

## Development Control Committee

Meeting to be held on 23rd January 2019

Electoral Division affected: Skelmersdale East
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### West Lancashire Borough: Application number. LCC/2018/0055

Construction of an electricity generating facility of up to 5MW from five generators powered by mains gas, and associated plant and equipment consisting of five radiators, five transformers, a high voltage (HV) client building, a gas kiosk, a distribution network operator (DNO) building, an oil tank, an amenity cabin and three no. closed-circuit television cameras (CCTV) posts all enclosed by 2.4m high palisade fencing to form a compound area. West Quarry Railway Pad, Appley Lane North, Appley Bridge.

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### Executive Summary

Application – Construction of an electricity generating facility of up to 5MW from five generators powered by mains gas, and associated plant and equipment consisting of five radiators, five transformers, a high voltage (HV) client building, a gas kiosk, a distribution network operator (DNO) building, an oil tank, an amenity cabin and three no. closed-circuit television cameras (CCTV) posts all enclosed by 2.4m high palisade fencing to form a compound area. West Quarry Railway Pad, Appley Lane North, Appley Bridge.

### Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, noise, air quality, safeguarding of watercourses and drainage, highway matters, floodlighting and landscaping.

### Applicant's Proposal

The application is for a gas powered standby facility for the generation of electricity to be fed into the national grid during periods when there is a high demand for electricity. The facility would have a generating capacity of 5MW. It would be located within part of an existing fenced compound on the edge of the West Quarry Railway Pad.

The facility would consist of the following:

- Five generators each to be housed in containers measuring 14m x 4m x 3.5m high. Generator exhaust chimneys would extend from the top of the containers to a height of 10m above the adjacent ground level.

- Five radiators to each measure 4.9m x 2.5m x 2.7m high.
- Five transformers to each measure 2.5m x 2.3m x 2.7m high.
- A HV client building to measure 3.2m x 3.2m x 2.8m high.
- A gas kiosk to measure 4m x 2.5m x 2.4m high.
- A distribution network operator building to measure 3.6m x 2.5m x 2.2m high.
- An oil tank to measure 2.5m x 1.8m x 1.3m high.
- An amenity cabin to measure 6.1m x 2.4m x 2.4m high.
- Three CCTV cameras on 4m high support posts.
- 2.4m high palisade fencing with 5.5m wide double vehicle access gates to enclose the electricity generating facility.

All plant and machinery would be finished in an 'Olive Green' colour, except for the radiators, transformers and CCTV support posts that would have a galvanised finish.

The gas would be supplied via an underground connection to link with the gas main located in the pavement along Appley Lane North.

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

The proposed development would measure approximately 75m x 25m to cover an area of 0.15 hectares within a part of a disused fenced compound located on the north side of the disused West Quarry Railway Pad. The pad is a concrete hardstanding measuring 350m by 45m as its widest point to cover an area of approximately 1.1 hectares. The railway pad was previously used to transfer waste imported by rail onto HGV's for transport to the former West Quarry landfill site.

The disused compound area measures 110m x 30m and contains an existing maintenance building and a car parking area all with a concrete surface surrounded by 2m high palisade fencing. The area was previously used to accommodate generators used to produce electricity from landfill gas sourced from the former West Quarry landfill site.

The railway pad is located on the north side of the Manchester-Southport railway line and on west side of Appley Bridge. The restored West Quarry landfill site is immediately to the north of the application site with a fish farm located to the west. An industrial area is located 35m to the south side of the railway line beyond which is the Leeds-Liverpool canal. The closest residential properties to the site are located along Appley Lane North, being 300m to the north-east beyond the restored West Quarry landfill site, and 340m to the south-east beyond the aforementioned industrial area.

The site is accessed via a private road from Appley Lane North.

A very small part of the planning application area is located within the Green Belt. However, the development would all be located on the existing concrete pad which is not in the green belt.

## **Background**

History: West Quarry has a long history of mineral extraction and subsequent landfill operations.

