

## **Development Control Committee – 8 June 2022**

### **Update Sheet**

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

#### **Additional representation**

An additional representation has been received that raises the following summarised points:

- Planning permission was granted for a change of use of the land (from a defunct farm produce haulage site to a skip hire and waste sorting business) in planning application LCC/2021/0045 providing that, the applicant held the appropriate licences and permits from the Council and the Environment Agency, that provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters, and that all foul water drainage shall be discharged to a public sewer or else to a sealed watertight tank.
- The representation states that the applicant does not hold the relevant Environment Agency permits for their skip hire operation, there is no provision whatsoever for the collection, treatment and disposal of water at the site, and foul water drainage is not into a public sewer or sealed watertight tank.
- Water from the site enters a large open drain and flows under neighbouring land, discharging into open farm ditches.
- The applicant is in breach of the conditions applied on them, and therefore this application should be refused.
- Committee members should visit and inspect the site to see what an eyesore it is in the Scarisbrick community, and to review the permitted continuation of this operation.
- Attention is drawn to Environment Agency Regulation SR2008 No15 which requires “materials recycling facilities” to be located no less than 500 metres from any residential dwelling or workplace. The resident has asked the Environment Agency to advise if this regulation remains current, but as of yet has received no reply.

## **Advice**

Issues concerning compliance with conditions can be investigated separately but are not a reason to refuse planning permission on this basis. The Environment Agency has advised that an Environmental Permit is likely to be required and there is a separate process for that. The Environmental Permit sets out the primary controls for the protection of water resources. Furthermore, the Environment Agency also has enforcement powers that can be employed should they consider it expedient for the protection of the environment. The resident makes reference to guidance regarding standard rules permits and requirements for separation distances from residents. This guidance is likely to mean that the site operator would be required to apply for a higher-level bespoke permit instead of a standard rules permit.