

Lancashire County Council

Development Control Committee

Wednesday, 25th October, 2017 at 10.00 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 4 October 2017** (Pages 1 - 6)

The committee are asked to agree that the Minutes of the last meeting held on 4 October 2017 be confirmed and signed by the Chair.
- 4. Lancaster City: Application No. LCC/2017/0024** (Pages 7 - 22)

Excavation and earthworks to reconfigure the existing lakes including removal, construction and extension of bunds including completion of the embankment adjacent to the M6 to the same dimensions as approved under planning permission 1/12/0890. The application includes the submission of a new section 106 ecological management plan for the site.
Clearwater Fisheries, Kellet Lane, Warton, Carnforth
- 5. West Lancashire Borough: application number. LCC/2017/0064** (Pages 23 - 36)

Variation of condition 1 of planning permission LCC/2017/0016 to allow works to plug and abandon the borehole and to restore the site in accordance with condition 17 of permission LCC/2017/0016 to be undertaken between 1st April 2018 and 31st October 2018.
Beconsall Exploration Site, off Bonny Barn Road, Hundred End, Banks

6. **Ribble Valley Borough: Application Number.** (Pages 37 - 44)
LCC/2017/0068

Development of 7 additional parking spaces to increase the number of parking spaces from 55 to 62 including a new disabled parking bay. Hillside Special School, Ribchester Road, Hothersall.

7. **Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.** (Pages 45 - 46)

8. **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.

9. **Date of Next Meeting**

The next meeting of the Development Control Committee will be held on Wednesday 13 December 2017 at 10.00 a.m. in Committee Room B - the Diamond Jubilee Room, County Hall, Preston.

I Young
Director of Governance,
Finance and Public Services

County Hall
Preston

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 4th October, 2017 at 10.00 am in Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Present:

County Councillor Barrie Yates (Chair)

County Councillors

P Rigby	P Hayhurst
M Barron	S Holgate
S Clarke	J Marsh
M Dad	M Pattison
K Ellard	S Turner
D Foxcroft	

County Councillor S Turner replaced County Councillor A Schofield on the Committee.

1. Apologies for absence

None received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor S Turner declared a non-pecuniary interest in agenda item 4 as a member of the Planning Committee at Wyre Borough Council who had approved a number of schemes subject to the new highway being built. Councillor Turner informed the meeting that this would not prejudice his judgement when considering the scheme.

County Councillor P Hayhurst declared a non-pecuniary interest in agenda items 4 & 5 as a member of Fylde Borough Council.

3. Minutes of the last meeting held on 13 September 2017

Members of the Committee drew attention to Item 5 of the Minutes in respect of the Penwortham By-Pass application. It was noted that members had requested officers to consult with County Councillor Howarth at each stage of the process prior to finalising the scheme.

Resolved: That the above amendment be noted and that the Minutes of the meeting held on 13 September 2017, be confirmed and signed by the Chair of the Committee.

- 4. Preston City and Fylde Borough: Application number. LCC/2016/0046 Development of new highways including Preston Western Distributor, Cottam Link Road and East West Link Road including a new motorway junction to the M55 together with temporary soil storage and contractor areas, cycle track alongside all highways, water attenuation ponds, diversion/stopping up of public rights of way, landscaping and ecology mitigation areas, construction of two bridges, two viaducts, two underpasses and a cattle creep. Land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston.**

A report was presented on an application for the development of new highways including Preston Western Distributor, Cottam Link Road and East West Link Road including a new motorway junction to the M55 together with temporary soil storage and contractor areas, cycle track alongside all highways, water attenuation ponds, diversion/stopping up of public rights of way, landscaping and ecology mitigation areas, construction of two bridges, two viaducts, two underpasses and a cattle creep on land in Lea, Cottam and Bartle and to the west and north of the existing built up area of Preston.

The application was accompanied by an Environmental Statement and Non-Technical Summary prepared under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

The Committee visited the site on the 6 September 2017.

The report included the views of Preston City Council, Ingol And Tanterton Neighbourhood Council, Woodplumpton Parish Council, LCC Highways Development Control, Highways England, Natural England, the County Ecology Service, The Woodland Trust, Historic England, Lancashire Archaeology Advisory Services, the Environment Agency, United Utilities, National Grid Company P. L. C, the Canal And River Trust and Network Rail.

The report also included details of fifty letters of representation received and a number of representations received from developers or agents for landowners of land affected by or adjacent to the proposed highways. The views of Cottam Village Action Group were also reported.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of each section of the proposed highway and the nearest residential properties. The Committee was also shown illustrations of the proposed road layouts and viaducts together with photographs of each site and the traffic and air emission figures in respect of Tabley Lane.

The Officer reported orally that additional representations had been received since the publication of the agenda. Details of the representations together with officer advice was set out in the 'Update Sheet' and circulated at the meeting. (Copy

attached as a supplementary agenda item and at Annex A to the Minute Book). The Update Sheet included details of proposed amendments to the 'noise' section on pages 48 and 49 of the report together with amendments to Conditions 9 and 17.

In addition to the advice set out in the Update Sheet, the Officer reported orally that the diversion works in respect of the Hodder Aqueduct diversion could be undertaken by United Utilities under permitted development rights or those conferred under the Water Industry Act 1991.

A number of local residents addressed the Committee and reiterated the objections set out in the Committee report and in the Update Sheet in relation to the impact of the proposals on Tabley Lane. The residents also circulated photographs showing a number of HGVs on Tabley Lane and Maxy Lane.

The officers responded to issues raised in the presentations and referred Members to the advice contained in the committee report and the Update Sheet.

In response to concerns raised by the Committee, the officers referred Members to the proposed traffic management conditions set out on pages 62-64 of the report and in particular Condition 22 which provides for the implementation of a weight restriction along Tabley Lane south of the East West Link Road to control the use of the road by HGVs. The officer also referred to Condition 23 which outlines a commitment to monitor traffic movements on Tabley Lane with the option of introducing traffic calming measures should traffic trigger levels be exceeded.

The officers also responded to questions raised with regard to the suitability of Tabley Lane as the main route for the East West Link Road. The Officers reiterated the advice set out on page 31 of the report which acknowledges that Tabley Lane does have some constraints in terms of road width, alignment and the position of houses however, it was pointed out that other alternative roads have their own traffic and amenity issues. It was also pointed out that Tabley Lane is a B class road and an important north – south link and this would continue to be the case even if the EWLR were to be developed. Officers advised that as the expected increase in traffic levels on Tabley Lane would still be well within the theoretical capacity of the road, there would be no reason to modify the design of the EWLR to prevent access onto Tabley Lane.

Following further debate with regard to the suitability of Tabley Lane as the main route for the East West Link Road, it was Moved and Seconded that:

"Tabley Lane should have no connection with the East West Link Road"

On being put to the vote the Motion was Lost.

It was further Moved and Seconded that:

"The proposed signalised junction at the intersection of Tabley Lane and the East West Link Road should be excluded from any planning permission and reviewed at a later date".

On being put to the vote the Motion was Lost.

Following further debate the substantive Motion was put to the vote and it was:

Resolved: That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and subject to the signing of a section 106 agreement relating to the provision and retention of off site bat mitigation measures, planning permission be **granted** subject to the conditions set out in the report to the Committee and the inclusion of the amended conditions as set out in the Update Sheet.

- 5. Fylde Borough: Application Number. LCC/2017/0062**
Construction of a new bat barn adjacent to Many Pits Wood at Gracemire Farm, Salwick to provide an alternative roost to Crow Lady Farm.
Gracemire Farm, Treales Road, Newton with Clifton.

This application was considered and determined before item 4 of the agenda.

A report was presented on an application for the construction of a new bat barn adjacent to Many Pits Wood at Gracemire Farm, Salwick to provide an alternative roost to Crow Lady Farm. Gracemire Farm, Treales Road, Newton with Clifton.

The report included the views of Newton-with-Clifton Parish Council, the County Ecology Service, Natural England, the County Council's Highways Development Control. The Committee noted that no letters of representation had been received.

The Development Management Officer presented a PowerPoint presentation showing the location of the existing and proposed bat barn.

Resolved: That subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 providing for the retention of the bat barn on a permanent basis, planning permission be **granted** subject to conditions set out in the report to the Committee.

6. Urgent Business

There were no items of urgent business.

7. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 25 October 2017.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston

Development Control Committee

Meeting to be held on 25th October 2017

Electoral Division affected:
Lancaster Rural North

Lancaster City: Application No. LCC/2017/0024

Excavation and earthworks to reconfigure the existing lakes including removal, construction and extension of bunds including completion of the embankment adjacent to the M6 to the same dimensions as approved under planning permission 1/12/0890. The application includes the submission of a new section 106 ecological management plan for the site.

Clearwater Fisheries, Kellet Lane, Warton, Carnforth

Contact for further information:

Sarah Manchester, 01772 534150, Environment Directorate

DevCon@lancashire.gov.uk

Executive Summary

Application – Excavation and earthworks to reconfigure the existing lakes including removal, construction and extension of bunds including completion of the embankment adjacent to the M6 to the same dimensions as approved under planning permission 1/12/0890. The application includes the submission of a new section 106 ecological management plan for the site. Clearwater Fisheries, Kellet Lane, Warton, Carnforth

Recommendation – Summary

Subject to the applicant first entering into a Section 106 agreement providing for the ecological and angling management of the site for 15 years, that planning permission be **granted** subject to conditions controlling working programme, site operations, hours of working, highway matters, noise and dust, protection of watercourses, landscaping, restoration and aftercare.

Applicant's Proposal

The application relates to an existing course fishing facility which has been developed in restored sand and gravel workings. The proposal has two elements:-

- The completion of an embankment adjacent to the M6 to the same dimensions as approved under planning permission 1/12/0890 through the importation of additional inert waste materials.
- Additional excavation and earthworks to reconfigure the existing lakes through the removal, construction and extension of bunds separating the lakes.

The proposed site alterations are for the purpose of further developing the leisure fishing business. Completion of the embankment would reduce noise and visual

disturbance from the M6 motorway. The removal of several bunds (themselves permitted under 01/98/0019) would allow the creation of larger water bodies and is proposed to improve the health of the fishery and provide enhanced fishing opportunities. Maintenance and improvement to retained bunds is necessary to prevent fish moving between lakes during flood events. One of the bunds on the southern boundary has been created already in order to secure the boundary to the fishery and enable the erection of an otter-proof fence on land within the applicant's ownership.

New landscape planting and habitat creation is proposed across the site together with track alterations to restrict vehicles other than quad bikes to the main car park only.

Description and Location of Site

The site is located within in an area of open countryside, approximately 700 metres to the south west of Borwick, and 1.6 kilometres to the north east of Carnforth. The western boundary of the site is formed by the M6 motorway with the River Keer to the south with Kellet Lane to the east from where access is gained. The site measures approximately 500 metres by 600 metres.

The site comprises a number of fishing lakes, set in grassland with scattered stands of trees, with a timber café and accommodation building and car park at the main site entrance onto Kellet Lane.

Background

History

The site was used for the extraction of sand and gravel during the 1960's. The site was subsequently abandoned and left undeveloped, allowing water bodies to form. As part of a complex of water bodies in the wider area, the site developed significant wildfowl interest and qualified as a Biological Heritage Site (Local Site) until 2007, when it was deemed to no longer qualify due to a reduction in ornithological interest attributed to increased disturbance from the operational fishery.

The site has an extensive planning history, including:

01/98/0019 - The importation of waste material for the creation of haul roads, hardstanding and temporary site cabin for the minor extension and division of existing lake to form five smaller waters as part of the development of a course fishing facility.

01/05/1144 Creation of a landscape bund along western boundary of Borwick Lake.

01/07/0008 Provision of alternative access route to facilitate construction of bund.

01/09/0466 Renewal of planning permission to allow completion of landscaped bund as permitted by planning permission 01/05/1144.

01/12/0890 Application to allow for the completion of landscaped bund to the dimensions and contours permitted by planning permission 01/05/1144 and 01/09/0466.

LCC/2014/0106 Non-compliance with condition 1 of planning permission 01/120890 to allow an additional 18 months for the completion of the bund with a further period of 6 months for restoration.

Lancaster City Council have also granted a number of permissions on this site for fishing facilities.

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 6 – 17, 56 – 57, 93 – 94, 103, 109 and 118 are relevant in relation to the presumption in favour of sustainable development; the need for good design, climate change and flood risk and conserving and enhancing the natural environment.

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

Policy CS7 Managing our Waste as a Resource

Policy CS9 Achieving Sustainable Waste Management

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 – Development Management

Lancaster District Local Plan (2008)

Policy E4 Countryside area

Policy E11 Development within areas at risk of flooding

Policy E12 Nature conservation in the wider environment

Lancaster District Development Management DPD 2011-2031

Policy DM27 The protection and enhancement of biodiversity

Policy DM38 Development and flood risk

Consultations

Lancaster City Council – no response received.

Environment Agency – objected initially due to absence of flood risk assessment. The objection was subsequently removed by submission of an acceptable FRA. The EA are supportive of proposals for fishery management, including merging of alien species lakes to give larger species more room, and creation of new bund in order to maintain the otter fence. The EA are supportive of continuing restrictions on angling over winter, and generally support the habitat improvements but recommend that tall trees are not planted in the middle of the site to retain openness.

Highways Agency – no objection.

LCC Highways Development Control – no observations received.

Natural England – The development will not affect any statutory sites. No objections are raised but advise that the LPA assess impacts on protected landscapes and species and local sites.

Borwick and Warton Parish Council – no observations received.

LCC Specialist Advisor (Ecology): The proposals to remove some of the internal bunds that divide the lakes is welcomed as it would help to reinstate the larger size of the water bodies that existed when the site was designated as a BHS. It is important that some controls on no fishing areas are retained in order to protect overwintering bird interests. The applicant's proposals to provide further landscaping are welcomed and would give greater diversity of habitats. A revised management plan is required to ensure that the angling activities and landscaping are managed in a way that benefits biodiversity.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. One representation has been received raising the following issues:

- Proposals should be considered 'change of use' due to deviation from original development vision as a visitor and angling centre for education and amenity;
- the previously consented restrictions on angling are not applied;
- the proposals will result in the loss of smaller ponds and spread common carp;
- the proposals do not maintain habitats and species of biodiversity value, and result in the loss/ damage to features of nature conservation value.

Advice

This site is a former sand and gravel working. Mineral extraction was completed in the 1960's leaving a large lake. In 2002 the County Council granted planning permission for the subdivision of the lake into a number of smaller waterbodies so that the site could be used as a commercial coarse fishery. At the time of the application, the site was designated as a Biological Heritage Site for its value for birds. A management plan was agreed as part of a section 106 agreement to control the fishing activities in order to protect the bird interest on the site.

Subsequently, the site has changed ownership and the new owner whilst wishing to continue with the use of the site as an angling centre wishes to make a number of changes to the site.

There are several elements and issues associated with the application. These are considered in turn below.

Bund (motorway embankment) completion

The applicant is applying to complete the embankment adjacent to the M6, and to undertake landscaping works on the embankment, in accordance with the details and scheme previously approved.

Planning permission for the construction of an embankment parallel to the M6 using imported inert waste was granted in 2006 (01/05/1144), but works were not completed within the permitted timeframe. Further applications to renew the permission were approved in 2009 (01/09/0466), 2012 (01/12/0890) and 2014 (LCC/2014/0106). However, a small area of the bund at the northern end of the site measuring approximately 50 metres in length and approximately 6 metres in height has not been completed. The area of the bund that has already been constructed has been landscaped and is of acceptable visual appearance.

The principle of the embankment construction in order to reduce motorway noise at the fishing lakes has been established via the previous planning permissions. The length of embankment remaining uncompleted is comparatively small. Given the limited impact of the remaining tipping operations and the benefit of completing the bund to its approved dimensions, it is considered that the granting of an additional 18 month period for bund completion is acceptable and complies with policy DM2 of the Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies.

There is an area of land adjacent to the northern end of the bund that has been used for plant and materials storage. This area is unsightly especially from the M6 and the applicant proposes to restore this area to grass. This is considered acceptable and can be the subject of a planning condition.

As with previous permissions, conditions are proposed to limit the period within which to complete and restore the bund and to restore the access to the bund site from Kellet Lane.

Excavation and earthworks to reconfigure the existing lakes including removal, construction and extension of bunds

The application seeks permission for various earthworks across the site, including: the creation of a bund across the southernmost bay of the largest lake for the purposes of securing the site; the removal of several existing bunds to create larger bodies of water for the purposes of improving fish health and enhancing the commercial fishery; and works including raising the height of existing bunds for the purposes of preventing the movement of fish between lakes during flood events.

