

Lancashire County Council

Development Control Committee

**Minutes of the Meeting held on Wednesday, 24th April, 2024 at 10.30 am in
Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

Present:

County Councillor Matthew Maxwell-Scott (Chair)

County Councillors

B Yates	S Holgate
J Berry	M Pattison
S Clarke	E Pope
A Cullens BEM	P Rigby
M Dad BEM JP	D Westley
A Hindle	

1. Apologies for absence

No apologies for absence were received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

No pecuniary or non-pecuniary interests were disclosed.

3. Minutes of the last meeting held on 6 March 2024

Resolved: That the minutes of the meeting held on 6 March 2024 be confirmed and signed by the Chair.

4. Update Sheet

There was no Update Sheet for this meeting.



5. Wyre Borough: LCC/2023/0003 Proposed development of an Energy Recovery Centre and associated infrastructure. Land at Hillhouse Business Park, Bourne Road, Thornton-Cleveleys

A report was presented on an application for the proposed development of an Energy Recovery Centre and associated infrastructure on land at Hillhouse Business Park, Bourne Road, Thornton-Cleveleys.

The proposed development was subject to an environmental impact assessment and the application was accompanied by an Environmental Statement and non-technical summary.

The report included the views of Wyre Council, the Head of Enterprise Zone, the Environment Agency, Atkins Realis (Air Quality), Natural England, Marine Management Organisation, Atkins Realis ((Ecology), Lancashire County Council Ecology, Atkins Realis (Landscape), Lancashire County Council Highways, Lancashire County Council Lead Local Flood Authority, Lancashire County Council Archaeology, the Health and Safety Executive, United Utilities and Cadent. Three representations objecting to the application had been received.

The Senior Planner presented a Powerpoint presentation showing site location plans and an aerial view of the site, proposed site layout, proposed east and west elevations, proposed north and south elevations, Enterprise zone Masterplan, site MRT13 plan and photographs of the view from the north of the site looking south, view towards the east/Wyre Estuary, view towards the west/houses under construction and views along Bourne Road.

George Lucan, applicant (Sesona), addressed the Committee and said the following:

'Sesona are an independent UK business working with a reputable contractor who has delivered and operates multiple energy from waste plants throughout the UK.

What is this facility? It's an energy recovery centre for up to 120,000 tonnes of refuse derived fuel, which is waste which cannot be economically or feasibly recycled at the present time. The plant has the potential to supply electricity and heat to local business or electricity direct into grid. Sesona has an electrical connection agreement in place with Electricity North West and will look to advance this agreement once planning permission is granted. The committee will be pleased to hear that we have already engaged with Victrex PLC to consider the possibility of supplying heat direct from our plant to their neighbouring chemical processing facilities.

How much waste are we talking? Well, between 2019 and 2022, regrettably, landfill waste disposal in Lancashire actually increased by 6.5% from 203,000 tonnes to 217,000 tonnes, and over twice that volume exists in the joint authority area. There is an opportunity to target this waste and move the disposal further up the waste hierarchy.

What are the environmental benefits? Well, avoiding local waste being sent to landfill obviously, and releasing methane to the atmosphere when in landfill. To this must be



added the benefits from energy recovery, being the displacement, at least in part, of fossil fuel which would otherwise be burnt to generate grid electricity.

Do we look to improve on these savings? Yes, anticipating ever tightening emission standards, we are already engaged with carbon capture specialists to see what can be retrofitted in the future. Given our considerable distance from the carbon capture hub at Hynet near Liverpool, that would be easy, but we have some solutions already.

What are the local economic and social benefits of the facility? It will provide some hundred jobs during construction, 40 full time employees during operation, and we believe as many again created indirectly as a consequence of operation. We've estimated some 3.2 million positive impact on the local economy annually, including direct benefits in terms of rates.

In conclusion, the facility is compactly designed, being an operating site commensurate with the existing transport network, and fitted with emissions controls which meet with the Environment Agency's best available techniques criteria for our already validly issued permit, we recommend strongly for approval.'

Mark O'Brien, NPL Estates (site landowner), addressed the Committee and said the following:

'I'd like to express my support for the proposed energy centre located at the Hillhouse Enterprise Zone. I'm the managing director of NPL Group and one of my key responsibilities is the development of the Hillhouse Enterprise Zone. I was a member of the team who bid to establish the EZ status in the first place and I helped to develop and continue to develop the master plan on the site.

