

Lancashire County Council

Development Control Committee

Wednesday, 13th December, 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 25 October 2017** (Pages 1 - 6)
The Committee are asked to agree that the Minutes of the last meeting held on 25 October 2017 be confirmed and signed by the Chair.
4. **Fylde Borough Council: application number. LCC/2014/0096NM1** (Pages 7 - 20)
Non material amendment of permission LCC/2014/0096 to allow up to a maximum of nine single convoy deliveries or removals to be carried out outside the hours specified in condition 19 provided they are carried out only in relation to works phases c), d), e) or f) as set out in planning condition 3.
Preston New Road Exploration site near Kirkham.

5. **Fylde Borough: application number. LCC/2014/101** (Pages 21 - 26)
Development of a site for drilling up to four exploratory wells, hydraulic fracturing of the wells, testing for hydrocarbons, abandonment of the wells and restoration, including provision of access roads and improvement of accesses onto the highway, security fencing, lighting and other uses ancillary to the exploration activities, including the construction of a pipeline and a connection to the gas grid network and associated infrastructure.
Land west, north and east of Roseacre Wood and between Roseacre Road, Roseacre and Inskip Road, Wharles.
- Report to determine the need for a site visit in respect of additional information received on revised access routes.**
6. **West Lancashire Borough: Application number LCC/2017/0060** (Pages 27 - 34)
Retrospective application for the siting of an enclosure to house a 300kW biomass boiler with a 5.8m high exhaust stack and the provision of an associated fuel silo and ash bin. City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby
7. **West Lancashire Borough: Application Number. LCC/2017/0078** (Pages 35 - 40)
Retrospective planning application for the erection of two sections of fencing and gate. West Lancashire Community High School, School Lane, Skelmersdale
8. **Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.** (Pages 41 - 44)
9. **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.

10. Date of Next Meeting

The next meeting of the Development Control Committee will be held on Wednesday 24 January 2018 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, 25th 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	A Schofield
D Foxcroft	

1. Apologies for absence

None declared.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor M Barron declared a non pecuniary interest in agenda item 5 as a member of West Lancashire Borough Council.

County Councillor P Rigby declared a pecuniary interest in agenda item 5 as the applicant had been allowed to access his land for testing purposes.

County Councillor Pattison declared a non-pecuniary interest in agenda item 4 as a member of Lancaster City Council.

3. Minutes of the last meeting held on 4 October 2017

Resolved: That the Minutes of the meeting held on 4 October 2017, be confirmed and signed by the Chair of the Committee.

4. **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

A report was presented on an application for the 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 at Clearwater Fisheries, Kellet Lane, Warton, Carnforth. The application included the submission of a new section 106 ecological management plan for the site.

The report included the views of the Environment Agency, the Highways Agency, Natural England, the County Council's Specialist Advisor (Ecology) and details of one letter of representation received.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of the site, the proposed site layout plan showing the reconfigured lakes and landscaping bunds and photographs of the site from various viewpoints.

Resolved: 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 conditions set out in the report to the Committee.

**5. 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.
Beconsall Exploration Site, off Bonny Barn Road, Hundred End, Banks**

This item was considered after item 6 of the agenda.

County Councillor P Rigby left the room during consideration of this application as he had declared a pecuniary interest in the item.

A report was presented on an application for the 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 at Beconsall Exploration Site, off Bonny Barn Road, Hundred End, Banks.

The report included the views of West Lancashire Borough Council, Sefton Metropolitan Borough Council, the Environment Agency, the County Council's Specialist Advisor (Ecology) and details of 3 letters of representation received.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of the site and the nearest residential properties. The Committee was also shown an illustration of the site layout plan and photographs of the site from various viewpoints.

Five members of the public including representatives of Ribble Estuary Against Fracking and Friends of the Earth addressed the Committee. They reiterated the

objections set out in the committee report in relation to the extension of the time periods, the impact on residential amenity and the detriment to the green belt, Biological Heritage Site and the Ribble Estuary SPA / Ramsar site. It was maintained that restoration of the site had been delayed for too long; there was no need to further extend the restoration dates; and that enforcement action should be taken against the operator for failure to restore the site. It was also maintained that consultation should take place with Natural England relating to impacts on the Ribble Estuary SSSI, SPA and Ramsar site.

Following concerns raised by the Members, it was agreed that Officers would write to the applicant to advise that enforcement action would be taken if there was any further delay in restoring the site. In response to questions raised by the Members, Officers advised that it would be inappropriate to request a Bond from the applicant to secure the restoration of the site or to ask the applicant to enter into a section 106 agreement. The Committee was reminded that Condition 1 of the proposed planning permission set out the timescales within which the applicant had to comply and that the Council could enforce any breach of that condition.

Following further debate and concerns raised with regard to the delay in restoring the site and the subsequent impact on residential amenity, landscape, agriculture and the Green Belt, it was Moved and Seconded that:

"The application be refused and the Council proceed to take enforcement action against the applicant".

On being put to the vote the amendment was Carried.

Following further debate, Members offered up the following reasons for refusal but agreed that the final wording should be delegated to the Officers:

"The existing conditions were imposed to provide for the completion and restoration of the site within a reasonable timescale in the interests of the visual amenities of the area and the amenities of local residents. This council consider 18 months a reasonable timescale. The reasonable timescale is imposed to conform with policy DM2 of the Joint Lancashire Minerals and Waste Plan and West Lancashire Local Plan policies. This reflects the importance and sensitivity of the site."

The reasons for refusal were subsequently drawn up by the Officers to reflect the reasons put forward by Members of the Committee and are included in the Minutes for completeness as follows:

- i) 'The postponement of the completion of site restoration until 31st October 2018 would result in the unnecessary retention of an industrial site in the countryside thereby having unacceptable impacts on landscape and the openness of the Green Belt contrary to Policy GN3 of the West Lancashire Borough Local Plan and paragraphs 79 – 90 of the National Planning Policy Framework.

- ii) The delay in completing the restoration of the site would prevent best and most versatile land being restored to agricultural use at the earliest opportunity contrary to Policy EC2 of the West Lancashire Borough Local Plan'

Resolved: That the application be **refused** for following reasons:-

- i) The postponement of the completion of site restoration until 31st October 2018 would result in the unnecessary retention of an industrial site in the countryside thereby having unacceptable impacts on landscape and the openness of the Green Belt contrary to Policy GN3 of the West Lancashire Borough Local Plan and paragraphs 79 – 90 of the National Planning Policy Framework.
- ii) The delay in completing the restoration of the site would prevent best and most versatile land being restored to agricultural use at the earliest opportunity contrary to Policy EC2 of the West Lancashire Borough Local Plan.

**6. 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.**

This item was considered before item 5 of the agenda.

A report was presented on an application for the development of 7 additional parking spaces to increase the number of parking spaces from 55 to 62 including a new disabled parking bay at Hillside Special School, Ribchester Road, Hothersall.

The report included the views of Ribble Valley Borough Council, Hothersall Parish Council, the County Council's Highways Development Control and Specialist Advisor (Ecology) and details of one letter of representation received.

The Development Management Officer presented a PowerPoint presentation showing an aerial photograph of the site and the nearest residential properties. The Committee was also shown an illustration of the site layout plan and photographs of the site from various viewpoints.

Resolved: That planning permission be **granted** subject to conditions set out in the report presented to the Committee.

7. Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.

It was reported that during the period 13 September to 17 October 2017, five planning applications had been granted planning permission by the Head of Service Planning and Environment in accordance with the County Council's Scheme of Delegation.

Resolved: That the report be noted.

8. Urgent Business

There were no items of urgent business.

9. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 13 December 2017.

I Young
Director of Governance, Finance
and Public Services

County Hall
Preston

Development Control Committee

Meeting to be held on 13th December 2017

Electoral Division affected:
Fylde West

**Fylde Borough Council: application number. LCC/2014/0096NM1
Non material amendment of permission LCC/2014/0096 to allow up to a maximum of nine single convoy deliveries or removals to be carried out outside the hours specified in condition 19 provided they are carried out only in relation to works phases c), d), e) or f) as set out in planning condition 3.
Preston New Road Exploration site near Kirkham.**

Contact for further information:
Jonathan Haine, 01772 534130
DevCon@lancashire.gov.uk

Executive Summary

Application - Non material amendment of permission LCC/2014/0096 to allow up to a maximum of nine single convoy deliveries or removals to be carried out outside the hours specified in condition 19 provided they are carried out only in relation to works phases c), d), e) or f) as set out in planning condition 3.
Preston New Road Exploration site near Kirkham.

Recommendation – Summary

That the non material amendment to condition 19 of planning permission LCC/2014/0096 be approved.

Applicant's Proposal

The application is for a non material amendment of planning permission LCC/2014/0096 relating to the existing shale gas exploration site at Preston New Road which was granted by the Secretary of State on appeal in October 2016.