The works to create the bund on the southernmost bay of the main lake have already been completed. The applicant states that this was a matter of urgency to secure a boundary to the site and enable the erection of an otter-proof fence within their ownership in order to prevent the predation of valuable fish by otters that are within the River Keer immediately to the south.

The removal and elevation of bunds for the purposes of the health of the fishery are broadly supported. The raising of existing bunds would not have a major visual impact and is required only to prevent fish being able to transfer between lakes

during times of flood. Subject to a condition being imposed regarding landscaping of any new or raised embankments and bunds, this aspect of the development is considered acceptable in terms of visual amenity.

The flood risk assessment suggests that the bund works, excavations and infills will not require any additional material to be imported to the site. The applicant has confirmed that a planning condition to restrict importation of material other than to complete the motorway embankment would be acceptable.

Ecology

Protected species - The constructed bund (and associated otter fence) on the southern bay of the main lake will prevent otter (a European protected species) from accessing the site. The site had previously benefited from an otter-proof fence but this is no longer wholly within the control of the current owners, hence the need to now replace the otter-proof fence along the southern boundary. It is considered that a secure boundary can be reinstated without resulting in an impact on otter or their habitat. As a breach of legislation seems reasonably unlikely, the provisions of the Conservation of Habitats and Species Regulations 2010 (as amended) do not apply in the determination of the planning application.

Over-wintering wildfowl refuge area - The existing section 106 agreement makes provision for restrictions on angling to provide disturbance-free zones for wintering birds. These restrictions were required due to the site having a BHS designation at the time of the application and were intended to preserve the value of the site for birds and to prevent disturbance by the angling activities. The new bund encroaches into the area designated as 'no fishing' and the larger lake area that is subject to seasonal angling restrictions within the existing section 106 agreement. The new bund is proposed to have a permanent track across it. It is considered that activity in this area will result in disturbance and displacement to birds, and is not compatible with the wildfowl refuge area.

However, the amended site plan does indicate that there would be new 'no fishing' zones including the island on the western side of the main lake, on the newly isolated southern bay, and along the eastern bank of the lake on the eastern side of the site. Fishing pegs around the main lake would also be at low density fishing, with two only on the southern bank. The applicant maintains that the proposed non-angling zones will substantially reduce angler pressure whilst maintaining a viable fishery.

Whilst the southernmost 'bay' might be designated a no fishing zone, it is separated from the main lake by a new bund with otter-proof fence and track and will therefore be disturbed by activity on the track/ bund. Moreover, the adjacent landowner retains ownership of part of the southern bay and is therefore outside of the control of the applicant.

The reduction in peg numbers and density on the main lake would not, by itself, compensate for the removal of seasonal fishing restrictions, since even low density activity on the banks will disturb birds. However, the removal of the bund between the south western lake and the main lake will remove fishing pegs (and activity) from

this location. Taken together with the restriction on angling from the newly created island, it is considered that there would be a sufficiently large and undisturbed area of open water and bankside habitat for birds even in the absence of the seasonal fishing restriction (wildfowl refuge area). Clearly, this would need to be monitored, and additional measures (including for example seasonal restrictions at 'problem' pegs) considered if the current proposals do not maintain suitable 'refuge' areas for wintering wildfowl.

The submitted plan indicates that a footbridge will be retained to the island and it is considered that there would need to be a restriction on access to the island during the core winter months to avoid disturbance to wintering birds. Full public access around the site would also result in disturbance to wintering (and other) birds in more sensitive locations. For this reason, a restriction on public access during winter around the southern end of the main lake, and across the new bund, is also considered necessary. There would also need to be a continuation of the previous restriction on angling from boats during winter. These matters can be the subject of a revised fishing / habitat management plan which can be required through conditions and an associated section 106 agreement.

In this way, it is considered that it may be possible to provide an undisturbed area for wintering birds without further restrictions on angling.

Habitat losses - A new track has been created around the southern edge of the main lake to facilitate creation of the new bund. This resulted in the destruction of a ditch, the creation of which was a requirement of an earlier planning permission (01/05/1144). The ditch was required to compensate for the loss of a ditch due to the creation of the motorway screening bund and which was identified as a lying up site by otters during the summer.

The need to reinstate this ditch, or provide replacement elsewhere, has been raised. In response, the applicant points out that the ditch (as created) did not in fact provide otter habitat as it was located within the otter-proof fencing. Moreover, the ditch had not been created in accordance with the previously approved details, such that a habitat of high environmental value has not been lost.

The applicant maintains that the proposed extensive marginal planting to fishing lakes will be adequate to compensate for the loss of the original habitat feature. Planning conditions are therefore recommended to secure details of landscaping including lake edge profiles and gradients, suitable to support extensive marginal planting which will be sufficient to mitigate for any habitat losses elsewhere on the site.

Bund removal - The proposed bund removal to merge smaller waterbodies would reinstate larger water bodies at this site which could be beneficial to wildfowl and wintering birds. At the time of the original proposals (01/98/0019) nature conservation organisations raised concerns that a larger number of smaller lakes would be less attractive to birds (than a smaller number of larger lakes) and would result in increased disturbance due to increased human proximity. In general, the proposals to remove some of the bunds to create larger water areas would allow the site to regain some of its original condition when it benefited from a BHS designation.

The currently proposed section 106 Management Plan (discussed below) does not make provision for any form of monitoring. The applicant has agreed to monitoring and for the Management Plan to make provision for reporting and subsequent actions arising from monitoring inspections. This can be addressed by planning condition/ revised section 106.

Section 106 agreement – Management Plan: The original planning application 01/98/0019 was approved subject to a section 106 agreement to provide for the management of the site for 25 years and for the protection and enhancement of the BHS status of the site during and after the development.

The aims of the section 106 and attached management plan are to allow angling to take place whilst maintaining overwintering wildfowl interest on the main lake and ecological interests elsewhere within the site. At the time of the original 2002 permission, margins of water bodies were potential nest sites for tufted ducks and other species, but were under-used due to sparse development and impoverished flora, and the semi-natural grasslands were similarly poorly developed with impoverished flora.

The existing section 106 agreement includes a range of objectives to achieve these aims, including that a management plan would be produced at year four, and that site monitoring should inform the management process. The current application proposes a new section 106 ecological management plan for the site, to cover the period 2017-2021 in the first instance.

The management plan includes proposals for extensive tree planting across the site. Additional tree planting to woodland areas and site boundaries would be in accordance with the requirements of the existing section 106. However, it remains preferable that tall planting in/ adjacent to the core wildfowl area (main lake) is avoided: expansion and diversification of copses through under and middle-storey planting remains most appropriate both ecologically and in landscape terms. Planting on the bunds adjacent to the main lake should therefore comprise lower growing scrub species rather than full height canopy trees.

The applicant has already undertaken some of the proposed tree planting within the section 106 management area. It is recommended that tall trees are not allowed to establish immediately adjacent to the main lake except within and adjacent to existing areas of planting. The applicant has also been advised that some of the proposed trees are not recommended for the creation of new native woodland here, being atypical of the area. These issues can be addressed as part of woodland management controls within any revised site management plan to include provision for the removal of inappropriate species.

In addition to maintaining overwintering wildfowl, the existing section 106 agreement requires habitat enhancements for ground nesting birds, including scrapes and no fishing zones during the nesting season. The current management plan does not make similar provision, but this is considered acceptable in the context of the current condition, characteristics and use of the site and surroundings.

There will in any case need to be revised landscaping/ management proposals to take account of the site layout amended as a result of the Flood Risk Assessment. The applicant has agreed to submit amended landscaping and management proposals. A planning condition is recommended to address this matter.

A revised section 106 agreement will also need to be agreed to amend some of the specific aims and objectives for this site. Given the fairly significant alterations to the site and the loss of established/ establishing vegetation, the original section 106 agreement and attached management plan is no longer appropriate.

The applicant is unwilling for the section 106 to be extended for a further 10 years, but is agreeable to manage the site in accordance with a management plan for a further 5 years beyond the original section 106 period. Whilst a longer period of management would be desirable, the proposed management duration is considered acceptable given that the site is no longer a BHS.

Flood Risk Assessment: The site lies in flood zone 3 and is part of a main river necessitating submission of a Flood Risk Assessment (FRA) for the scheme. The application was originally submitted without an FRA, resulting in an objection to the proposals by the Environment Agency.