The Masterplan categorises the land that's nominated for an Energy Recovery Centre. Power for production for use by others on site was always planned for this location. The proposal complements the existing and planned businesses for the site, consistent with the Masterplan. The facility helps with much needed investments in the area that will provide both power and heat for use on the site directly, in addition to the creation of new jobs in the area, both during construction and operations. I look forward to the permission being granted and continuing to work with Sesona to deliver the project and to help the Enterprise Zone reach its full potential.

The ex-ICI plant that was located on the project site was demolished over 25 years ago and it's been unused since. Please support us in our goal to bring a new lease of life to this area to help us introduce new industry to the area and to add new jobs and help the EZ at Hillhouse to reach its full potential. Lancashire County Council and Wyre Council helped us achieve EZ status. Please continue with your support and help us move our plans and objectives forward by granting the application.'

The officers answered questions from Committee. After a discussion it was:

Resolved: That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment)



Regulations 2017, and subject to the applicant first entering into a Section 106 Agreement for a commuted sum of £12,000 for highway safety improvements on Fleetwood Road North and to secure biodiversity net gain, that planning permission be **granted** subject to conditions including controlling commencement, working programme, construction environmental management plan, building materials, tonnage throughput, reversing alarms, surface water drainage, landscaping, employment and skills, lighting, R1 status, site investigation, groundwater protection, hours of construction working, heat pipes, highway matters, electric charging points, cycle storage, showers and changing facilities, and decommissioning, as set out in the Committee report.

6. West Lancashire Borough: LCC/2023/0020 Change of use of site to storage of inert waste material and product mounds as an extension to the existing waste transfer station. Land between Stopgate Lane and Simonswood Industrial Estate, Simonswood

Committee were informed that the applicant had withdrawn this application.

7. West Lancashire Borough: LCC/2022/0014 Amendment of Condition 6 of planning permission 8/10/0241 to allow approval of amended restoration contours together with the submission of a restoration and aftercare scheme to comply with Conditions 29 and 31 of planning permission 8/10/0241. Round O Quarry, Cobbs Brow Lane, Lathom

A report was presented on an application for an amendment to Condition 6 of planning permission 8/10/0241, to allow approval of amended restoration contours together with the submission of a restoration and aftercare scheme to comply with Conditions 29 and 31 of planning permission 8/10/0241 at Round O Quarry, Cobbs Brow Lane, Lathom.

The report included the views of West Lancashire Borough Council, Newburgh Parish Council, the Environment Agency and the Lancashire Badger Group. Three representations objecting to the application had been received.

An updated Powerpoint presentation had been circulated to Committee (copy attached).

The Head of Development Control presented a Powerpoint presentation showing site location plans and an aerial view of the application site, plan showing permitted contours, current contours with restoration proposals, and photographs of the view from Cobbs Brow Lane looking south and north, the view over the site, the view of the northern side of the site and the view of the western boundary.

Mr Martin Ainscough, adjacent landowner, addressed the Committee and said the following:

'I own the land to the north east of the south of the site. Despite over 31 conditions imposed in 2012, the operation has totally ignored them. Your team last visited in



2013 and sadly failed to enforce the main tool you, the committee, uses to control development and preserve our environment.

Condition 3 required details of the removal of the perimeter bounds, it's now OK to keep them. Condition 6 stated that levels were not to exceed agreed levels, which you've seen on the screen just now. It's now OK to accept millions of tonnes of hugely profitable over-tipping. Condition 7 stated that the topographical survey shall be submitted to you, the County Planning authority annually; why was this never asked for?

Condition 27 states that the mounds shall be kept free of vegetation; they were never planted as you've just stated. The fact that this was never done is seen as the reason to keep the mounds. As a result, we have a devastating example of overtipping of millions of profitable tonnes up to the top of the mounds, which should have been removed. And when you have an alien landscape scarred by a huge flat 10 metre tall, 50 acre on landscape heap of who knows what, the hydrology of the area has been seriously impacted, despite what you've just said, and with the blocking of historic water courses across the site leading to the runoff in times of flood and constantly waterlogged fields to the north and west. Now, rather than requiring the operator to put things right, you're being recommended to just roll over and recommend granting retrospective planning permission and this is wrong. In your advice, Mr Haine states that you can make a judgment - please make a judgment that this should be put right.

There's no landscape impact assessment; this is the landscape of historic importance. The site, where 2,000 of Cromwell's parliamentarian troops besieged Lathom House in 1644 and 1645; it is registered of local importance. The bunds should be removed, the site reprofiled to be a more sympathetic rolling landscape, which is what it stated in the original application. The landscape plan I think is really poor and is unsympathetic and amateur. Who plants buddleia, an invasive species, it's just ridiculous, and please refuse this and make them do something more sympathetic on this site.'