The application is to allow a maximum of nine single convoy deliveries or removals to be carried out outside of the hours specified in condition 19 of the planning permission where those traffic movements are related to phases c, d, e or f of the development. These phases relate to the drilling of each of the four exploration wells, hydraulic fracturing of each of the wells, flaring of gas during the initial flow test of each well and installation of the gas pipeline and connection to the National Grid.

The effect of the proposed amendment would therefore be to allow vehicle movements to and from the site between the hours of 18.30 to 07.30 hrs on Mondays to Friday, after 12.00 hrs on Saturdays and at any time on Sundays or public holidays. The applicant is proposing to restrict such movements to a maximum of nine events over the duration of the four phases listed above but that each event may consist of convoys of multiple HGV's.

Description and Location of Site

The application relates to the Preston New Road Shale Gas Exploration site which is located immediately north of the A583 Kirkham to Blackpool Road, approximately 4km west of Kirkham.

The site consists of a stone compound area surrounded by security and noise attenuation fencing. The compound currently houses the drilling rig, various ancillary equipment and stores and workers accommodation and is linked to the A583 by a stone surfaced access road. At the time of writing the rig is drilling the first two boreholes into the Bowland Shale.

Land surrounding the site is in agricultural use. The nearest residential properties to the site are located at Plumpton Hall Farm (450 metres east of the site) and at Staining Wood Cottages which are 150 metres west of the junction of the access with the A583. There is also a group of further properties located at Foxwood Chase which are located on the southern side of the A583, 270 metres west of the site access.

Under the approved traffic management plan for the site, HGV traffic should normally approach the site via junction 4 of the M55 and then leave the site using the A583 and A585 to access junction 3 of the M55. The traffic management plan includes provision for some variation to this routing where agreed with the police.

Background

Planning permission for the development of a hydrocarbon exploration site was granted by the Secretary of State in October 2016 (planning permission ref LCC/2014/0096).

The development of the site commenced in January 2017.

Planning Policy

National Planning Policy Framework : Paragraphs 11 – 16, 17, 32, 123 and 144 of the NPPF are relevant in relation to the presumption in favour of sustainable development, core planning principles, sustainable transport, impacts of noise and the determination of proposals for minerals development.

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 – Development management

Fylde Borough Local Plan

Policy EP27 – Development and Noise

Consultations

Fylde Borough Council : No objection.

LCC Highways Development Control : No objection.

Lancashire Constabulary: No objection.

Westby with Plumpton Parish Council : Object to the application due to the likely noise from excessively sized convoys of HGVs at any time of the night. The Parish Council also consider that the approved traffic management plan is being altered to accommodate the developer's needs as and when required.

Medlar-With-Wesham Town Council : Strongly object to the application. The original condition to restrict hours of working was imposed for good reason to protect the amenities of local communities from HGV movements. The original conditions should not be amended. The Town Council do not consider that the amended hours would prevent protestors from attempting to hinder vehicle movements as lock-ons have already taken place outside of the approved hours. If the amendment is granted, the Town Council have no confidence that the terms of the new condition would be adhered to.

Greenhalgh-with-Thistleton: No observations received.

County Council Oades has also raised strong objection to the amendment on the basis that the agreed HGV routing is being contravened too many times and that residents should not have to put up with a 24 hour operation.

County Councillor Dowding also objects to the application on the basis that the existing conditions were imposed to protect a range of factors including noise to neighbours and emissions.

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

75 letters of objection to the application have been received raising the following issues:-

- The original application was only granted on the basis that the original conditions would be complied with. The terms of the original permission are not being complied with and therefore any manipulation of the regulatory framework should not be allowed. The terms of the existing permission should be adhered to.
- The applicant did not consult with Lancashire Police before bringing the rig to the site on 27th July outside of the approved hours – Cuadrilla told the police what they intended to do and the Police then had to put an action plan into place to allow the delivery to proceed.
- The proposal would result in an increase in night time noise levels including at houses adjacent to the A583 / A585 access road to the M55
- The applicant should never have been given permission in the first place
- Undertaking operations at night would increase noise and light pollution and the risk of accidents and result in disturbance to sleep. There are approximately 300 houses on the route to the site between junctions 3 and 4 on the M55.
- The evidence that has been submitted in support of the application is unreliable. The ambulance service do not have any record of the delays that

have been claimed and the figures for road closures and arrests in July should have been shown along with the months before and after July.

- The application is an example of incremental changes to the permission which should not be allowed. The gradual erosion of planning regulations over time could result in traffic movements being under no restriction.
- The protesters are on the site 24 hours per day and they will not cease demonstrating because vehicle movements take place at night time
- The proposal will increase demand on police resources as they will be required to attend the site at night
- The applicant has not followed the routing contained in the existing approved traffic management plan
- The proposal is contrary to Policy EP11 of the Fylde Borough Local Plan.
- The proposal would have a detrimental impact on nocturnal wildlife.
- The applicant has not been penalised for the breaches of the traffic management plan that have taken place to date.
- The use of police escorts during the daytime is more appropriate than changing to a plan that requires a more costly 24hr police escort presence.
- Protest activities including 'lorry surfing' could be more easily organised during the day
- The proposal is not non material as it has significant implications for local residents and the highway network.
- Protestor activity has declined significantly since July and the existing Traffic Management Plan should be sufficient to manage HGV access to the site.
- Many of the protestors who have been arrested have subsequently not been charged or been acquitted at court
- The proposed changes to the wording of condition 19 are too flexible and the application is not clear about how many vehicles would be in each convoy and whether the maximum level requested is per night, week, month or in total.
- Granting the application would set a precedent for other sites including for Roseacre Wood where it would very disturbing.
- The proposal would harm road safety in particular to cyclists.
- The amendment will increase emissions.

Friends of the Earth also object to the application. They consider that the change to conditions represents a material amendment as it would have material impacts in terms of noise and therefore should have been submitted under the provisions of section 73. FoE consider that more information should be sought in relation to whether the permitted Lmax noise levels were breached when the previous out of hours delivery took place on 27th July. FoE also consider that the application demonstrates that the applicant is not able to comply with the planning conditions that have been imposed in order to make the development acceptable. FoE consider that these conditions were imposed to protect local amenity and to comply with local planning policy. Local residents should not have their amenity affected which would be the consequence of the proposed amendment.

31 letters of support have also been received raising the following issues:

- The A583 is a key route for staff travelling to and from work and for businesses during the day and the proposal would result in a considerable reduction in hold – ups and road hazards and would increase road safety.

- The decision to bring in the rig during the night time was justified in minimising disruption to the travelling public.
- Closure of the A583 has resulted in a significant loss of business to premises that are located off the A583
- Closure of roads and delays is bad for tourism and if allowing overnight deliveries helps to solve the issue, the amendment should be permitted.
- The existing problems of lock ons and road closures cannot be allowed to continue
- The amendment would relieve some pressure on the police and other authorities.

Lancashire Chamber of Commerce support the proposal. They state that significant numbers of businesses have complained about the impact of road closures on the A583 resulting from the actions of protestors which has resulted in loss of revenue and business. The Chamber of Commerce consider that Cuadrilla's decision to deliver the drilling rig outside the approved hours was correct as it avoided further road closures and that additional flexibility over HGV movements would minimise future disruption to other road users.

A petition from an organisation called 'Backing Fracking' containing 219 signatures in favour of the proposal has also been received. A letter received with the petition states that the measures employed to deliver the rig to the site demonstrate that over night deliveries are significantly less disruptive than those conducted during the day and that the application should be approved to help keep the A583 open for residents and other travellers.

Advice

Background

Planning permission for the development of an exploration site to allow drilling for and testing for hydrocarbons within the Bowland Shale was granted by the Secretary of State on appeal in October 2016. The development commenced in January 2017.

To date the works that have been undertaken on the site include the construction of the site access and the exploration compound. Drilling of the first two boreholes commenced in August 2017 and are expected to be completed to the target formation by early 2018 after which the bores will be subject to hydraulic fracturing and testing to establish the existence and flow rates of any gas that might be present.

The planning permission is subject to a number of conditions including no.19 which controls hours of operation. Condition 19 restricts the delivery and removal of materials including plant and equipment associated with all drilling and extended flow testing during the exploration and appraisal phases of the site to between the hours of 07.30 to 18.30 hours Mondays to Fridays, 08.30 to 12.00 hours on Saturdays with no such works on Sundays or public holidays.

The applicant is now applying for a non material amendment of condition 19 to allow HGV movements to and from the site to take place outside the hours listed in condition 19. It is proposed that out of hours movements would be restricted to a total of nine occurrences over the remaining duration of the development. The

applicant intends that one occurrence of out of hours HGV movements might be comprised of a single vehicle or a convoy of multiple vehicles.