The applicant has submitted a completed FRA which has necessitated some amendments to the proposed site layout would result in a betterment in terms of flood storage compensation. The Environment Agency is satisfied with the conclusions of the FRA and the amended proposals and has withdrawn its objection accordingly.

Although the proposals increase flood storage capacity, there remains a risk of fluvial flooding at this site. The FRA makes a number of recommendations to mitigate the risk, including a requirement for the site to register for Environment Agency flood alerts; development and implementation of an evacuation plan from flood zone 3 to flood zone 1, to include informative site signage; and to ensure balance of volumes displaced by earthworks. A condition can be attached to any permission requiring these to be implemented.

In summary, it is considered that the proposals to complete the bund adjacent to the M6 are acceptable. The works to the existing lakes would involve some disturbance to existing habitats on the site. However, it is considered that the new arrangement of water bodies on the site would have some benefits for nature conservation provided that the site is subject to appropriate landscaping and subsequent management of ecology and angling activities over an appropriate period. The development is therefore acceptable in terms of the policies of the Development Plan.

In view of the location, scale, nature and design of the development, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Recommendation

That subject to the applicant first entering into a Section 106 agreement providing for the ecological and angling management of the site for 15 years, that planning permission be granted subject to the following conditions:-

Working Programme

1. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application received by the County Planning Authority on 10th February 2017.
 - b) Submitted Plans and documents:

Drawing 2719.000 - OS Location Plan
Drawing No. 2719.PL.101 Rev E - Proposed Site Plan
Figure 1B - Remaining Bunding to be completed
Drawing BL.050506/A - Proposed Mound Development and Restoration
 - 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 and policies DM27 and DM38 of the Lancaster District Development Management DPD.

Screening Bund Construction and Restoration

2. The works to complete the M6 screening bund to the dimensions and contours shown on drawing BL050506/A shall be completed with 18 months of the date of this planning permission.

Within one year of the mound construction being completed to the approved contours, the mound shall thereafter be landscaped in accordance with the details shown on drawing BL050506/A.

Reason: To ensure the completion and landscaping of the mound within an acceptable timescale and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

3. Measures shall be taken at all times during the importation of materials to construct the M6 screening mound to ensure that no mud, dust or other deleterious material is deposited on Kellet Lane 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.

4. Access and egress to / from the site for Heavy Goods Vehicles associated with the importation of materials to create the M6 screening bund shall not be other than the access route from Kellet Lane shown on Figure 1B.

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

5. Within six months of the M6 screening bund being completed to the contours shown on drawing BL050506/A, the access from the site onto Kellet Lane shall be reduced to an agricultural access. The works shall include removal of the double access gates and planting of a double staggered row of hedgerow plants to reduce the width of the access to an agricultural access.

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

6. No works to construct the M6 screening embankment shall take place outside the hours of:

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

08.00 to 13.00 hours on Saturdays

No works to construct the M6 screening embankment 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.

Works to existing Lake margins

8. No waste materials shall be imported for the purposes of undertaking the works to the existing bunds and embankments shown on drawing 2719.PL.101 Rev E.

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

9. The works to reconfigure the lake margins shown on drawing 2719PL.101 Rev E and described in section 1 of the design and access statement shall be completed within one year of the date of this planning permission.

Reason: In the interests of visual amenity and to ensure that the works are completed within an acceptable timescale and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

10. Within six months of the date of this planning permission, a landscaping scheme for the site shall be submitted to the County Planning Authority for approval in writing. The scheme shall be based upon the proposals in the submitted Ecological Management Plan and shall contain details of the following:-
- a) a plan showing the layout of the landscaping of the site including woodland / shrub planting area, areas to be sown to grassland and areas for development of marginal / wetland habitats.
 - b) the seed mixes to be applied to any areas that are affected by regrading or other excavation operations
 - c) planting mixes for any areas to be planted with trees / shrubs identified under a) above including details of species to be planted, sizes and types of plants, planting techniques and protection measures
 - d) details for the creation of wetland / marginal areas on lake edges including grading works to create suitable levels, works to create reed beds and other areas of marginal planting. The details shall include information on the planting of marginal plants including species to be planted and measures and techniques to be used to secure establishment.
 - e) the restoration of the plant and materials storage area in the north western corner of the site including removal of all plant, equipment and storage materials, regrading works and seeding including details of seed mixes to be used.

The landscaping works contained in the approved scheme shall be undertaken within one year of the completion of the works to reconfigure the lake margins as shown on drawing 2719.PL.101 Rev E.

Reason: To ensure the satisfactory landscaping of the site in the interests of visual amenity and ecology and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

11. Within one year of the date of this planning permission a management plan for the site shall be submitted to the County Planning Authority for approval in writing.

The management plan shall contain details of the following:-

- a) the fishing facilities including details of design and location of fishing pegs.
- b) the areas of the site where access to be restricted for fishing and recreational purposes including measures to be taken to restrict or prevent public access

- c) management of invasive species including Himalayan balsam.
- f) management of tree and shrub planting including replacement of failed plants, weed control and maintenance of protection measures.
- e) the management of grassland areas including grazing or cutting regimes to be followed.
- f) management of habitat on lake edges.
- g) details of monitoring of habitats and biodiversity over wintering bird interests. The details shall including frequency of monitoring, objectives of monitoring and a procedure for reporting of results to the County Planning Authority. The monitoring reports shall contain details of any works that are necessary to increase the biodiversity value of the site together with a timescale for their implementation.

Thereafter, the management of the site shall be undertaken in accordance with the approved management plan together with any proposals contained with the monitoring reports.

Reason: To ensure the management of the angling and landscaping works on the site in the interests of ecology and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

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

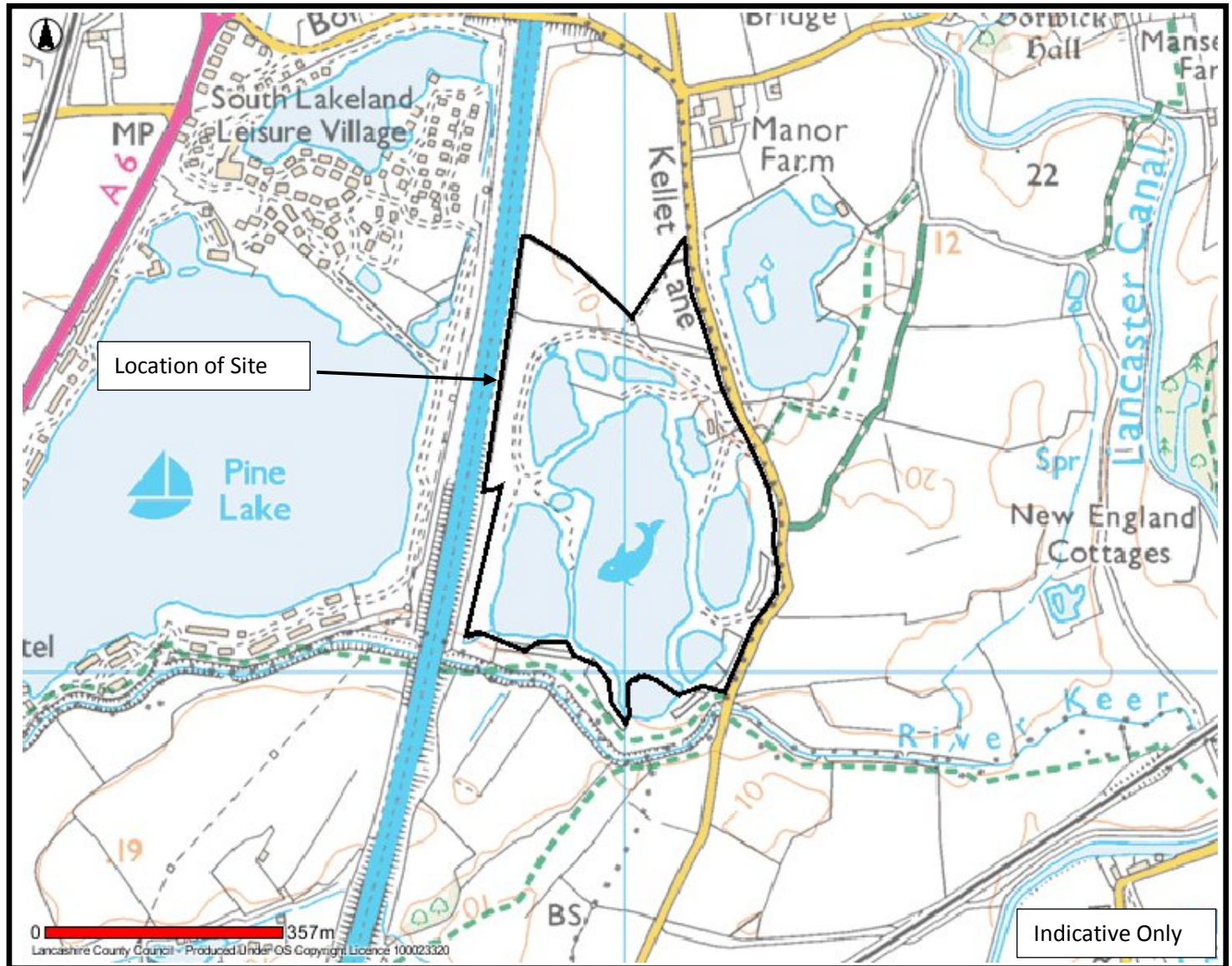
Paper	Date	Contact/Directorate/Ext
LCC/2017/0024		
Sarah Manchester		
Planning and Environment		
534150		