Planning permission for an alternative restoration scheme providing for temporary retention of a rail terminal and pad and gas/ leachate management facilities was granted in September 1999 (ref. 8/99/206).

Planning permission for the installation and operation of a 5MW bio liquid to power generation facility was granted in April 2013 (ref. 08/13/0140).

A non-material amendment to planning permission 8/13/0140 to allow the use of tallow along with cooking oil as a bio liquid for the use of energy generation on site and to amend condition 10 to allow no more than a total of 5 HGV's delivering waste cooking oil and tallow to the site per day was approved in December 2013 (ref. 08/13/0140/NM1).

## **Planning Policy**

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

Paragraphs 7 – 11, 47, 54 – 55, 80 – 84, 108 – 110, 117 - 118, 120 – 121, 124, 127, 170, 180 and 183 are relevant with regard to achieving sustainable development and the presumption in favour of sustainable development; decision making, determining applications and planning conditions; building a strong, competitive economy; promoting sustainable transport and considering development proposals; making effective use of land; achieving well designed places; and conserving and enhancing the natural environment, and ground conditions and pollution.

### *National Planning Practice Guidance*

### *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

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

Policy SP1 A Sustainable Development Framework for West Lancashire  
Policy GN1 Settlement Boundaries  
Policy GN3 Criteria for Sustainable Development  
Policy IF2 Enhancing Sustainable Transport Choice  
Policy EN2 Preserving and Enhancing West Lancashire's Natural Environment

## **Consultations**

West Lancashire Borough Council – No objection subject to the imposition of the following two conditions on the granting of any planning permission:

- The rating level of noise emitted from the site during operation shall not exceed 5dB(A) below the existing LA90 background noise level at the facade of any of the nearby residential premises. All measurements and assessments shall be done in accordance with BS4142:2014.
- The development shall operate in accordance with the details provided in the submitted Dispersion Modelling Assessment ref. AQ106350R3 and dated October 2018 (operating for a maximum of 1,500 hours per calendar year).

Wrightington Parish Council – Object as the proposed use would prohibit the use of the disused West Quarry Railway Pad and hence would be contrary to Policy IF2 of the West Lancashire Local Plan. This policy states that developments which would prejudice the use of the site for small scale rail based uses will not be permitted. The Parish Council also have concerns about the potential detrimental impact from noise and air quality on the health and well-being of the residents of Appley Bridge and wildlife in the locality of the development.

LCC Highways Development Control – No objection subject to the imposition of the following two conditions on the granting of any planning permission:

- The development shall be carried out in accordance with the details provided within the submitted Construction Transport Management Plan.
- No part of the development shall be commenced until all the highway works (temporary signing) have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Environment Agency – No objection subject to the imposition of a condition that no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority.

Network Rail - No objection.

Canal and River Trust - No observations received.

Coal Authority - No observations received.

Health and Safety Executive – No comment as the proposed development does not lie within the consultation distance of a major hazard site or major accident hazard pipeline.

Representations – The application has been advertised by site and press notice and neighbours notified by letter. Five representations have been received, that are summarised as follows:

#### One representation of support

- The proposal would make good use of a vacant site previously used to generate electricity. The use should help to ensure continuity of supply to industrial and

domestic users in Appley Bridge. The work should cause little disruption during the installation phase on Appley Lane North.