Planning and Highway Issues

Since operations commenced at this site in January 2017, there has been significant protestor activity which has resulted in closures or other disruption to the A583 with resultant delay to the applicant's business and to the general travelling public. Anti shale gas protestors have been an almost constant presence at the site which has required the deployment of significant police resources resulting in a large number of arrests of protestors. The protestors have employed a range of techniques to disrupt the construction and development of the exploration site. These include protestors 'locking on' within the site bell mouth or in the A583 carriageway itself to delay vehicles from accessing the site. 'Locking on' involves protestors linking and locking arms using handcuffs or other locking devices located within steel tubes. Specialist police resources are then required to safely remove the protestors. Where the lock on has occurred close to or within the carriageway of the A583, the police have had to close the road or implement a contraflow to give them sufficient working space so that they can deal with the lock – on in a safe manner. Protestors have also mounted HGVs traveling towards the site so that they can occupy the vehicle and force it to stop in the carriageway. In such cases, the police have to deploy specialist equipment to allow them to detain the protestors in a safe manner but again this invariably requires the road to be closed or contraflows installed.

During July 2017, an anti-fracking activist group called 'Reclaim the Power' coordinated a month of activity at the site. As a result the A583 was completely closed or subject to a contraflow on 20 occasions during July to allow the police to deal with protestors. Many of the road closures or contraflows took place over several hours covering peak times leading to significant delays to other road users. Whilst other months have not seen the same levels of disruption as seen in July, there have still been many similar events since January 2017 resulting from the police having to deal with lock ons and other protestor activity.

In response to the level of protestor activity, on the 27th July the applicant took the decision to deliver the drilling rig using a convoy of 27 HGVs which arrived at the site at approximately 4.45 am. Whilst these HGV movements were in breach of the approved hours listed in condition 19 of the planning permission, the applicant considers that the breach was justified as it allowed the rig to be delivered to the site without any disruption or delay to the public highway. The applicant therefore wishes to modify condition 19 to retain the ability for such night time movements without being in breach of the planning permission.

The applicant is requesting permission for these out of hours deliveries to take place on up to nine separate occasions associated with the remaining four phases of the development (drilling of each of the four wells, hydraulic fracturing of each well, flaring of gas from each well and installation of the gas pipeline and connection to the grid.) Each occasion would consist of a lorry, or convoy of lorries, accessing the site to deliver / pick - up equipment and then leaving the site. The applicant considers that it would normally take around 45 minutes to load / unload vehicles before HGVs exit the site to access the motorway network.

The applicant maintains that it would be their preference not to move HGVs outside of normal permitted hours. The ability to use the additional hours would probably be reserved for where major pieces of equipment need to be moved onto or away from site such as when the drilling rig is taken away following the completion of the first two boreholes or when the fracking equipment needs to be brought to the site. It is likely that the four work phases for which the relaxation is sought would be completed within 24 months and therefore there would be an average of 0.375 incidences of out of hours HGV movements per month (approximately 1 night every 3 months).

The roads that are used to access the Preston New Road site are all major A class Roads. The A583 carries approximately 13,000 vehicles per day including around 250 HGVs. It is therefore considered that there are no highway capacity or safety issues arising from the amendment that is sought. The key planning issue is in terms of the impact of such night time traffic movements on the amenity of any residents living close to the site and adjacent to the A583 / A585. Some of the representations make reference to there being 300 properties that are located adjacent to these roads. Whilst there are many properties located off these roads including the Carr Bridge Caravan Park and the new estates on the western edge of Kirkham, most of these have a considerable standoff from the highway which reduces the impacts of passing HGV traffic. There are relatively few properties that are located immediately adjacent to either the A583 or A585. When the night time convoy was employed on 27th July, the County Council only received one complaint about noise disturbance. Both roads are also A class roads where there will already be some HGV traffic throughout the night. The amendment sought would result in an increase in HGV traffic above the existing levels at night but it must be acknowledged that it is only proposed to make use of the extended hours on approximately 1 night every three months and therefore the impact on residential amenity must be considered in that context.

The applicant proposes that it would be the intention to organise any night time HGV movements into a convoy, similar to that employed on 27th July. However, given that use of the additional hours would only be an average of one night every three months, use of convoys is not considered to be essential and distribution of HGV movements throughout the night is not considered to have a materially greater and unacceptable impact given that the vehicle movements would be on A class roads where there are already some HGV movements throughout the night. The applicant has requested permission for up to 30 vehicle loads in any one night time period. It is considered that any amendment of condition 19 must contain a limitation on the number of vehicles used in each 'out of hours' event as well as a requirement for the operator to give prior notification to the County Council of the intention to use the extended hours so that if necessary monitoring can be undertaken and to allow a record to be maintained of each occasion when the extended hours are utilised.

Condition 19 currently restricts night time operations on the site to work associated with the drilling of boreholes. A separate condition (no 29) sets average and maximum noise levels from the site when measured at the nearest residential properties. These levels were set in relation to the operation of the drilling rig during the night time period which is the aspect of the development most likely to give rise to noise issues. Whilst the unloading and loading of vehicles during the night would have the potential to increase the total noise levels from the site, the night time delivery on 27th July did not result in a breach in either the 1 hour average or

maximum noise levels stated in condition 29 of the planning permission. The limits for night time noise are very stringent and the fact that these were not breached indicates that impacts would be very low. The noise restrictions in condition 29 would remain in force throughout the remainder of the development and a sophisticated system is in place to provide real time monitoring of noise levels. The compound area is surrounded by 4 metre high acoustic fencing and provided that all loading / unloading of HGVs takes place within the compound area, it is considered unlikely that the noise levels contained in condition 29 would be breached by any loading unloading activities during the night time period. A requirement can be imposed regarding the location of night time loading / unloading activities.

The traffic management plan for this site originally required that all HGV movements approach the site from junction 4 of the M55 and then leave the site towards junction 3 of the M55 using the A585. Such routing requires HGVs to turn left into the site and left out of the site which is the favoured manoeuvre in terms of highway safety. These vehicle routing arrangements have since been modified to allow vehicles to also arrive at the site from junction 3 or to leave towards junction 4 where agreed with the police. These modified routing arrangements have been widely used in response to protestor activity or road closures. The applicant wishes these traffic management measures to remain in force during the extended hours. This is considered acceptable and would require HGVs to turn left into and left out of the site unless otherwise agreed with the police in response to protestor activity.

A large number of representations have been received in response to the consultation exercise. There is considerable support for the extended hours from the local business community and from a number of local residents as there were considerable delays to traffic around the site arising from protestor activities which resulted in some local economic impact and disruption to the daily lives of local residents.

However, many objectors have said that the amendment should not be approved as the extended hours will not necessarily mean an end to protestor activity and associated road closures. In relation to these issues, the extended hours will not necessarily reduce the incidence of 'lock - ons' and road closures as most vehicle movements would still take place within the existing permitted hours of operation. However, it would allow the applicant to programme important deliveries to the site when the risk of protestor activity is lower. The key planning test is considered to be whether there would be unacceptable impacts arising from the amendment that is sought and not in terms of its likely benefits. In relation to the concern of additional emissions or traffic levels, the amendment sought would not increase the levels of traffic to the site and would only change the times at which such movements take place.

Some objectors have said that the original conditions were attached in order to make the development acceptable and should therefore not be changed. However, it is a legal right for anyone who holds a planning permission to seek to amend planning conditions that are attached to the permission. The Town and Country Planning Act recognises that new issues can arise following the granting of permission and therefore provides a statutory right to amend conditions via section 73 or 96A.

In support of their proposal, the applicant has also referred to a number of occasions during July when ambulances were unable to reach their destinations using the

fastest route due to incidents outside the Preston New Road site. A number of objectors have disputed that this is the case drawing attention to Freedom of Information requests that they have made to the ambulance service which have stated that no records exist of such delays. However, the absence of records does not mean that the delays did not occur. It could simply be that the ambulance service does not record that information, given the number of ambulance call outs that take place each day. Information provided by the police at a recent Community Liaison Meeting for the Preston New Road site stated that three ambulances had to be diverted due to the road being closed. It is therefore considered that there is some evidence that the road closures have resulted in some occasional difficulties for the emergency services.

Use of Non material amendment procedure

The applicant has applied to change condition 19 through the non material amendment procedure within section 96A of the Town and Country Planning Act 1990. This section allows a local planning authority to '*make a change to any planning permission.... if they are satisfied that the change is not material. In deciding whether a change is material, a local planning authority must have regards to the effects of the change together with any previous changes made under this section*'.

The ability to apply for non material amendments to existing planning permission was introduced in 2009 and guidance on the use of the procedure is contained in Planning Practice Guidance. The Guidance states that '*There is no statutory definition of non material. This is because it will be dependent on the context of the overall scheme – an amendment that is non material in one context may be material in another*'.