Reason for Inclusion in Part II, if appropriate

N/A

Appendix A

APPLICATION LCC/2017/0024 EXCAVATION AND EARTHWORKS TO RECONFIGURE THE EXISTING LAKES INCLUDING REMOVAL, CONSTRUCTION AND EXTENSION OF BUNDS INCLUDING COMPLETION OF THE EMBANKMENT ADJACENT TO THE M6 TO THE SAME DIMENSIONS AS APPROVED UNDER PLANNING PERMISSION 1/12/0890. THE APPLICATION INCLUDES THE SUBMISSION OF A NEW SECTION 106 ECOLOGICAL MANAGEMENT PLAN FOR THE SITE. CLEARWATER FISHERIES, KELLET LANE, WARTON, CARNFORTH



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Development Control Committee

Meeting to be held on 25th October 2017

Electoral Division affected: West Lancashire North

West Lancashire Borough: application number. LCC/2017/0064

Variation of condition 1 of planning permission LCC/2017/0016 to allow works to plug and abandon the borehole and to restore the site in accordance with condition 17 of permission LCC/2017/0016 to be undertaken between 1st April 2018 and 31st October 2018.

Becconsall Exploration Site, off Bonny Barn Road, Hundred End, Banks

Contact for further information:

Jonathan Haine, 01772 534130

DevCon@lancashire.gov.uk

Executive Summary

Application - Variation of condition 1 of planning permission LCC/2017/0016 to allow works to plug and abandon the borehole and to restore the site in accordance with condition 17 of permission LCC/2017/0016 to be undertaken between 1st April 2018 and 31st October 2018.

Recommendation – Summary

That subject to the signing of a legal agreement under section 106 of the Town and Country Planning Act 1990 relating to ecological mitigation, planning permission be **granted** subject to conditions controlling time limits, working programme, highways matters, noise, ecology, hours of operation, restoration and aftercare.

Applicant's Proposal

Planning permission is sought to vary condition 1 of planning permission LCC/2017/0016 which relates to an existing hydrocarbon exploration well site located at Becconsall, West Lancashire.

Condition 1 of that permission requires the site to be restored by not later than 31st August 2017. The applicant has not been able to comply with the requirements of that condition and is therefore applying to vary the condition so that restoration works have to be completed by not later than 31st October 2018.

Description and Location of Site

The application relates to an existing hydrocarbon exploration well site located within an area of flat agricultural land approximately 1.5 km northwest of the Banks and

3km west of Beconsall. The site is located approximately 700 metres north of Marsh Road from which access to the site is gained via an agricultural track known as Bonny Barn Road.

The site covers an area of 1ha and consists of a hardcore drilling platform surrounded by fencing with soil storage mounds on two sides and the well head in the centre of the platform.

The nearest residential properties are located at Marsh Nurseries 200 metres to the west and at Marshfield Farm 400 metres to the north. Other properties are located off Marsh Road over 800 metres to the south east. A public right of way is located approximately 290 metres to the east of the drilling platform.

The site is located within the Marsh Farm Fields /North Meols Biological Heritage Site. The Ribble Estuary SSSI and Morecambe Bay SPA are located approximately 650 metres to the north beyond the embankment / flood defence that forms the edge of the agricultural land.

The site is also located within the Green Belt.

Background

History: Planning permission was originally granted on this site for an exploration well for hydrocarbons in 2010 (permission 8/10/973). In 2015 a further permission ref LCC/2014/0047 was granted for the retention of the well site for a further period of three years to allow for the pressure monitoring of the Bowland shale reservoir followed by plugging and abandonment and restoration of the site.

Planning permission ref LCC/2017/0017 was granted on 1st March 2017 for the variation of planning permission LCC/2014/0047 to allow the restoration of the site to be completed by not later than 31st August 2017.

Planning Policy

National Planning Policy Framework

Paragraphs 6 -14, 17, 90, 144 - 147 and 206 of the NPPF are relevant with regards to the definition of sustainable development, core planning principles, green belts, the control of mineral workings and the use of planning conditions.

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 Development Management

West Lancashire Borough Local Plan

Policy SP1 A sustainable development framework for West Lancashire.

Policy GN3 Criteria for Sustainable Development

Policy EN2 Preserving and Enhancing West Lancashire's Natural environment.

Consultations

West Lancashire Borough Council: No objection. However the Borough Council are concerned at the delay in the restoration of this site and wish the County Council to ensure that the restoration works are undertaken as soon as the wintering bird season is over before any birds nest on the site.

Sefton Metropolitan Borough Council: No objection.

Environment Agency: No objection.

LCC Specialist Advisor (Ecology): If the site is to be retained for a further winter period, it will be necessary to provide mitigation for over wintering birds for a further winter period. The applicant should also take steps to deter birds from breeding on the site to avoid further delays to restoration.

LCC Highways Development Control; No observations received.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Three representations have been received which can be summarised as follows:-

Friends of the Earth object to the application as they note that this is the third time that an application has been made to extend the time periods for the restoration of the site. They are concerned that the site was originally permitted for an eighteen month period and it is now over six years since development commenced at the site. This delay will result in detriment to the green belt, grade 1 agricultural land, a flood zone, BHS and the Ribble Estuary SPA / Ramsar site. The County Council should therefore be taking enforcement action against the operator for failure to restore the site. The proposed time extension is excessive given that the works to restore the site can be completed in 12 – 14 weeks. In addition FoE consider that no evidence has been produced that ecological interests prevented the site being restored in 2017 and that the applicant has not submitted any information to address impacts on over wintering birds resulting from the site being retained over a further winter period. FoE are also concerned that the applicant has not submitted any details of how they would prevent birds from nesting on the site again in 2018. Consultation should also take place with Natural England relating to impacts on the Ribble Estuary SSSI, SPA and Ramsar site.

Two further representations have been received including one from Ribble Estuary Against Fracking objecting to the application on the basis of impact on residential amenity and nature conservation. In addition it is contended that the restoration of the site has been delayed for too long and that it could have been completed under the terms of the existing permission and that there is no need to further extend the restoration dates.

Advice

Planning permission was originally granted on this site in 2010 for the drilling of an exploration well to assess hydrocarbon potential in the Bowland Shale and other Carboniferous formations. Condition 1 of that permission required the site to be restored within a period of 18 months from the commencement of development. The borehole was drilled in 2011.

A further planning permission ref LCC/2014/0047 was granted in 2015 to allow the well site to be retained for a further period of three years to allow pressure monitoring of the well followed by plugging and abandonment of the borehole and restoration to return the land to agricultural use.

No pressure testing or other evaluation of the well was undertaken. Whilst there is no condition within the permission that stipulates a restoration timescale in the event that no testing is undertaken, the title of the permission allows for the site to be retained for a three year period and therefore, in the current circumstances of the site, it is considered that the restoration end date under this permission is 1st May 2018.

In January 2017, the applicant applied through application LCC/2017/0016 to vary the noise limits contained within condition 14 of planning permission LCC/2014/0047. These noise limits relate to the works to plug and abandon the borehole and restore the site. Approval of an application to vary conditions of an existing permission results in the granting of a completely new permission and therefore provides an opportunity for the local planning authority to review any other conditions that pertain to the original permission. In this case, the applicant proposed to complete restoration of the site by not later than 31st October 2017 but in response to representations that were made at the meeting of the Development Control Committee on 1st March 2017, the timescale for the restoration of the site was reduced to 31st August 2017. This date was incorporated within condition 1 of permission LCC2017/0016. Condition 3 of the permission also required that no site restoration should be undertaken between 1st March and 31st July unless the site had been previously checked and found to be clear of nesting birds.

