No heavy goods vehicles shall enter or leave the site on Saturdays, Sundays or public holidays.

7. Pendle Borough: application number LCC/2022/0032 Erection of two storey teaching block including a Special Educational Needs (SEN) unit; internal modifications and refurbishment to several areas of the existing main building; additional staff car parking and vehicular entrance off Cuerden Street. Colne Primet Academy, Dent Street, Colne

A report was presented on an application for the erection of a two storey teaching block at Colne Primet Academy, Dent Street, Colne, including a Special Educational Needs unit; internal modifications and refurbishment to several areas of the existing main building; additional staff car parking and vehicular entrance off Cuerden Street.

The report included the views of Pendle Council, Colne Town Council, Cadent Gas, the Lead Local Flood Authority, the Coal Authority, Sport England, LCC Highways and United Utilities. Seven representations objecting to the proposal had been received.

Committee's attention was drawn to the Update Sheet which included revised wording in the note relating to highways matters.

The Development Management Officer presented a Powerpoint presentation showing a site location plan and aerial view of the site detailing the existing and proposed access, proposed new car park and entrance and location of proposed new teaching block, proposed elevations of teaching block. Also presented were photographs of the view of the proposed site entrance from Cuerden Street, location of the proposed new 2 storey teaching block, proposed car park, proposed CDT workshop, replacement store and proposed covered walkway.

The Development Management Officer answered questions from Committee.

Resolved: That subject to the Secretary of State confirming that the application will not be called in for his own determination, that planning permission be **granted** subject to conditions controlling time limits, working programme, materials, surface water drainage, highway matters and landscaping, as set out in the Committee report.

8. South Ribble Borough: application number FP/2022/0001 Town and Country Planning Act 1990, Section 257, To divert public rights of way 9-12-FP12 and 9-12-FP8 to allow the development of the proposed Cuerden strategic



employment site (planning application ref: LCC/2022/0044). Land east of Stanifield Lane, North of Clayton Farm, West of Wigan Road, Lostock Hall

A report was presented on an application to divert of public rights of way 9-12-FP12 and 9-12-FP8, to allow the development of the proposed mixed use Cuerden strategic employment site on land east of Stanifield Lane, North of Clayton Farm, West of Wigan Road, Lostock Hall.

Details of the public footpaths to be stopped up and the alternative routes to be public bridleway were provided on the Committee plans attached to the agenda papers.

The Development Management Officer presented a Powerpoint presentation showing the application boundary, a site location plan and aerial view, proposed site parameters and proposed strategic landscaping.

The Development Management Officer answered questions from Committee.

Resolved: That Orders be made under Section 257 of the Town and Country Planning Act 1990, as amended by the Growth and Infrastructure Act 2013, to divert public rights of way 9-12-FP12 and 9-12-FP8. Provided no objections are received following advertisement of the Orders, the Orders be confirmed, should planning permission be granted for the proposed development.

9. South Ribble Borough: application number FP/2022/0002 Town and Country Planning Act 1990, Section 257, To divert footpaths nos. 7-4-FP5, 9-12-FP2 and 9-12-FP1 to allow the development of new cricket facility as proposed in Planning Application LCC/2022/0048 on land at Woodcock Estate, Stanifield Lane, Farington

A report was presented on an application to divert footpaths nos. 7-4-FP5, 9-12-FP2 and 9-12-FP1, to allow the development of a proposed new cricket facility on land at Land at Woodcock Estate, Stanifield Lane, Farington.

Details of the public footpaths to be diverted and the alternative footpath routes were provided on the Committee plans attached to the agenda papers.

The Development Management Officer presented a Powerpoint presentation showing the application boundary, a site location plan with the current footpath alignments and nearest residential properties, proposed development plan, proposed site landscape design and proposed footpath diversions.

Resolved: That Orders be made under Section 257 of the Town and Country Planning Act 1990, as amended by the Growth and Infrastructure Act 2013, to divert public rights of way nos. 7-4-FP5, 9-12-FP2 and 9-12-FP1. Provided no objections are received following advertisement of the Orders, the Orders be confirmed if planning permission is granted for the proposed development.



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 meeting of the Development Control Committee on 19th October 2022, eight 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 18th January 2023 at 10.30am in Committee Room A – The Tudor Room, County Hall, Preston.

L Sales
Director of Corporate Services

County Hall
Preston



Minute Item 4

Development Control Committee – 21st December 2022

Update Sheet

Item 7 – Application LCC/2022/0032 – Erection of two storey teaching block including a Special Educational Needs (SEN) unit; internal modifications and refurbishment to several areas of the existing main building; additional staff car parking and vehicular entrance off Cuerden Street. Colne Primet Academy, Dent Street, Colne

The note relating to highways matters should read:

The grant of planning permission will require authorisation for the works within the adopted highway network to construct the new access onto Cuerden Street through the appropriate internal approval process. For the avoidance of doubt works shall include, but not be exclusive to:

- the construction of the access to an appropriate standard
- turning head constructed to adoptable standards

Information required for the above process can be obtained from the Highways Development Control Section (Area East) on 0300 123 6780 or email on developeras@lancashire.gov.uk. The relevant planning application reference number should be quoted in all correspondence.

Item 5 - Ribble Valley Borough: application number LCC/2021/0015 Revised quarry restoration scheme incorporating tunnel arisings from the Haweswater Aqueduct resilience programme (HARP) namely the Bowland and Marl Hill tunnel sections at Waddington Fell Quarry, Slaidburn Road, Waddington

In response to the officer report, the applicant has requested a number of changes to the proposed conditions as follows:

They would prefer to see reference to the phrase 'surplus excavated material derived from the HARP Bowland and Marl Hill Sections' rather than the terms '*landfill*' and '*tunnel waste*', which are currently referred to in conditions, to reflect the fact that the proposal is a restoration scheme using inert replacement Haweswater Aqueduct arisings.

In relation to condition 1 regarding a 3-year commencement period for implementation of the development, the applicant has stated that they would prefer a 5-year commencement window in the interests of flexibility given the complexities of the wider replacement aqueduct project.

Following on from the above request, the applicant also wishes to amend condition 3 to extend the time limit for the completion of development to 31 December 2034 for tipping and 31 December 2035 for final restoration to give flexibility in commencement and other delays that may occur within the wider project.

In condition 5 the applicant wishes to change reference to '*Only excavated replacement Haweswater Aqueduct tunnel waste shall be deposited at Waddington Fell Quarry and thereafter shall not leave the site*' to '*Only excavated replacement Haweswater Aqueduct tunnel and tunnel shaft arisings shall be deposited at Waddington Fell Quarry and thereafter shall not leave the site.*'

Advice

From a planning perspective, all the above suggested alternative phraseology and extended time limits are considered acceptable to give greater flexibility for the project and to assist with any Environmental Permitting requirements. It is recommended that the proposed conditions in the officer report be amended accordingly.

It should also be noted that an error within the planning database has resulted in the creation of an additional condition number from the point at which there is a sub-heading '*Ecology and Restoration*'. Condition numbering should be amended accordingly.