Friends of the Earth have challenged the use of the s96A procedure. However, it must be acknowledged that the applicant is requesting the ability for HGVs to access and leave the site during the night time for a very limited number of times taking into account the overall life of the site. If it is concluded that the impacts of the amendment would be minimal, the change requested may be considered to be non – material in nature. Applications under s96A do not carry any requirement in terms of consultation or publicity. However, in view of the level of public interest in this site, the application has been advertised and consulted upon in the same way as any other planning application and the results of the consultation are included within this report.

Conclusions

The development of this site has been subject to considerable protestor activity which has led to many closures of the A583 and other traffic management measures which have resulted in delay and disruption to other road users. The applicant wishes to have greater flexibility to be able to programme a limited number of HGV movements outside of the currently permitted hours to reduce disruption to their business and to the highway generally. Whilst it is considered that the proposals would not necessarily remove the incidence of road closures, it would help reduce their frequency which would be of benefit to the applicant and also to the general public including those whose businesses are affected by road closures. The number of occurrences of night time HGV movements would be very low and given the

location of the site and nature of the roads affected, it is considered that any adverse impact on local amenity would be infrequent and not unacceptable.

In view of the scale, location and scope of the proposal, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected. The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 1 of the 1st Protocol states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance with law and as is proportionate.

This application, were it to be approved, would be unlikely to generate such an impact on neighbouring properties which would breach those rights given the scale of the proposal and the fact that previous movement of vehicles at night only resulted in one complaint regarding noise.

Recommendation

That the non material amendment to condition 19 of planning permission LCC/2014/0096 be approved and that condition 19 is reworded as follows:-

19a. The following hours of working shall apply to the development:-

Activity	Permitted hours of work
<p>Site construction and restoration including:</p> <ul style="list-style-type: none"> • Delivery or removal of materials • Construction of the site access and compound • Installation of the interconnections to the national gas and water grids • Works associated with the delivery and removal of plant and equipment associated with all drilling and extended flow testing of gas monitoring works during the exploration and appraisal phases of the site 	<p>07.30 to 18.30 hours Mondays to Fridays (except public holidays)</p> <p>08.30 to 12.00 hours on Saturdays (except public holidays)</p> <p>Not permitted Sundays or Public Holidays</p>
<ul style="list-style-type: none"> • Drilling boreholes and operational management of drilling and extended flow testing • Well operations • Flowback and testing operations (including those involving pumping equipment but excluding hydraulic fracturing pumping operations) • Carrying out essential repairs to 	<p>24 hours / 7 days per week</p>

plant and machinery used on the site	
<ul style="list-style-type: none"> Pumping associated with hydraulic fracturing operations 	08.00 to 18.00 hours Mondays to Fridays 09.00 to 13.00 hours on Saturdays Not permitted Sundays or Public Holidays

19b. Notwithstanding the above general hours of working, HGVs may also enter and leave the site outside the above hours on Mondays to Fridays (except for public holidays) provided that the instances of working outside the hours specified in condition 19a do not exceed 9 occurrences (as defined below) over the duration of the development,

The following conditions shall apply during any occurrence of HGV movements under the provisions of condition 19b:-

- All HGVs shall be loaded or unloaded within the site compound area shown on drawing PNR-ARP-CH-018. No such loading or unloading shall take place on the site access road.
- Not less than 24hrs notice in writing shall be given to the County Planning Authority of the intention to utilise the extended hours authorised under the provisions of condition 19b.
- Not more than 30 HGVs shall leave the site in any one period between 18.30 to 07.30 hours.
- All HGV movements undertaken under the provisions of condition 19b shall be managed in accordance with the Traffic Management Plan (issue 11) approved under the provisions of condition 11 of planning permission LCC/2014/0096.

For the purposes of this condition, one 'occurrence' shall be any one night time period between the hours of 18.30 and 07.30 when HGVs access the site for the purposes of delivering or picking up plant, equipment or materials.

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

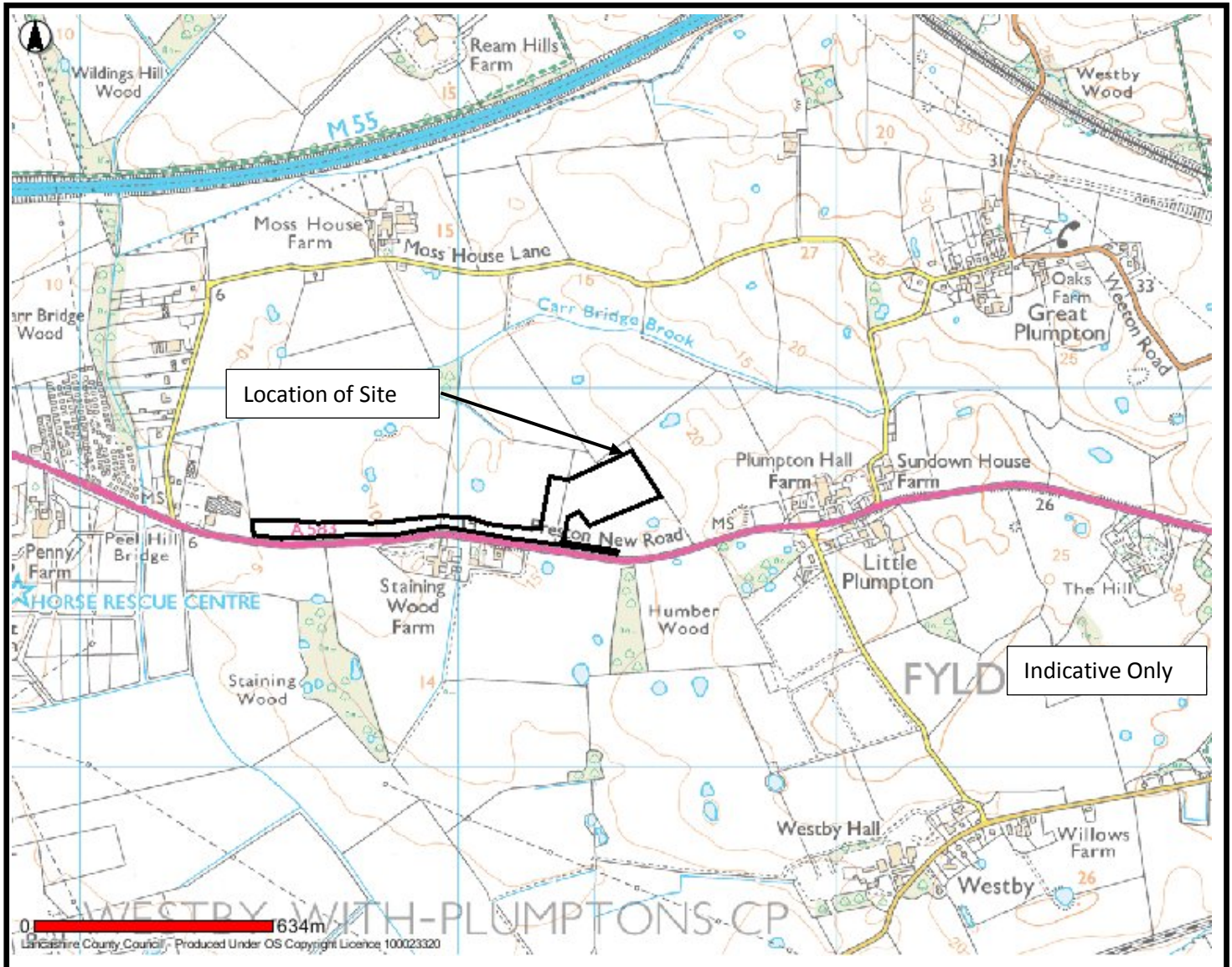
Paper	Date	Contact/Directorate/Ext
-------	------	-------------------------

LCC/2014/0096NM1		
------------------	--	--

Jonathan Haine		
Planning and Environment		
534130		

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

APPLICATION LCC/2014/0096NM1 NON MATERIAL AMENDMENT OF PERMISSION LCC/2014/0096 TO ALLOW UP TO A MAXIMUM OF NINE SINGLE CONVOY DELIVERIES OR REMOVALS TO BE CARRIED OUT OUTSIDE THE HOURS SPECIFIED IN CONDITION 19 PROVIDED THEY ARE CARRIED OUT ONLY IN RELATION TO WORKS PHASES C, D, E OR F AS SET OUT IN PLANNING CONDITION 3. AGRICULTURAL LAND THAT FORMS PART OF PLUMPTON HALL FARM TO WEST OF THE FARM BUILDINGS, NORTH OF PRESTON NEW ROAD, OFF PRESTON NEW ROAD, LITTLE PLUMPTON, PRESTON



This Map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to Prosecution or civil proceedings. Lancashire County Council Licence No. 100023320

Development Control Committee

Meeting to be held on 13th December 2017

Electoral Division affected:
Fylde East, Fylde West, Wyre
Rural Central

Fylde Borough: application number. LCC/2014/101

Development of a site for drilling up to four exploratory wells, hydraulic fracturing of the wells, testing for hydrocarbons, abandonment of the wells and restoration, including provision of access roads and improvement of accesses onto the highway, security fencing, lighting and other uses ancillary to the exploration activities, including the construction of a pipeline and a connection to the gas grid network and associated infrastructure.