In compliance with condition 3, the applicant carried out a survey for nesting birds on 16th June 2017 in preparation for commencing the plugging and abandonment and restoration works. The survey was undertaken by a qualified ecologist employed by an established environmental consultancy and identified a ground nesting bird (Little ringed plover) to be nesting approximately 12 metres from the well head. Therefore it was not possible to undertake the plugging and abandonment works without disturbing or destroying the nest contrary to the Wildlife and Countryside Act 1981. A further application has therefore been made to extend the time periods for restoration of the site – the applicant is now proposing that the site would be restored at the latest by 31st October 2018.

It is regrettable that this site was not restored during 2017. However, due to nesting birds being identified within the site, to continue with the restoration works would have been in breach of condition 3 of the permission and would also have contravened other wildlife legislation. For this species of bird, the eggs typically take 25 days to hatch and a further 27 days before the young fledge. The works to plug and abandon the borehole and to restore the site would take a total of around 14 –

16 weeks. Therefore these works could not be completed before the end date of 31st August 2017 and would have over run into the autumn when ground conditions are less suitable to undertake restoration works and when the works would have had potential impacts on the bird interests of the SPA. It is therefore considered that the applicant had little alternative but to request a further extension of the restoration timescales to allow restoration works to be carried out at an appropriate time of the year.

Whilst the site is within the Green Belt, it is distant from the public highway, other public vantage points and large numbers of residential properties. The site is presently comprised of a hardcore hardstanding with a soil mound on its northern side and surrounded by security fencing and is therefore not particularly prominent in the landscape. The site does not give rise to any noise or other pollution impacts. Although it is unfortunate that the site was not restored in 2017, the harm to visual and local amenity arising from the retention of the site for a further period is not considered to be unacceptable. No further testing or stimulation of the well is proposed and an extension of time will not prejudice the ability to restore the site to best and most versatile agricultural land.

Nevertheless, it is acknowledged that the site must be restored as soon as practicably possible. The applicant has been asked to provide details of the measures that could be employed to prevent birds from nesting on the site and has explained a range of measures that could be installed to effect such. If planning permission is granted, it is considered that it should be subject to a condition requiring a scheme to be submitted providing details of such measures and requiring their implementation as from March 2018. These measures would minimise the likelihood of any further delay to site restoration.

The site is located close to the Ribble Estuary Special Protection Area, designated for its value for wading and overwintering birds. The site is also within a Biological Heritage Site which is designated for its value as foraging habitat for various species of birds for which the SPA is designated. The retention of the site for a further winter period would involve a loss of foraging habitat which will need to be mitigated to avoid impacting upon the bird interests for which the SPA is designated. This issue has been considered during the determination of previous applications on this site and has been addressed through a legal agreement requiring supplementary feeding and other land management measures to offset the loss of habitat due to the retention of the site. Subject to the submission of a satisfactory unilateral undertaking requiring the employment of such measures during winter 2017/18, it is considered that the ecological impacts can be satisfactorily addressed and that the application is acceptable in terms of Policy EN2 of the West Lancashire Local Plan.

In view of the scale, location and nature of the development, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Recommendation

That subject to the signing of a legal agreement under section 106 of the Town and Country Planning Act 1990 relating to ecological mitigation, planning permission be **granted** subject to the following planning conditions:-

Time Limits

1. The works to plug and abandon the borehole and to restore the site in accordance with the requirements of condition 19 below shall be completed by 31st October 2018.

Reason: To ensure the plugging and abandonment of the borehole and restoration of the site within a reasonable timescale in the interests of the visual amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies GN3 and EN2 of the West Lancashire Local Plan 2012-2027

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 planning application ref LCC/2014/0047 received by the County Planning Authority on 27 March 2014 as amended by the planning application forms received on the 17 April 2014, planning application ref LCC/2017/0064 received on 3rd August 2017 and non material amendment application ref LCC/2014/0047/NM received on 30th January 2017.
 - b) Submitted Plans received by the County Planning Authority on 27 March 2014:

Drawing No. Figure 1 - Planning Application Boundary
Drawing No. Figure 2 - Planning Application Boundary
Workover rig drawing received with non material amendment application ref LCC/2014/0047/NM
 - c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt and to enable the County Planning Authority to control the development and to minimise its impact on the amenities of the local area and to conform with Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies SP1, GN1, GN3, EC2 and EN2 of the West Lancashire Local Plan.

Ecology

3. No site restoration works shall commence or be carried out during the bird-breeding season between 1 March and 31 July inclusive unless the site has been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around the site to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

Reason: To provide mitigation to nesting birds and to conform with Policy EN2 of the West Lancashire Local Plan.

4. Within three months of the date of this planning permission, a scheme of bird deterrent measures to be employed on the site shall be submitted to the County Planning Authority for approval in writing. The approved measures shall be employed from 1st March 2018 until such time as the plugging and abandonment works commence on the site.

Reason ; In order to minimise the opportunities for birds to nest on the site and to minimise further delays to the restoration of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Soils and Overburden

5. No topsoils or subsoils shall be exported from the site. All such soils shall be retained for use in the restoration of the site.

Reason: To ensure the proper removal and storage of soils to ensure satisfactory restoration and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local and Policies GN1, GN3, EC2 and EN2 of the West Lancashire Local Plan.

6. All topsoil and subsoil mounds shall be retained in a grassed, weed free condition prior to their use in the restoration of the site.

Reason: To ensure the effective restoration of the site in the interests of the visual amenity of the area and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local and Policies GN1, GN3, EC2 and EN2 of the West Lancashire Local Plan.

Hours of Working

7. No works associated with the plugging and abandonment of the borehole shall take place except between the hours of:

07.00 to 19.00 hours Mondays to Fridays (except public holidays)
07.00 to 13.00 hours on Saturdays (except Public Holidays)

Restoration works shall not take place except between the hours of:

07.30 to 18.30 Mondays to Fridays (except public holidays)
07.30 to 13.00 Saturdays

No delivery or removal of materials, plant or equipment, site development or site restoration works shall take place at any time on Sundays or public holidays.

This condition shall not apply to the carrying out of essential repairs to plant and equipment used on the site.

Reason: In the interests of the amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Highway Matters

8. Heavy goods vehicles to and from the site shall follow the route provided in accordance with the Transport Assessment submitted with application LCC/2014/0047 throughout the lifespan of the development.

Works and routing signage shall be provided in accordance with the submitted Transport Assessment throughout the lifespan of the development.

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

9. Measures shall be taken at all times during the plugging and abandonment works and restoration phases of the development to ensure that no mud, dust or other deleterious material is tracked onto the public highway by vehicles leaving the site.

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

10. All vehicles shall enter or leave the site in a forward direction.

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

11. All vehicles associated with the plugging and abandonment work or restoration phase of the development shall park in the site. No vehicles associated with the development shall park on Bonny Barn Lane or Marsh Road.

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

Control of Noise

12. 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

Joint Lancashire Minerals and Waste Local and Policies GN3 and EN2 of the West Lancashire Local Plan.

13. Noise emitted from the site shall not exceed 50 dB LAeq (1 hour) (free field), as defined in this permission, when measured at any noise sensitive property.

Reason: To safeguard the amenity of local residents and to prevent disturbance to birds and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies GN3 and EN2 of the West Lancashire Local Plan.

Safeguarding of Watercourses and Drainage

14. 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 throughout the lifespan of the development.

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 and Policies GN3, EC2 and EN2 of the West Lancashire Local Plan.

15. 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 Joint Lancashire Minerals and Waste Local Plan and Policies GN3, EC2 and EN2 of the West Lancashire Local Plan.

16. 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, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has first been approved, in writing, by the County Planning Authority.

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 and Policies GN3, EC2 and EN2 of the West Lancashire Local Plan.

17. Buffer zones with a width of not less than 5 metres shall be maintained between the perimeter mounds or edge of the drilling compound and the ditches on the boundaries of the site within which there shall be no vehicle movements, storage of materials, excavation, or other construction activity.

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 and Policies GN3, EC2 and EN2 of the West Lancashire Local Plan.