### Three representations of objection

- There will be an increase in traffic on Appley Lane North. It is a small road already suffering more traffic than it was designed to handle. There is a school on this road and the increase in traffic would cause great hazard for these children and be detrimental to the quality of life to residents living along the road. The road is already heavily congested due to other local businesses and railway parking. This has already been recognised by Lancashire County Council who have introduced parking restriction measures to ease sight lines and access and egress issues for local residents.
- The bridge over the railway line was not designed for this level of use or weight of the trucks.
- The emissions could be harmful to the health of the whole community.
- The proposed site for this facility should have been removed on completion of the landfill.
- A previous application has already been rejected for a similar facility and this has protected the general environment and health of local residents from potential harmful emissions, noise, dust and increased traffic, thus protecting the general amenity of the village for local residents, which surely must set a precedent.
- The proposal would be contrary to Policy IF2 of the West Lancashire Local Plan, so the site is not a suitable brownfield site as is claimed.
- The applicants claim that the proposal is to generate additional fast response electricity to support the local supply. However, Electricity North West, who are the District Network Operator for this area, do not take this view as this area is currently fully and sufficiently supplied for electricity generation. They predict that it is not until 2050 that this area is likely to require additional local, fast-response generation to stabilise the local voltage supply. Consequently this additional generation provision is based on false premises.
- Gas is a fossil fuel that adds to global warming and should not be used to generate electricity. It will not help the UK to meet its carbon-emission reduction targets.
- Wildlife could be affected by emissions, noise and light pollution.

### **Advice**

Planning permission is sought for the installation of five electricity generating units to be powered by natural gas to provide a gas powered standby facility for the generation of electricity to be fed into the national grid during periods when there is a high demand for electricity. The facility would have a generating capacity of 5MW.

A gas powered standby electricity generating facility is commonly referred to as a Short Term Operating Reserve and is encouraged by the Government as a part of the national energy strategy. The facility would form part of a network of such facilities across the country to generate electricity to be fed into the national grid during periods when there is a high demand for electricity when sources of renewable energy, such as wind and solar, are not available to instantly provide electricity. The facility would typically run for an average of 1500 hours a year. The

most common peak demand periods occur during the evening between 16.30 and 21.00, and rarely at night and weekends. However, the plant would be available for generation on request from National Grid at any time.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is necessary to take into consideration the relevant policies of the Development Plan and the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and the West Lancashire Local Plan 2012-2027 Development Plan Document.

The proposal raises issues in relation to the acceptability in policy terms of the proposed development on the application site, visual impact, highway impacts and safety, air quality, noise, landscaping, and safeguarding of watercourses and surface and foul water drainage.

#### Planning policy issues and Visual Impact

The proposed site is on part of a large concrete hardstanding located between the former West Quarry Landfill site and the Manchester to Southport railway line.

The concrete pad was originally constructed as part of the operation to restore West Quarry and Parbold Hill Quarry through the importation of waste which took place in the 1980's. Municipal waste was imported to these sites by rail from Greater Manchester in containers. A siding was constructed off the main rail line and the containers were then off loaded onto the concrete pad to allow the containers to be transported to the quarry sites for landfilling of the contents.

At the time of the landfill operations, the concrete pad along with the adjacent landfill site was designated as Green Belt and therefore the planning permissions for the waste development required restoration of the landfill and pad area upon cessation of the landfill activities. A further planning permission was granted which permitted use of part of the pad for plant associated with the extraction of landfill gas and its utilisation to generate electricity. The permission for this plant required restoration of the pad upon cessation of commercial electricity generation.

As part of the former Lancashire Structure Plan, a number of rail sidings around Lancashire (including that at West Quarry) were safeguarded in order to comply with Central Government policy at that time relating to the need to promote movement of freight by rail whenever possible. As a result of the policy in the Structure Plan, the previous edition of the West Lancashire Local Plan removed the area of the pad from the Green Belt and included a policy safeguarding the site for small scale rail based uses. The safeguarding of the site for this purpose has been continued in the present edition of the Borough Local Plan (Policy IF2).

Policy IF2 of the West Lancashire Local Plan DPD states that development that would prejudice the use of the site for small scale rail based uses will not be permitted unless there has been a conclusive demonstration that such a use is unviable.

The proposed site is located on the northern edge of the railway pad within an area previously used for generators that produced electricity from landfill gas. All these generating sets have now been removed as levels of landfill gas have declined such that it is no longer an economically viable operation. The location and scale of the development would be such that it would not prejudice the use of the remaining part of the railway pad and therefore there would be no conflict with Policy IF2. It should be noted that West Lancashire Borough Council have not objected to the application.