Land west, north and east of Roseacre Wood and between Roseacre Road, Roseacre and Inskip Road, Wharles.

Report to determine the need for a site visit in respect of additional information received on revised access routes.

Contact for further information:
Jonathan Haine, 01772 534130
DevCon@lancashire.gov.uk

Executive Summary

Application: Development of a site for drilling up to four exploratory wells, hydraulic fracturing of the wells, testing for hydrocarbons, abandonment of the wells and restoration, including provision of access roads and improvement of accesses onto the highway, security fencing, lighting and other uses ancillary to the exploration activities, including the construction of a pipeline and a connection to the gas grid network and associated infrastructure.

Land west, north and east of Roseacre Wood and between Roseacre Road, Roseacre and Inskip Road, Wharles

Recommendation – Summary

That members visit the proposed access routes prior to considering the revised access routes to the site at the meeting on 24th January 2018.

Background

In 2014 a planning application was submitted for the development of an exploration well site on land off Roseacre Road involving the drilling of up to four boreholes, hydraulic fracturing of the boreholes and then testing for any hydrocarbons that might be produced. The application was supported by an Environmental Statement.

At a meeting of the County Council's Development Control Committee on 23 June 2015, it was resolved to refuse planning permission due to unacceptable noise and highway impacts.

The applicant appealed against this decision and a public inquiry to determine the appeal, along with two other appeals relating to another similar development at Preston New Road, was held in February and March 2016.

The Secretary of State announced his decision on the appeals by way of a letter dated 6th October 2016. In respect of the Roseacre Wood Exploration Works appeal, the Secretary of State considered that with the exception of highway safety, all other impacts could be controlled to acceptable levels. In relation to highway matters, the Secretary of State concluded that the development would have a serious adverse impact on the safety of people using the public highway and on the evidence presented to the public inquiry, it was not possible to conclude that the harm could be eliminated or reduced to acceptable levels. However, the Secretary of State concluded that these conclusions largely resulted from the failure of the appellant to demonstrate that their mitigation of impacts was workable in practice.

The Secretary of State has therefore decided to reopen the public inquiry to allow the appellant the opportunity to submit further evidence on highway impacts and for other parties to respond to such evidence. Subject to being satisfied that the highway impacts can be adequately mitigated, the Secretary of State is minded to allow the appeal.

Advice

Since the Secretary of State announced his decision, the appellant has reassessed their access proposals to the Roseacre Wood site. The original planning application subject to the appeal, proposed that all access to the site would be from the A583 via Clifton Lane, Station Road, Dagger Road, Salwick Road and Inskip Road to reach the proposed exploration site via a private road within the MoD's High Frequency Communications Site.

The applicant's revised access proposals were submitted on 29th November 2017 and are the subject of a current consultation exercise that extends until 10th January 2018.

The applicant proposes to retain the Dagger Road access to the site as well two new access options:

- From the A585 using the B5269 to Elswick village and then using Roseacre Road to reach the site
- From the A585 using the B5269 through Elswick village and Inskip village and then Higham Side Road to access the exploration site through the MoD site.

Further traffic management measures are proposed on Dagger Road to address the issues that have been previously identified on that route.

The public inquiry is scheduled to reopen on 10th April 2018. Prior to that, the County Council will need to consider the revised traffic proposals and come to a conclusion as to whether the grounds for its original objection have been overcome or if any additional issues are raised given the new access routes that are now proposed. It is intended that a report detailing the planning and highways implications of the revised access routes including the results of the consultation exercise will be on the agenda for the meeting of the Development Control Committee on 24th January 2018. The conclusions of the Committee after considering that report will form the basis of any evidence that is presented by the County Council to the reopened public inquiry.

Given that revised access routes are now proposed, it is considered that members should visit the site and proposed access roads prior to considering the proposal at the meeting on 24th January 2018.

Recommendation

That the Committee visit the site prior to considering the revised access proposals at the meeting on 24th January 2018.

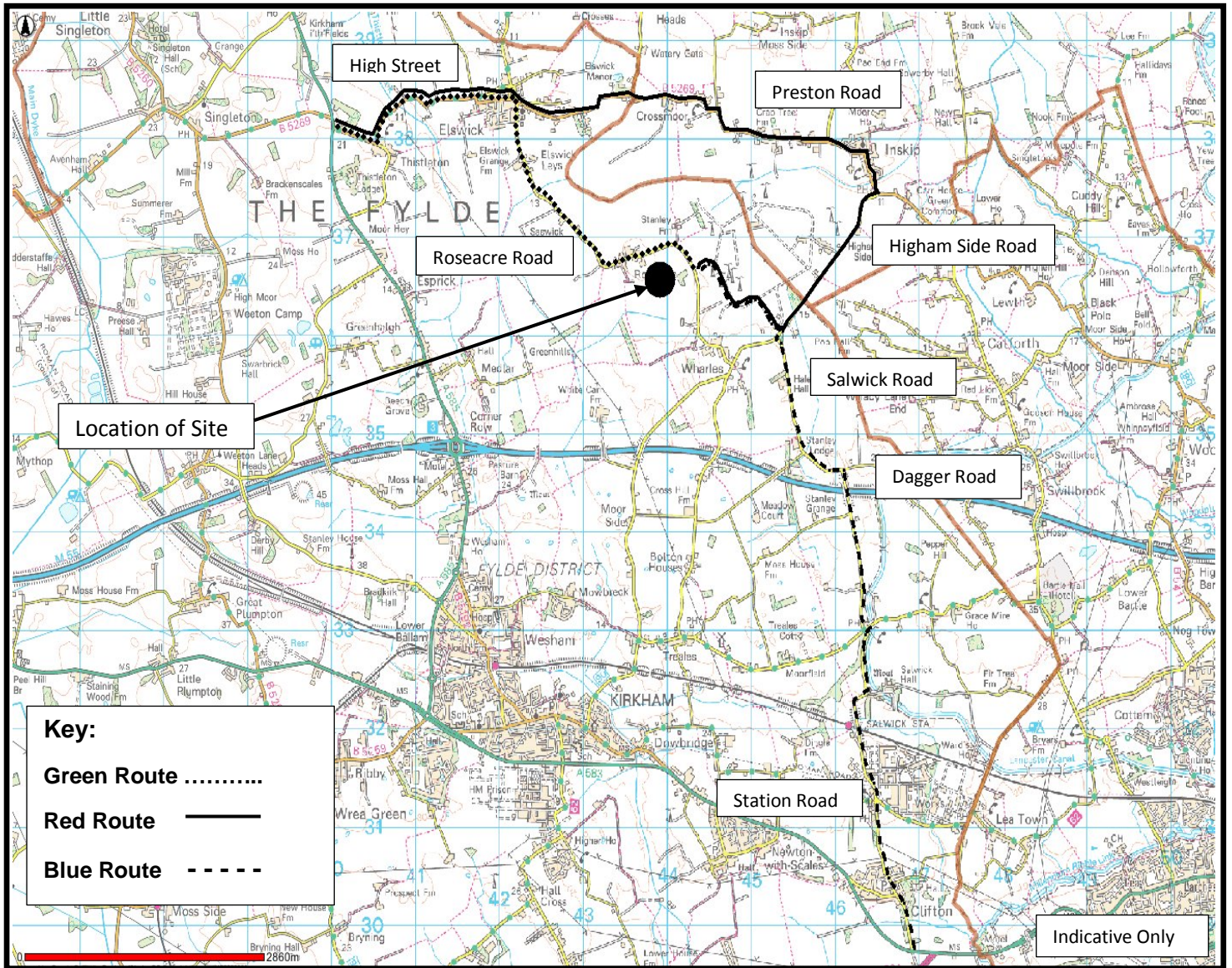
Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/2014/0101		

Jonathan Haine
Planning and Environment
534130

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

APPLICATION LCC/2014/0101 PROPOSED ROUTES. AGRICULTURAL LAND THAT FORMS PART OF ROSEACRE HALL, TO THE WEST, NORTH AND EAST OF ROSEACRE WOOD, AND LAND THAT FORMS PART OF THE DEFENCE HIGH FREQUENCY COMMUNICATIONS SERVICE (DHFCS) SITE BETWEEN ROSACRE ROAD AND INSKIP ROAD, OFF ROSEACRE ROAD AND INSKIP ROAD, ROSEACRE AND WHARLES, PRESTON



This Map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to Prosecution or civil proceedings. Lancashire County Council Licence No. 100023320

Development Control Committee

Meeting to be held on 13th December 2017

Electoral Division affected:
West Lancashire East

West Lancashire Borough: Application number LCC/2017/0060
Retrospective application for the siting of an enclosure to house a 300kW biomass boiler with a 5.8m high exhaust stack and the provision of an associated fuel silo and ash bin. City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.