18. Prior to the commencement of the works to plug and abandon the well and the ground water monitoring boreholes, full details of the proposed abandonment schedule including any ground water monitoring shall be submitted to and approved in writing by the County Planning Authority. The approved scheme shall be implemented at all times during the plugging and abandonment of the well.

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 and Policies GN3, EC2 and EN2 of the West Lancashire Local Plan.

Restoration

19. Site restoration shall take place in accordance with the following:-

- a) All plant, buildings, hardstandings, aggregates/ hardcore and lining systems shall be removed from the land.
- b) All perimeter fencing and gates shall be removed.
- c) The upper layers of the subsoil material shall be subsoiled (rooted) to a depth of 600mm with a heavy-duty subsoiler (winged) prior to the replacement of topsoils to ensure the removal of material injurious to plant life and any rock, stone, boulder or other material capable of preventing or impeding normal agricultural land drainage operations, including mole ploughing and subsoiling.
- d) Following the treatment of the subsoil, topsoil shall be placed over the site to a minimum depth of 150mm and shall be ripped, cultivated and left in a state that will enable the land to be brought to a standard reasonably fit for agricultural use.
- e) Measures to relieve compaction or improve drainage.

Reason: To secure the proper restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies GN1, GN3, EC2 and EN2 of the West Lancashire Local Plan.

Aftercare

20. Within 3 months of the certification in writing by the County Planning Authority of the completion of restoration, as defined in this permission, a scheme and

programme for the aftercare of the site for a period of five years to promote the agricultural afteruse 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) Maintenance and management of the restored site to promote its agricultural use.
- b) Weed control where necessary.
- c) Measures to relieve compaction or improve drainage.
- 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.

Reason: To secure the proper restoration and aftercare of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies GN1, GN3, EC2 and EN2 of the West Lancashire Local Plan.

Definitions

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration in accordance with condition 19 have been completed satisfactorily.

Notes

If the abandonment process could lead to a discharge occurring then a groundwater activity permit may be required in line with Schedule 22 to the Environmental Permitting Regulations 2010.

The Environmental Permitting (England & Wales) Regulations 2010 (Regulation 38(1)) makes it an offence to cause or knowingly permit a groundwater activity (discharge of a pollutant that might lead to its direct or indirect input into groundwater) except under and to the extent authorised by an environmental permit or an exemption as provided for in the Regulations.

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

Paper	Date	Contact/Directorate/Ext
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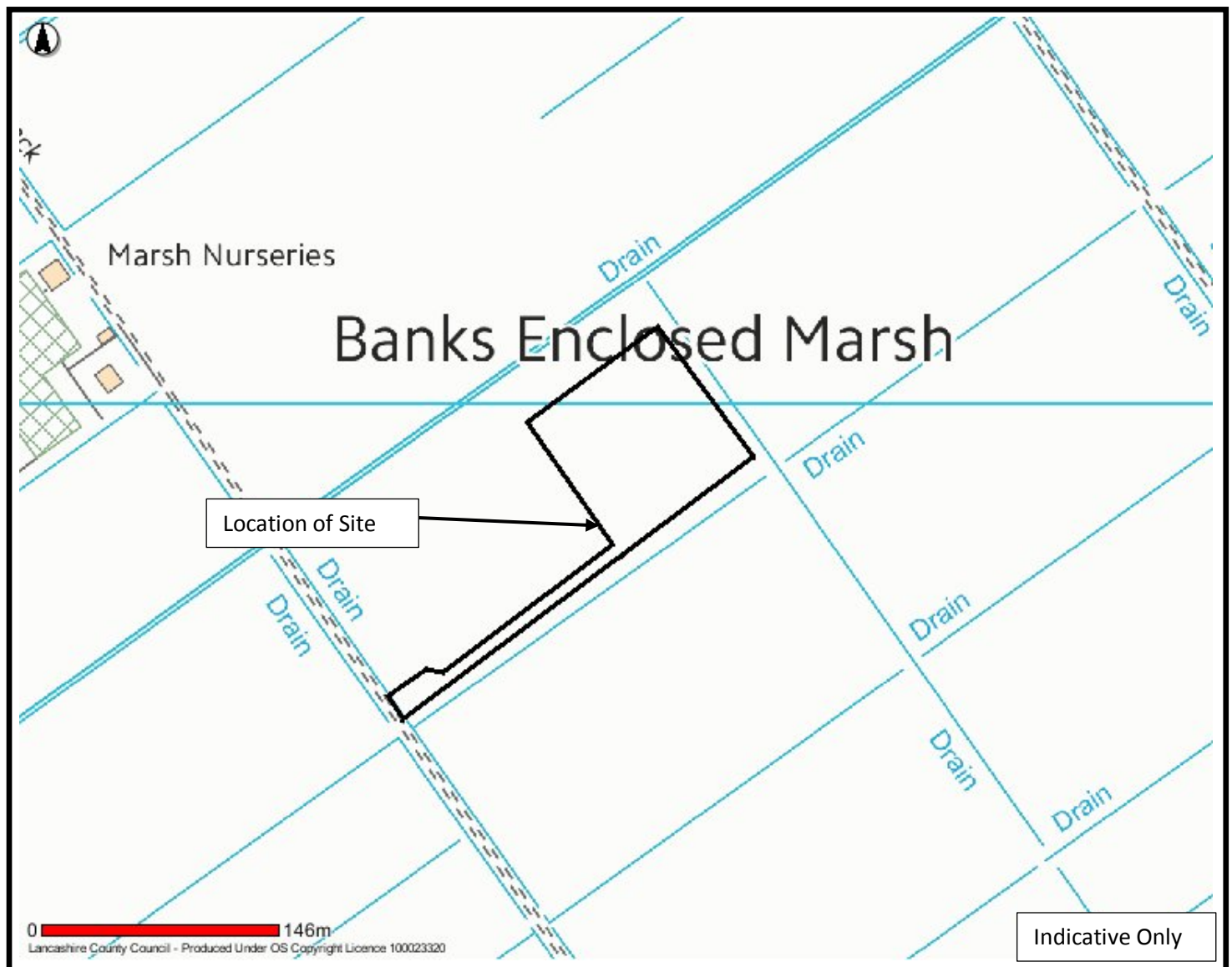
LCC/2017/0064		
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Jonathan Haine Planning and Environment 534130		
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Reason for Inclusion in Part II, if appropriate N/A		
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Appendix A

APPLICATION LCC/2017/0064 VARIATION OF CONDITION 1 OF PERMISSION LCC/2017/0016 TO ALLOW WORKS TO PLUG AND ABANDON THE BOREHOLE AND TO RESTORE THE SITE IN ACCORDANCE WITH CONDITION 17 OF PERMISSION LCC/2017/0016 TO BE UNDERTAKEN BETWEEN 01 APRIL 2018 AND 31 OCTOBER 2018. BECCONSALL EXPLORATION SITE, OFF BONNY BARN ROAD, HUNDRED END, BANKS



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Development Control Committee

Meeting to be held on 25th October 2017

Electoral Division affected: Longridge with Bowland
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Ribble Valley Borough: Application Number. LCC/2017/0068

Development of 7 additional parking spaces to increase the number of parking spaces from 55 to 62 including a new disabled parking bay.

Hillside Special School, Ribchester Road, Hothersall.

Contact for further information:

Faiyaz Laly, 01772 538810

DevCon@lancashire.gov.uk

Executive Summary

Application - Development of 7 additional parking spaces to increase the number of parking spaces from 55 to 62 including a new disabled parking bay.

Hillside Special School, Ribchester Road, Hothersall.

Recommendation - Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme and layout of parking area.

Applicant's Proposal

Planning permission is sought for the extension of the existing car park to form an additional 7 no. parking spaces at Hillside Special School, Ribchester Road, Hothersall. The proposed extension to the car park would cover an area of approximately 153 m², measuring approximately 17.6m x 9.6m. The area would be surfaced with a permeable tarmac surface and would increase the number of parking spaces at the school from 55 to 62. The applicant proposes to plant a hedge along the rear of the proposed parking area to minimise impacts from the proposed development.

Description and Location of Site

Hillside Special School is located to the south of the B6245 Ribchester Road, approximately 1.5 km east of Longridge town centre. The school is surrounded by agricultural fields with a small group of residential properties approximately 170m and 70m to the north and east of the existing school buildings. The school site consists of substantial grounds with the school buildings on the south side of the site which are accessed by a 150m long access road from Ribchester Road. The proposed development is located on the eastern side of the school extending the current school car park. The proposed site currently consists of a small soiled area

adjacent to an existing woodland. The nearest residential property is located approximately 120m away on Ribchester Road.