Mr Steven Faulkner, West Lancashire Borough Council, addressed the Committee and said the following:

'I'm the planning services manager for West Lancashire Borough Council. The Borough Council objected some 18 months ago to this application, based largely on issues relating to ecological impacts dating back to 2021 and 2022, and we raised points and objection that it's really important to establish whether the proposal can be mitigated based on ecological advice and suggested recommendations.

A considerable period of time has elapsed since our objection was raised, and it's unclear from the report and associated planning conditions what action might have taken place with regard to those details and following our formal objection, and it is concerning that we've not been informed on the more up to date basis and being afforded a further opportunity to comment.

It's also noted that the officer report refers to a restoration statement dated the 6th of December 2023. The report recommendation and subsequent five conditions don't



appear to cover whether this or other submitted documentation addresses the specific ecological comments that were provided from me to County in August 2022.

I've also noted that Condition 3 requires various works to be completed within three months of the date of the planning permission, and would ask your officers whether they believe it's realistic for those works to be completed within the express time frame, avoiding what may well be an inevitable breach of condition, whilst ensuring that the site is free at that point of invasive species, and we would also query whether or not the site will be monitored for compliance within that time frame.

We consider this autumn and winter grazing only ought to take place to ensure that biodiversity values are maintained, and we'd also request clarity on the provision of bat boxes to be provided, as the submitted restoration plan did not show this at the time of submission. We'd also ask on what basis your officers have concluded that there would be no impact on badger setts and whether this is informed by the expert advice of County ecologists. It is also unclear to us who has undertaken to be responsible for the habitat works and long term maintenance. It is important that these details are secured, so we believe that the report is lacking clarity over ecological mitigation works and consider if the application should be approved, it lacks a range of further conditions to ensure that biodiversity values are maintained.

So it's recommended from our side as Borough Council that members at the very least defer the application to enable further consideration of those ecological impacts.'

Councillor Katie Juckes, West Lancashire Borough Council, addressed the Committee and said the following:

'This site has a very long history from being an active quarry to present. In the early 90s, at appeal, the Planning Inspectorate refused permission for domestic waste. In 1999, planning was granted with 44 conditions to infill within inert waste. Those conditions included access via the M58 and dual carriageway within 150 metres of the site. Another condition was to restore the site after 10 years to agriculture at original levels. In 2010, permission was granted for 31 conditions to extend the life of the landfill. This timeline and the number of conditions is very important to Newburgh Village. It is now 25 years that they have endured amenity loss. The conditions were not met, lorries plagued the village and they did not follow the designated route. The developer has not accepted responsibility for abiding by the original permissions and conditions. This is an example of a planning system that hasn't worked.

This application is blatant; it requires you to grant permission to regulate the unregulated. Simply it was wrong. They don't want to put it right and they want you to say OK. There is up to 10 metres overfill on the northern boundary, around 4 metres over the mound. The six metre earth mounds were not calculated or engineered to hold back saturated waste. They fulfil a purpose they were not intended to. The surface is plateau like, alien to the rolling landscape the previous decisions intended to mimic. The mounds clearly block views and impact on the openness of the Green Belt, in spite of Jonathan's claim that they don't. That's why we're here today.



Activity has been hidden behind the mounds – it's a case of out of sight out of mind. There was no drainage plan, there are rushes on the surface and on fields, down from the site. The mounds leak secrete water into farmers ditches - the developer has never cleared them. The mounds on the western side have slumped. The ditches and local wells run red; this may be iron oxide. It does occur locally, but not when there is a huge void behind full of waste. No agency has tested it. The villagers need reassurance.

The site is shielded from the road by an ancient line of trees planted by the Lathom estate hundreds of years ago. There has been no landscaping since the mounds are otherwise self-seeded because of neglect over 40 years of no control. The damage is done. The developer has made no compromise. Before you is a cheap and simple plan.

Finally, if this Committee is to recommend permissions with conditions, then the public should have confidence that those conditions are to be adhered to and not flouted. Doing so undermines confidence in the planning system.'

Councillor Mike Roughneen, Newburgh Parish Council, addressed the Committee and said the following:

'Round O Quarry has brought problems to our village since the year 2000, when it was granted permission for an inert landfill. We have lost track of the number of times we have written to the county council and the Environment Agency over the years and received no satisfactory outcome. The overwhelming concerns are being with lorries that have used our village as a shortcut from the A5209, instead of using the motorways of the site. Their movements went unrestricted and now we have an overfill problem.