However, the requirements of Network Rail in relation to the safe undertaking of all operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, and a Basic Asset Protection Agreement, should be included as an advisory note to any decision notice.

The main view of the site would be from the industrial estate on the opposite side of the railway line to the south. The restored West Quarry landfill site would screen the site from the north, east and west. No permanent or fixed lighting is proposed at the site but lighting will be used occasionally when required, such as during essential site visits and repairs. To ensure that any lighting used would create minimal light pollution, it is recommended that a condition is imposed to control the lighting on the site. Subject to the imposition of this condition, the development would accord with Policy DM2 Joint Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.

A small area of the application site is located within the green belt. However, the actual development is to be located on the existing concrete pad which is outside of the green belt and therefore there would be no impact on the openness of the green belt.

### Highway Impact

The installation of the electricity generating plant would take place over a period of approximately 14 weeks. HGV movements during construction would be restricted to 10 per day (in and out). The designated route for construction traffic would be from the M6 to the A5209 and then to Appley Lane North, heading south to enter the site. The access to the site was constructed to serve the adjacent landfill site and is considered adequate in terms of width and visibility requirements on Appley Lane North.

LCC Highways Development Control comment that the development proposal would have its greatest impact on the highway network during its construction period. Once complete there would be minimal vehicle movements associated with the development. The level of vehicle movements throughout the construction period are at a level where there would be no highway capacity issues and as such, providing suitable access arrangements during the construction period are provided, the highway authority have no objections.

The Construction Transport Management Plan submitted with the application includes a number of measures to ensure that the impact of construction traffic associated with the development is kept to a minimum. These measures are considered acceptable and can be the subject of a planning condition should planning permission for the development be granted.

Given the scale, number of HGV movements and duration of the construction period, it is considered that the proposed development would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site. Conditions should be imposed on any planning permission to require the development to be carried out in accordance with the details provided within the submitted Construction Transport Management Plan. Subject to the imposition of these conditions, the development is acceptable in terms of the safety and capacity of the local highway network.

### Air Quality

The Dispersion Modelling Assessment submitted with the application highlights that the main emissions from the development would be nitrogen dioxide and carbon monoxide. West Lancashire Borough Council's Environmental Health Department have commented that the assessment concluded that predicted long term and short term concentrations of nitrogen dioxide at all sensitive receptors could be classed as insignificant in accordance with the Environment Agency criteria. Subject to the imposition of West Lancashire's recommended condition that the development shall operate in accordance with the details provided in the submitted Dispersion Modelling Assessment ref. AQ106350R3 and dated October 2018, then the emissions associated with the development are considered to be acceptable and would not create pollution. An operating restriction of a maximum of 1,500 hours per calendar year is considered not to be required as the assessment demonstrates that the emissions from the facility would not be harmful. Subject to the imposition of these conditions, the development would accord with Policy DM2 Joint Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.

In response to Network Rail's request, the applicant advised that there would not be any flammable emissions and hence Network Rail's electrification apparatus would not be affected.

### Noise

A Noise Impact Assessment submitted with the application provides a BS4142:2014 assessment which shows that the rating level of noise from the plant will fall below the background noise level at all nearby residential receptors at all times of the day. West Lancashire Borough Council's Environmental Health Department have agreed with this view and request that a noise level condition be imposed. Given the location and nature of the development, it is considered that noise impacts are very unlikely. A condition controlling noise to address the Borough Council's observations can be imposed but it is considered that the condition requested by the Borough is unreasonable and unenforceable as it requires noise from the site to be below the background level. An alternative condition is proposed that would still provide



appropriate protection of local amenity. A condition can also be imposed requiring the generators to be fitted with effective silencing and sound proofing equipment. With such conditions, any noise associated with the development is considered to be acceptable and would accord with Policy DM2 Joint Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.