Contact for further information:

Rob Jones, 01772 534128

DevCon@lancashire.gov.uk

Executive Summary

Application – Planning application for an enclosure to house a 300kW biomass boiler with a 5.8m high exhaust stack and the provision of an associated fuel silo and ash bin. City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.

Recommendation – Summary

That planning permission be **granted** subject to a condition controlling working programme.

Applicant's Proposal

Planning permission is sought for the provision of an enclosure to house a 300kW biomass boiler with an exhaust stack, and the provision of an associated fuel silo and ash bin. The plant is sited on a concrete base. Part of an adjacent earth bund along the site boundary has been removed and a concrete panel retaining structure placed along it to provide the space for the plant. The applicant has advised that the development was completed in May 2017 and hence the application is retrospective.

The concrete base measures 13.9m x 4.5m. The boiler housing measures 9.1m x 2.4m x 2.6m high and has a pre-fabricated steel frame clad with grey steel sheeting. The biomass boiler has a 0.3m diameter stainless steel exhaust stack that protrudes from the top of the housing to an overall height of 5.8m. The fuel silo is a round corrugated steel drum with a diameter of 4m and height of 1.2m. It has tarpaulin weather cover over the top. The ashbin is a metal wheelie bin. The concrete retaining wall measures 19m long x 2.8m high.

The feedstock for the biomass boiler is waste wood that has been imported to the adjacent waste transfer site and then sorted. The wood is chipped in a building on the west side of the site. It is then transported to the biomass boiler building that was

granted planning permission earlier this year, where it is dried. The dried chipped wood is then transferred to the fuel silo the subject of the current application, where the fuel material (waste wood) is automatically agitated into the biomass boiler within the boiler housing. The biomass boiler is connected to both the heating system of the adjacent office block to provide heat for the facility, and also to the site's wheel wash facility where the hot water would provide a more effective cleaning system, especially during the winter months.

The boiler uses approximately 450 tonnes of waste wood per year. Ash produced from the boiler is collected in the metal wheelie bin and removed from the site and also mixed in with the reclaimed aggregate materials stored elsewhere on the site. The boiler only operates during the normal working hours of the site.

Description and Location of Site

The application site is part of an existing waste management site/ waste transfer station and skip business that is located at the eastern end of Simonswood Industrial Estate approximately 800m from the northern edge of Kirkby.

Vehicle access to the industrial estate is from the south side of Stopgate Lane, and then to the application site via the internal road that runs through the industrial estate. The applicant's site has an area of 5.7 hectares and consists of an open yard area used for the storage, sorting, crushing and screening of waste materials. A waste transfer station and an office building are located on the west and north sides of the site, respectively. The site has planted screen mounds along the north and south boundaries of heights 6m and 7.25m, respectively.

Beyond the northern boundary are agricultural fields and then the nearest residential dwellings that are approximately 180m to the north-west of the application site. Beyond the eastern boundary is a company that specializes in the provision of recycled soils. Beyond the southern boundary is the Kirkby to Wigan railway line with agricultural fields beyond. Beyond the western boundary is a vehicle repair, MOT, de-pollution and breaking area for end of life vehicles, and land used for the storage of shipping containers.

The biomass boiler the subject of this application site is in the gap located between the earth bund along the northern boundary and the office building.

Background

The application site forms part of an existing waste management site that has been the subject of a number of planning permissions.

Planning permission for an extension to the existing portal framed shed to house 4 no. biomass boilers with associated fuel silos and drying floor was granted in April 2017 (ref: LCC/2017/0007).

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 - 19, 56 - 66, 93 – 98, 123 - 125 are relevant with regard to the requirement for sustainable development, core planning principles, building a strong and competitive economy, the requirement for good design, meeting the challenge of climate change, noise, air quality and light pollution.

National Planning Policy for Waste - Section 7 is relevant in relation to the determination of planning applications.

National Planning Practice Guidance

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

Policy CS7	Managing Our Waste as a Resource
Policy CS9	Achieving Sustainable Waste Management

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

Policy NPPF 1	Presumption in favour of sustainable development
Policy DM2	Development Management
Policy DM4	Energy from Waste

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

Policy GN3	Criteria for Sustainable Development
Policy EC1	The Economy and Employment Land - Other Significant Employment Sites – Allocated Waste Sites
Policy EN1	Low Carbon Development and Energy Infrastructure

Consultations

West Lancashire Borough Council – No objection.

Simonswood Parish Council – No observations received.

Knowsley Metropolitan Borough Council (MBC) – Object as there are concerns about the potential adverse impact of biomass and incineration proposals in the wider area and that the proposal would add to this impact. There are particular concerns as to how biomass and incineration activities are monitored and policed so that they do not impact adversely on the residents of Knowsley.

Environment Agency – No objection. It is commented that an environmental permit will be required for the biomass boiler but it would not be covered by the environmental permit that is in place for the site. Biomass boilers can fall to either the Local Authority or Environment Agency to regulate, depending on the capacity of the plant.

LCC Highways Development Control - No objection.

Representations – The application has been advertised by press and site notice, and neighbouring units within the industrial estate and nearby residents have been notified by letter. No representations have been received.

Advice

Retrospective planning permission is sought for an enclosure to house a 300kW biomass boiler with an exhaust stack, and the provision of an associated fuel silo and ash bin to heat water for use in the heating system of the adjacent office block, and the nearby wheel wash facility. The development is classed as a low carbon energy development.

The main issues associated with the application are the need for the development, the acceptability of the site to be used for this purpose, the visual impact, noise and air quality.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is not only necessary to take into consideration the relevant policies of the Development Plan but also the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process. The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (LMWDF), Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), and the West Lancashire Local Plan 2012-2027 Development Plan Document (DPD)

National Planning Policy encourages recycling and the re-use of waste to reduce reliance on land filling and requires waste to be managed at the highest level possible within the waste hierarchy.

The NPPF seeks to ensure that the planning system supports and secures sustainable economic growth in order to create jobs and prosperity. The NPPF also states that the planning system plays a key role in securing radical reductions in greenhouse gas emissions, minimising vulnerability and providing reliance to the impacts of climate change, and supporting the delivery of low carbon energy which is central to the economic, social and environmental dimensions of sustainable development. To help increase the use and supply of low carbon energy, the NPPF advises that planning authorities should recognise the responsibility on all communities to contribute to energy generation from low carbon sources. The NPPF states that applicants for energy development should not be required to demonstrate the overall need for low carbon energy and that planning authorities should recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF advises that applications for low carbon energy development should be approved if impacts are (or can be made) acceptable. The use and supply of low carbon energy development at the City

Centre Commercials site meets the above requirements of the NPPF and complies with Policy EN1 of the West Lancashire Local Plan DPD.

Policy CS7 of the Lancashire Minerals and Waste Core Strategy DPD seeks to manage our waste as a resource. The development allows the use of waste wood as a fuel resource to heat water for use in the heating system of the applicant's offices and the nearby wheel wash facility. The proposal therefore allows the recovery of energy from waste wood and complies with Policy DM4 of the LMWLP.

The site is located within Simonswood Industrial Estate that is subject to Policy EC1 of the West Lancashire Local Plan. This policy supports a mix of industrial, business, and storage and distribution uses within the allocated area. The proposed use has an industrial character due to its size and hence conforms with Policy EC1 of the West Lancashire Local Plan DPD.

The development is small in scale and is of a size and location necessary for its intended purpose. The design, materials and colour are acceptable. There is no visual impact associated with the development due to its location in the gap between the earth bund along the northern boundary and the office building.

West Lancashire Borough Council originally objected to the application as they considered that a noise assessment should be submitted for appraisal to ensure that the biomass boiler will not cause disturbance to the nearest residential premises, if operated at night. Upon receipt of a noise assessment, the Borough Council withdrew their objection as they were satisfied that the boiler can operate day and night without any noise impact on nearby residential premises.

Knowsley MBC also object on the grounds that insufficient information has been made available to establish that there would not be unacceptable air quality impacts risks to residents within the borough of Knowsley. They remain concerned about the potential adverse impact of biomass and incineration proposals in the wider area and that the proposal would add to this impact. Knowsley MBC is particularly concerned with how biomass and incineration activities are monitored and policed so that they do not impact adversely on the residents of Knowsley.