The LCC portal does not show or represent the number of emails we have sent; the last entry from our PC was 18 months ago. There have been a lot more. In July 2022, we drew LCC's attention to our concern of the lack of formal monitoring after 2013, and the absence of the annual topographic surveys that should have indicated the landfill was nearing capacity at that time. We also drew attention to the fact that this village suffers from excess surface water during periods of rainfall. Our concerns went unheeded. In August 2023, we received a letter from Arley Consultants on behalf of Inglenorth. They claim that overfilling does not completely lie with the operator, who then? While this activity has no doubt provided great economic benefits to Inglenorth, it has left the village to endure many thousands of extra vehicle movements.

Now this application is recommended for approval, even though Mr Haine acknowledges that it was the site operator who took the decision to landfill the site to the crest of the perimeter mounding. Arley asked us to withdraw our objection to the restoration plan. Their letter states that the former quarry has been restored with 'primarily' inert waste. They say there is no evidence to suggest that as being excessive settlement, nor would it be likely, given the largely inert nature of its waste disposal. The PCH asked for clarity, but had no answer. Is it largely or primarily inert waste? We want to know what is else is in the site. We do not want the removal of the excess material as we acknowledge it will bring further disruption to our village.



However, it is important to us that concerns raised by our residents are met. These relate to regrading the site to create shape, improved drainage and help blend in with the original landscape, plant hedgerows to create fields instead of scrub land. The western bund is slumping, though it appears nobody can see it and needs investigating. Drainage should be improved by positioning the pond and drainage channels to the south and west of the site to alleviate flooding on farmland. The orange coloured water in the ditches needs investigating. A future management plan, not 10 years, but into the future, with a bond to pay for aftercare if the size is necessary - we know what lack of monitoring and neglect means.

We have raised these concerns before but have had no replies. Our refusal today may well be the only solution. Please refuse this application.'

Mr Martin Lovelock, speaking on behalf of the applicant, addressed the Committee and said the following:

'I'd just like to say that we prepared the application in good faith and we feel that the proposals balance the risks of enforcement and removal of material against ecological. You can argue that there's a lot of ecological damage being caused, but the trees around the perimeter whether they're self-seeded or not offer a wide, diverse ecological setting. The planting or landscaping that's on the surface of the site is of far more ecological value than the agricultural field that was proposed. In terms of environmental impacts and pollution, the Environment Agency, as consultee, has accepted that there is no evidence of that. The operator/landowner complies with their environmental permit in terms of sampling, routine sampling and analysis, monitoring, reporting and they have submitted topographic surveys to the council throughout the process. I think that the objectors feel that they want some recourse but they don't want obviously trucks through the villages again, so I think this offers a balanced and satisfactory solution to the situation that has arisen and I hope that you can see that the additional works proposed offer further benefits and that you'll support the application.'

The officers answered questions from Committee.

After a discussion, it was Proposed and Seconded:

"That the application be deferred pending a site visit, and that a copy of the previous planning permission be circulated to Committee, prior to the site visit taking place."

Upon being put to the Vote, the Motion was Carried.

Resolved:

- (i) That the application be deferred pending a site visit.
- (ii) That a copy of the previous planning permission be circulated to Committee, prior to the site visit taking place.



8. West Lancashire Borough: LCC/2023/0043 Restoration of Ravenhead Quarry through the importation of non-hazardous material. Ravenhead Quarry, Chequer Lane, Up Holland

A report was presented on an application for the restoration of Ravenhead Quarry, Chequer Lane, Up Holland, through the importation of non-hazardous material.

It was reported that this planning application had been received in December 2023 and proposed the restoration of an existing quarry through the importation of non-hazardous materials, comprising construction and excavation materials. The scheme would involve infilling the existing quarry void to levels corresponding to adjacent ground levels. This would amend the previously approved restoration scheme for the site.

The Senior Planner presented a Powerpoint presentation showing site location plans and an aerial view of the site and proposed restoration.

The planning application had attracted 12 representations from members of the public and objections from Up Holland Parish Council. Due to the large scale of the development, it was considered that members of the Committee should visit the site and the surrounding area before they determined the application.

Resolved: That the Committee visit the site before considering the planning application.

9. Decisions taken on development control matters by the Director of Environment and Planning in accordance with the County Council's Scheme of Delegation

It was reported that, since the last meeting of the Development Control Committee on 6th March 2024, five decisions had been taken on development control matters by the Director of Environment and Planning, in accordance with the county council's Scheme of Delegation.

Resolved: That the report be noted.

10. Urgent Business

There were no items of Urgent Business.

11. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 5 June 2024 at 10.30am in Committee Room B – The Diamond Jubilee Room, County Hall, Preston.



H MacAndrew
Director of Law and Governance

County Hall
Preston