### Ecology and Landscaping

The site is a concrete surfaced hardstanding except for the north-west corner of the site where there is a small area of scrub that would be removed. The Preliminary Ecological Appraisal submitted with the application advises that the development would have a negligible impact on protected species but that birds may nest in the scrub. To avoid any potential impact on birds, the imposition of a condition would be appropriate to require that any vegetation removal associated with the site is undertaken outside of the breeding bird season (March to August inclusive). However, should these works be required within the breeding bird season, then a check for breeding birds should be required to be undertaken by a suitably experienced surveyor prior (within 24 hours) to works commencing. If a nest (or nest in construction) is found, a suitable stand-off area should be maintained until the young have fledged.

The gas would be supplied via an underground connection to link with the gas main located in the pavement along Appley Lane North. This may involve utilising an existing gas connection point within the application site but, if this is not possible, then a new underground gas connection from the site to Appley Lane North would be required. The route of this would be partly along the private road that connects the site with Appley Lane North and where there is a belt of mature trees. To avoid a situation where trees could be detrimentally affected by a potential gas connection, it is considered prudent to include a condition on any planning permission to require that all hedges and trees near to the route of any gas connection should be protected from any damage. Subject to the imposition of conditions, the development would accord with Policy EN2 of the West Lancashire Local Plan.

The requirements of Network Rail in relation to trees are included as an advisory note to the applicant as part of the recommendation.

### Safeguarding of Watercourses, and Surface and Foul Water Drainage

The Environment Agency comment that the previous use of the proposed development site as a landfill site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon Secondary B aquifer and close to watercourses and the Leeds and Liverpool Canal.

They comment further that an assessment of the potential impacts associated with the proposals has not been submitted. The EA have subsequently confirmed that they have no objection subject to the imposition of a condition that no development shall commence until a remediation strategy to deal with the risks associated with

contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority.

In response to the Environment Agency, the applicant has stated that the proposed development site is not located within the area of the West Quarry Landfill Site, but within a compound used for the generation of electricity from landfill gas extracted from the adjacent landfill site. The compound is a part of the concrete hardstanding of the West Quarry Railway Pad and not the landfill site. The construction works for the proposed development site will utilise the existing concrete pads and infrastructure of the previously approved landfill gas electricity generators and hence there will be minimal new excavation works. The development will not involve deep or shallow piling works. The Environment Agency note this response and agree that in these circumstances it would not be necessary to undertake a contaminated land assessment.

To ensure that there would be safeguarding of watercourses, the proposed use of double skinned oil storage tanks, and the dual containment of all oil pipework, would be acceptable and should be the subject of a condition. Subject to the imposition of this condition, the development would accord with Policy DM2 Joint Lancashire Minerals and Waste Local Plan and Policy GN3 of the West Lancashire Local Plan.

In conclusion, the location and nature of the development and the imposition of conditions would ensure that there would be no adverse impacts from the development. The development would therefore accord with the policies of the National Planning Policy Framework and the Development Plan.

## Human Rights

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

If this application were to be approved, given the distance from residential properties and the screening of the site that already exists the development would be unlikely to generate such an impact on neighbouring properties which would breach those rights.

## 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, 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 30 October 2018, and the email and associated drawing received from the applicant on 28 November 2018.
  - b) Submitted Plans and documents received by the County Planning Authority on 30 October 2018:

Appley Bridge Block Location Plan  
Drawing No. ABB-PSP-01 - Proposed Site Plan  
Drawing No. GEN-SP-01 - Gas Kiosk Specification  
Drawing No. GEN-SP-02 - DNO Building Specification  
Drawing No. GEN-SP-03 - Oil Tank Specification  
Drawing No. GEN-SP-04 - Radiator Specification  
Drawing No. GEN-SP-05 - HV Client Specification  
Drawing No. GEN-SP-06 - Typical Fence/Gate Detail  
Drawing No. GEN-SP-08 - Typical Transformer  
Drawing No. GEN-SP-09 - Amenity Cabin  
Drawing No. GEN-SP-10 - CCTV  
Drawing No. GEN-SP-11 - Gas Engine

Submitted Plan and document received by the County Planning Authority on 28 November 2018:

Email dated 28 November 2018  
Route of gas connection from application site to Appley Lane North

*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 NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies SP1, GN1, GN3, IF2 and EN2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

## Control of Noise

3. All plant, equipment and machinery used in connection with the construction phase, 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 Plan – Site Allocation and Development Management Policies – Part One and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

4. The rating level of noise emitted from the site during its operation shall not exceed 5dB(A) above the existing LA90 background noise level at the facade of any residential properties. All measurements and assessments shall be done in accordance with BS4142:2014.