Background

The site is an established educational facility.

Planning permission was granted in September 2013 for a new building on the existing school site, providing sixth form accommodation, eleven additional car parking spaces and associated landscaping. (Ref 03/13/0650)

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11-14 and 56-64 are relevant with regard to the requirements for sustainable development, core planning principles and good design.

Ribble Valley Core Strategy

Policy DS2 - Sustainable Development

Policy DMG1 - General Considerations

Policy DME1 - Protecting Trees and Woodlands

Policy DMI2 - Transport Considerations

Consultations

Ribble Valley Borough Council - No objection - the development should accord with the proposed measures submitted by the applicant in section 11 of the Arboricultural Survey, Implication Assessment and Tree Protection report.

Hothersall Parish Council - No objection.

LCC Highways Development Control - Highways initially had concerns that users of the proposed car parking area would not have enough manoeuvring room to enter / leave parking spaces. The applicant has submitted revised designs reducing the number of parking spaces which would leave enough room for manoeuvring. LCC Highways have confirmed that the revised layout would be acceptable.

LCC Specialist Advisor (Ecology) - No objection - retained trees should be protected during works in accordance with section 11 of the Arboricultural Survey - Implication Assessment and Tree Protection report.

Representations - The application has been advertised by site notice and neighbouring residents informed by individual letter. One objection has been received stating that the proposed development should not be approved as previous planning conditions have not been complied with by the school and the proposed development could lead to more pupils and increased traffic problems within the local area.

Advice

Planning permission is sought for the extension of the existing car park to form an additional 7 no. parking spaces at Hillside Special School, Ribchester Road, Hothersall. The school caters for children with special education needs, with a large proportion of pupils having moderate learning difficulties as a primary need, requiring speech and therapy support. Due to the specialist nature of the school, pupils travel to the school from a large catchment area with a number of mini buses and cars (taxis) utilising the site every day. In addition there is a high staff to pupil ratio. As of September 2017 there were 86 pupils and a total of 100 staff (full and part time).

The school currently has around 55 designated parking spaces including 4 disabled spaces, which is insufficient for the staff who are employed at the school. As a result some staff park on the access road which results in access and parking difficulties for parents and taxis that need to access the school site to transport children to and from the school. The additional parking would provide some further spaces for teachers and staff which would alleviate some of the existing parking issues including parking on Ribchester Road outside of the school.

The proposed site covers a very small area and consists of a soiled area adjacent to some trees which is distant and well screened from the public highway. The additional parking area would have no visual amenity impacts. A tree survey was submitted with the application which concluded that one large dead branch would have to be removed from a sycamore tree in order to facilitate the development. The tree survey submitted with the application does not note any features that might have potential to support roosting bats, therefore it is considered unlikely that the proposal would result in impacts on bats or bat roosts. A list of measures are recommended within the Arboriculture Method Statement to protect trees on the site whilst the development is taking place. These measures can be dealt with through planning condition.

An objection has been received from a local resident that the extension to the car park could lead to more pupils and increased traffic problems within the local area. Comments are also raised by the resident that vehicles dropping and picking up pupils are still waiting along Ribchester Road creating a long line of vehicles that other road users need to overtake until the school gates are open. It should be noted the development is for extra parking for staff who work at the school and not for parking for dropping and picking up pupils who attend the school.

These issues were previously raised as part of an application for a new 6th form building at the school (planning application 3/13/0650). A condition was imposed on that permission requiring details for the opening of the school gates to ensure that there is no requirement for cars or taxis to park on Ribchester Road before they can gain access to the school.

The applicant has confirmed they have attempted to comply with this condition by opening the school gates 20 minutes before school starts and 15 minutes before school finishes to accommodate drop off and pick up times thereby allowing vehicles to wait on the internal site access drive to drop off or collect children. Also staff working at the school are instructed to arrive earlier than school start time and leave

after school finish times to reduce any traffic impacts within the local area. Due to the specialist nature of the school it would not be possible to keep school gates open for longer periods, as school security also needs to be taken into consideration. Prior to the application being submitted, highway officers went out to observe the school site during school pick up times and confirmed there were no significant levels of parking on Ribchester Road.

The school have also confirmed they hold meetings with the taxi contractors who drop off and pick up pupils and inform them not to arrive too early and for the vehicles to turn into the school grounds immediately without waiting on Ribchester Road. It is noted that due to the wide catchment area of pupils, on occasions taxis could arrive early. However it is not possible to impose conditions that prevent vehicles waiting on the public highway. The only way this could be enforced would be to introduce a Traffic Regulation Order which would be the subject of a separate process. LCC Highways were consulted on the application and have not indicated that there is a need for such controls.

In conclusion, it is considered that there is a need for further parking provision at the school and that such parking would have benefits in terms of easing any parking issues at the school. Whilst the school are already required to make provision for school gates to be open to preclude the need for vehicles to park on the highway, the impacts of taxi drivers arriving too early is not in their control. Should the problem persist and cause issues for highway safety, it would be matter for the Highways Authority to decide whether to implement a Traffic Regulation Order to prevent vehicles parking on the highway. Overall it is considered that the development would comply with policies of the National Planning Policy Framework and the Ribble Valley Core Strategy.

In view of the nature, location and purpose 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 and supporting statement received by the County Planning Authority on 13th September 2017.

b) Submitted Plans and documents:

Drawing No - 01 / Location Plan
Drawing No - 02 / Plan as Existing
Drawing No - 03 / Proposed Layout of the new Parking Area / Rev B
Drawing No - 04 / Proposed Section

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

Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy DS2 of the Ribble Valley Core Strategy.

Highway Matters

3. Prior to the car park area being brought into use, the car parking spaces shall be marked out on the surface of the car park as shown on Drawing No - 03 Rev B. - Proposed Layout of the new Parking Area.

Reason: In the interests of highway safety and to conform with Policy DMI2 of the Ribble Valley Core Strategy.

Landscaping

4. No development shall commence until the tree protection measures outlined in Section 11 (Arboricultural Recommendations and Method Statement) of the submitted Arboricultural Survey, Implication Assessment and Tree Protection Report have been implemented. Such measures shall be retained during the construction of the development.

Reason: To protect existing trees within or adjacent to the site in the interests of the visual amenities of the area and to conform with Policy DME1 of the Ribble Valley Core Strategy.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Ext
LCC/2017/0068	October 2017	Faiyaz Laly / Planning and Environment / 01772 538810

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

Appendix A

APPLICATION LCC/2017/0068 TO INCREASE THE NUMBER OF EXISTING PARKING SPACES FROM 55 TO 63 INCLUDING A NEW DISABLED PARKING BAY. HILLSIDE SPECIAL SCHOOL, RIBCHESTER ROAD, HOTHERSALL



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Development Control Committee

Meeting to be held on 25 October 2017

Electoral Division Affected: All

Planning applications determined 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

Executive Summary

Planning applications determined 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 13 September 2017, the following decisions on planning matters have been taken in accordance with the County Council's Scheme of Delegation.

Wyre

Application: No. LCC/2017/0052
Iron House Farm, Lancaster Road, Out Rawcliffe
Installation of a bio mass boiler and associated cladding of the host building.

Preston

Application: No. LCC/2017/0067
Holme Slack CP School, Manor House Lane, Preston
Removal of grass verge inside school boundary to provide three new car parking bays with new kerbing.

Application: No. LCC/2017/0058
21C Rough Hey Road, Grimsargh.
Variation of condition 6 of permission 06/11/0846 to allow the stacking of cars to be increased from two vehicles high to three vehicles high.

Burnley

Application: No. LCC/2017/0063

Padiham Green C of E Primary School, St Annes Street, Padiham
Construction of a timber framed outdoor classroom for the schools forest school provision

West Lancashire

Application: No. LCC/2017/0066
Unit 11 Simonswood Industrial Park, Stopgate Lane, Simonswood
Variation of condition 5 of planning permission LCC/2016/0022 to allow the storage of waste outside of the site buildings by the provision of ten outside open material storage bays

Recommendation

That the report be noted.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper

Contact/ /Ext

Susan Hurst, Ext: 34181

LCC/2017/0052
LCC/2017/0067
LCC/2017/0058
LCC/2017/0063
LCC/2017/0066