In response to Knowsley MBC, matters relating to emissions (smoke) from the biomass boiler would form a part of the Environmental Permit (EP) application to be considered by West Lancashire BC. There is no evidence that emissions from the proposed plant could not be controlled to acceptable levels and given the considerable distance to the nearest residential properties, Knowsley MBC's objection cannot be supported.

There are no highway impacts associated with the development.

It is therefore considered that the development accords with the requirements of the NPPF and the Development Plan. A note should also be attached to any permission to advise that the applicant is required to apply for the relevant EP for the biomass boiler from West Lancashire BC.

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

Recommendation

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

Working Programme

1. The development shall be carried out in accordance with the following documents:

a) The Planning Application validated by the County Planning Authority on 13 July 2017.

b) Submitted Plans and documents received by the County Planning Authority on 13 July 2017:

Drawing No. P159_200 - Site Location Plan

Drawing No. P159_203 - Block Plan

Drawing No. P159_204 - Proposed Site Plan

Drawing No. P159_205A - Proposed Plans and Elevations

Drawing No. P159_206A - Proposed Site Section

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 Policies CS7 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies NPPF 1, DM2 and DM4 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies GN3, EC1 and EN1 of the West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

The applicant is required to apply for the relevant permit for the biomass boiler to West Lancashire Borough Council's Environmental Health Department.

Local Government (Access to Information) Act 1985

List of Background Papers

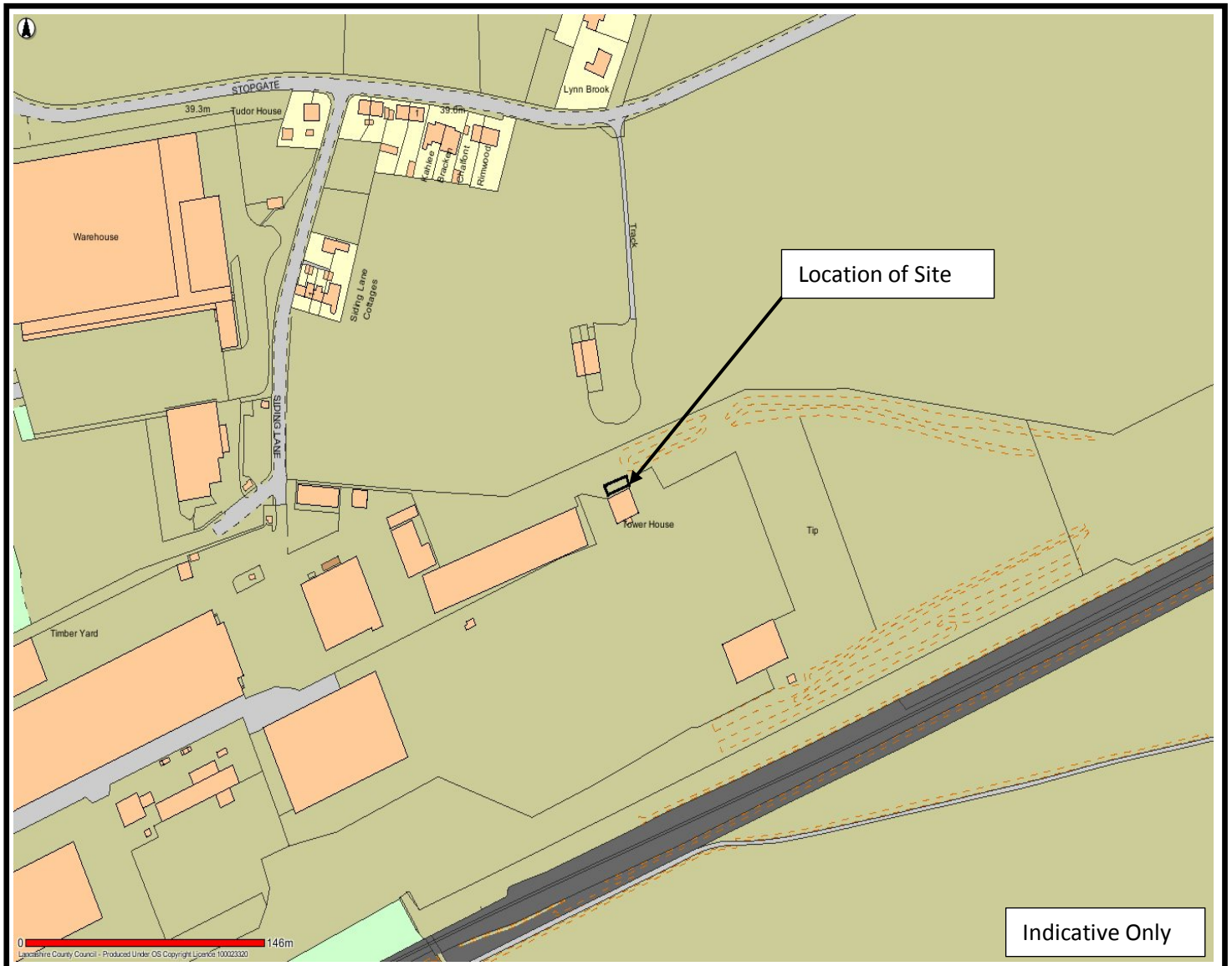
Paper	Date	Contact/Directorate/Ext
-------	------	-------------------------

LCC/2017/0060	13 July 2017	Rob Jones/534128
---------------	--------------	------------------

Reason for Inclusion in Part II, if appropriate

N/A

APPLICATION LCC/2017/0060 RETROSPECTIVE APPLICATION FOR THE PROVISION OF A CONCRETE PANEL RETAINING STRUCTURE TO THE EARTH BUND ALONG THE NORTHERN BOUNDARY, THE ERECTION OF AN ENCLOSURE TO HOUSE A 300KW BIOMASS BOILER WITH A 5.8M HIGH EXHAUST STACK AND THE PROVISION OF AN ASSOCIATED FUEL SILO AND ASH BIN. TOWER HOUSE, STOPGATE LANE, SIMONSWOOD



This Map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to Prosecution or civil proceedings. Lancashire County Council Licence No. 100023320

Development Control Committee

Meeting to be held on 13th December 2017

Electoral Division affected: Skelmersdale West

West Lancashire Borough: Application Number. LCC/2017/0078
Retrospective planning application for the erection of two sections of fencing and gate. West Lancashire Community High School, School Lane, Skelmersdale.

Contact for further information:

Faiyaz Laly, 01772 538810

DevCon@lancashire.gov.uk

Executive Summary

Retrospective planning application for the erection of two sections of fencing and gate. West Lancashire Community High School, School Lane, Skelmersdale.

Recommendation - Summary

That planning permission be **granted** subject to a condition controlling working programme.

Applicant's Proposal

The application seeks retrospective planning permission for the erection of two sections of fencing at West Lancashire Community High School, School Lane, Skelmersdale. The fencing consists of black mesh fencing set in posts, coloured black (RAL9005) and are set at a maximum height of 2.4m to match the existing internal fencing at the school.

One section of the fencing covers a linear distance of approximately 20m to the front of the school site. The other section of fencing is located to the rear of the school buildings covering a linear distance of approximately 33m. This section also includes a 3m wide gate.

Description and Location of Site

West Lancashire Community High School is located off School Lane, approximately 2.3km north west of Skelmersdale town centre. The school is located in a primary residential area, with the nearest house being located approximately 30m to the east on School Lane. One section of fencing is located on the northern boundary of the school with Neverstitch Lane with the other length of fencing adjacent to main school access off School Lane.

Background

The site is an established educational facility.

Planning permission was granted in November 2011 for a single storey classroom and greenhouse and erection of 2.4m mesh security fencing around new buildings (08/11/1084)

Planning permission was granted in March 2011 for the construction of a detached classroom block, adjoining greenhouse and adaption of the car park and play areas to provide additional off peak parking. (08/11/0123)

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 11 - 14, 17 and 56 - 66 are relevant with regard to the requirement for sustainable development, core planning principles and the requirement for good design.

West Lancashire Local Plan

Policy GN3 - Criteria for Sustainable Development

Policy EN3 - Provision of Green Infrastructure and Open Recreation Space

Consultations

West Lancashire Borough Council - No objection.

LCC Highways Development Control - No objection.

Representations - The application has been advertised by site notice and neighbouring residents have been notified by letter. One objection has been received stating that as the fence was erected without planning permission it should be taken down.

Advice

West Lancashire High School is for children with special educational needs who have different ranges of autism. The school has erected the fencing to help prevent unauthorised access which is a persistent problem for the school. There has been an increase in anti-social behaviour and dog walkers leaving mess behind on the school site. The new fencing would link with other existing fence lines and the enclosed area that would be created would be designated as an outdoor play area which would have to be kept clean at all times if used.