*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 Plan – Site Allocation and Development Management Policies – Part One and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Air Quality**

5. Measures shall be taken at all times during the construction phase, operation and maintenance of the development to minimise the generation of dust and prevent its migration off site.

*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 Plan – Site Allocation and Development Management Policies – Part One and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

6. The development shall operate in accordance with the details provided in the submitted Dispersion Modelling Assessment ref. AQ106350R3 and dated October 2018.

*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 Plan – Site Allocation and Development Management Policies – Part One and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Safeguarding of Watercourses and Drainage**

7. The double skinned oil tanks used on site shall conform to the specification shown on Drawing No. GEN-SP-03 - Oil Tank Specification. All pipework must be dual contained.

*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 – Site Allocation and Development Management Policies – Part One and*

## **Highway Matters**

8. The development shall be carried out in accordance with the details provided within the submitted Construction Transport Management Plan. The signage proposals contained within section 6 of the Construction Management Plan shall be implemented prior to deliveries to the site commencing and maintained in position throughout the duration of construction works.

*Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

## **Floodlighting**

9. Any lighting erected at the site shall only be illuminated during any essential maintenance operations that are undertaken during the hours of darkness Any lighting shall be angled into the site, downwards and shaded to minimise light spill.

*Reason: To minimise light spill beyond the boundaries of the compound and to safeguard the amenity of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

## **Landscaping**

10. No trees or hedgerows shall be removed during the bird-breeding season between 1 March and 31 July inclusive unless they have 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 any vegetation to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

*Reason: To protect nesting birds and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policy EN2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

11. No trees or hedges shall be removed in order to construct the gas connection to the main in Appley Lane North.

Any hedges and trees which are either removed or damaged, become diseased or which die at any time during the development, as provided for in

this permission shall be replaced during the first available planting season, as defined in this permission, after which such condition is discovered with trees of a similar type, number and species so affected.

*Reason: In the interests of visual and local amenity and the local environment and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and Policy EN2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

## **Definitions**

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

## **Notes**

The applicant's attention is drawn to the comments of Network Rail:

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the boundary with Network Rail. However, where this is unavoidable, Network Rail's Asset Protection Engineer must be consulted; crane working diagrams, specification and method of working must be submitted for review and agreement prior to work(s) commencing on site. Details of crane types, positions, crane base design, slew radii, collapse radii, method statement and risk assessment shall be submitted to Network Rail for review. Any request to over-sail Network Rail's property must be submitted in good time for consultation to take place. Guidance on the main controls for tower cranes can be found in attached CPA Guidance describing Requirements for Tower Cranes Alongside Railways Controlled by Network Rail. Although this guidance is concerned with tower cranes, the same principles apply to other cranes including mobile cranes. Please refer to CPA requirements attached including section 2.3.2. which outlines the requirement to down rate cranes alongside Network Rail infrastructure.

Summary as below in accordance with CPA:-

The crane should de-rated to 75% of maximum capacity in accordance with CPA guidance.

The base design loads should be uprated by 1.33 as per 2.3.3 in accordance with CPA guidance and crane down rated as 2.3.2.

Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

As the proposal includes works which may impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be

liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

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

**List of Background Papers**

Paper	Date	Contact/Ext
LCC/2018/0055	30 October 2018	Rob Jones/Planning and Environment/34128

**Reason for Inclusion in Part II, if appropriate;**

N/A