As the two sections of fencing have already been erected without planning permission, the school has submitted a planning application to regularise the development. One objection has been received by a local resident stating that as the fence was put up without planning permission it should be taken down. However Section 73A of the

Town and Country Planning Act 1990 makes specific provision to allow an application to be made to regularise a development that has already been carried out. Therefore the objection from the local resident is not supported.

The proposed development would be located within designated Green Infrastructure and Open Recreation Space identified in the West Lancashire Local Plan. Policy EN3 states *that development that results in the loss of existing open space or sports and recreation facilities (including school playing fields) will only be permitted if one of the following conditions are met:*

- *The open space has been agreed by the Council as being unsuitable for retention because it is under-used, poor quality or poorly located;*
- *The proposed development would be ancillary to the use of the site as open space and the benefits to recreation would outweigh any loss of the open area;*
or
- *Successful mitigation take place and alternative, improved provision is provided in the same locality.*

The fencing would not result in the loss of any playing field space and therefore it is considered that the development complies with Policy EN3 of the West Lancashire Local Plan. The lengths of fencing are relatively short and are acceptable in terms of visual amenity complying with policies of the NPPF and West Lancashire Local Plan.

The school field had previously been used by local residents as a shortcut onto School Lane from residential properties located immediately east of the school. However as there is no formal public right of way through the school grounds there is no requirement to consider impacts in this respect or the need for any form of footpath diversion.

In view of the scale, 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:-

Working Programme

1. The development shall be carried out in accordance with the following documents:
 - a) The Planning Application received by the County Planning Authority on 6th October 2017.
 - b) Submitted Plans and documents:

Drawing No - A01 / Location Plan Indicating New Fence Positions

Reason: To minimise the impact of the development on the amenities of the area and to conform with Policy GN3 of the West Lancashire Local Plan.

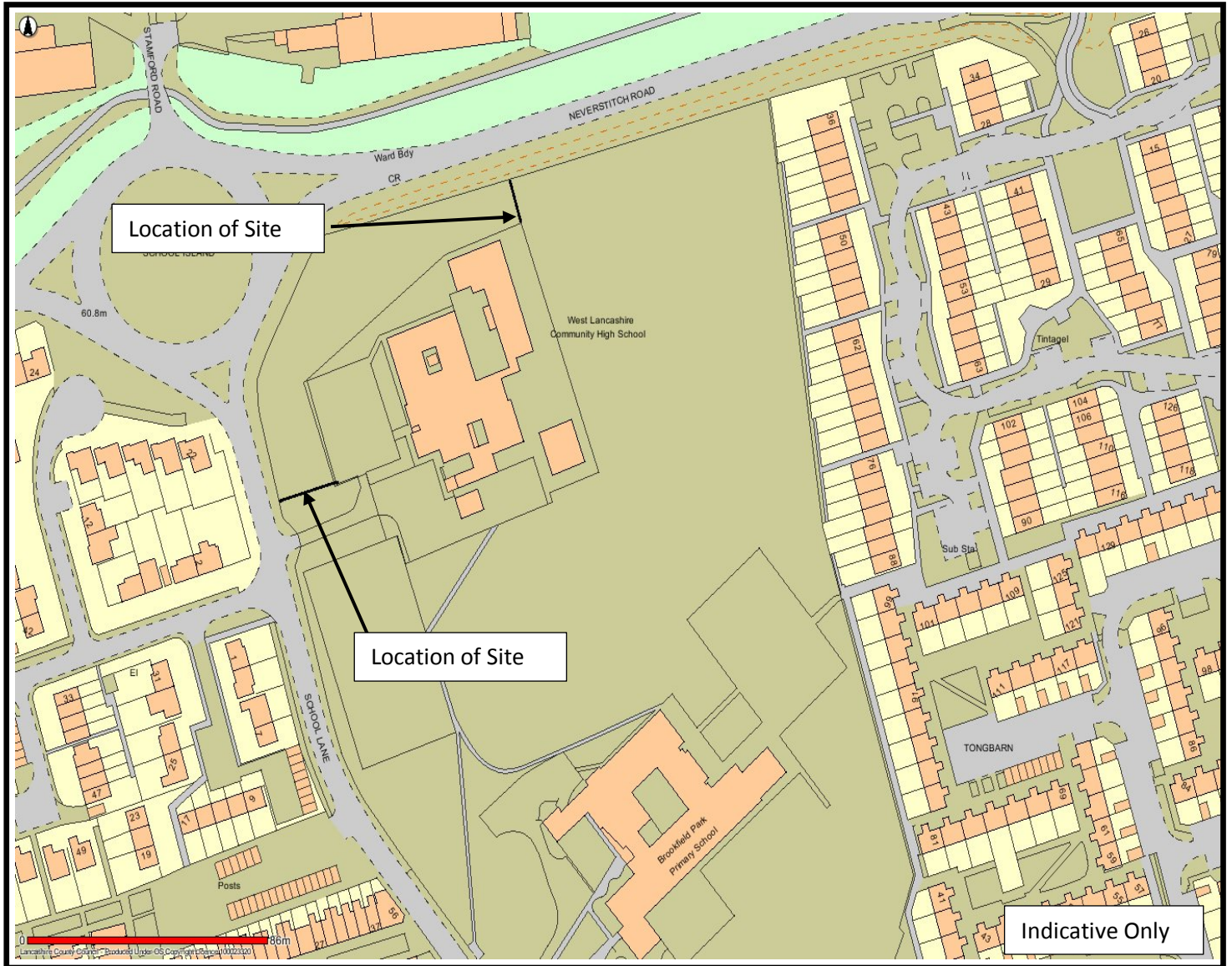
**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Ext
LCC/2017/0078	November 2017	Faiyaz Laly / Planning and Environment / 01772 538810

Reason for Inclusion in Part II, if appropriate

N/A

**APPLICATION LCC/2017/0078 RETROSPECTIVE PLANNING APPLICATION
FOR THE ERECTION OF TWO SECTIONS OF FENCING AND GATE. WEST
LANCASHIRE COMMUNITY HIGH SCHOOL, SCHOOL LANE, SKELMERSDALE**



This Map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office (C) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to Prosecution or civil proceedings. Lancashire County Council Licence No. 100023320

Development Control Committee

Meeting to be held on 13 December 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 25 October 2017, the following decisions on planning matters have been taken in accordance with the County Council's Scheme of Delegation:

Lancaster

Application: No. LCC/2016/0053/1
Lower Broomfield, Kirby Lonsdale Road, Arkholme
Compliance with condition 8 landscaping of permission LCC/2016/0053.

Wyre

Application: No. LCC/2017/0065
Foggs Farm, Hobbs Lane, Claughton-On-Brock
Variation of condition 3 on planning permission LCC/2017/0036 to allow the storage of waste materials and plant and machinery within the building.

Ribble Valley

Application: No. LCC/2017/0070
St Leonards C of E Primary School, Whalley Road, Billington
Proposed single storey extension, extension to existing car park, replacement hard play area and all weather multi use games area with 3m high ball stop fencing.

South Ribble

Application: No. LCC/2017/0057NM1

Coppice School, Ash Grove, Bamber Bridge

Non material amendment for the removal of provision of electric charging points from the car parking scheme. Electric power cable being installed adjacent to the garage which will allow installation of the power points at a later date.

West Lancashire

Application: No. LCC/2017/0080

Unit 9A Abbey Lane Industrial Estate, Abbey Lane, Burscough

Erection of single storey office building.

Application: No. LCC/2017/0072

Hillhouse Waste Water Treatment Works, Wood Lane, Great Altcar

Modification of approved drawings attached to planning permission LCC/2015/0061 to permit changes in the hub height and blade size of the proposed wind turbines and minor amendments to the site layout.

Application: No. LCC/2014/0148/1

Ravenhead Brick Works, Chequer Lane, Up Holland

Compliance with conditions 10 - highway improvements and 12 - landscaping of planning permission LCC/2014/0148.

Chorley

Application: No. 09/11/0794NM1

Clayton Hall Landfill Site, Dawson Lane, Whittle-Le-Woods

Non material amendment to vary condition 1 of planning permission 09/11/0794 to amend the removal date of the leachate tank, heat exchange unit, pipework and bridges used to treat landfill leachate from 31/12/2018 to 06/04/2029.

Application: No. 09/08/0478NM1

Clayton Hall Landfill Site, Dawson Lane, Whittle Le Woods

Non material amendment to vary condition 2 of planning permission 09/08/0478 to amend the removal date of the leachate tanks, bund compound and all associated hardstanding, plant and equipment from 31/12/2018 to 06/04/2029

Recommendation

That the report be noted.

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

Paper

LCC/2016/0053/1
LCC/2017/0065
LCC/2017/0070
LCC/2017/0057NM1
LCC/2017/0080
LCC/2017/0072
LCC/2017/00148NM1
09/11/0794NM1
09/08/0478NM1

Contact/ /Ext

Susan Hurst, Ext: 34181

