PLANNING PERMISSION

Submission by Executive Director of Environment

Part I – Particulars of application

Date of application: 03/08/05  Application No. 11/05/0535

Particulars and location of development:
THE DEVELOPMENT OF A WASTE MANAGEMENT FACILITY INCLUDING A RESIDUAL WASTE TRANSFER BUILDING, A RECYCLATE HANDLING PLANT, A MECHANICAL BIOLOGICAL TREATMENT PLANT, IN-VEssel MIXED WASTE COMPOSTING PLANT AND THE DEVELOPMENT OF OFFICES, ACCESS ROAD, ASSOCIATED LANDSCAPING AND ANCILLARY WORKS ON THE SITE OF THE FORMER HUNCOAT POWER STATION, HUNCOAT AND LAND TO THE WEST OF THE A56 NEAR HUNCOAT

Part II – Particulars of Decision

The Lancashire County Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been granted for the carrying out of the development referred to in Part I her eof in accordance with the application and plans submitted subject to the following conditions:

Time Limits

1. The development shall commence not later than 5 years from the date of this permission.

   Reason: Imposed pursuant to Section 91 (1)(b) of the Town and Country Planning Act 1990.

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Date: 20th July 2006
County Hall Preston
County Secretary and Solicitor
2. Written notification of the date of commencement of operations of the development shall be sent to the Director of Strategic Planning and Transport within 7 days of such commencement.

   Reason: To monitor the development to ensure compliance with this permission and to conform with Policies 22 and 28 of the Joint Lancashire Structure Plan, Policies 2, 37, 88, 98, 99 and 112 of the Lancashire Minerals and Waste Local Plan and Policies E.2, E.10 and E.13 of the Borough of Hyndburn Local Plan.

Working Programme

3. 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, Planning Statement, Environmental Statement and Travel Plan received on 3 August 2005.

   b) Submitted Plans:

      502 7579 005/PLD/001 – Plan 1 – Location Plan
      502 7579 005/PLD/002 – Plan 2 – Planning Application Boundary
      502 7579 005/PLD/003 – Plan 3 – Proposed Site Layout
      502 7579 005/PLD/004.1, Rev A – Plan 4.1 – Proposed Site Elevations
      502 7579 005/PLD/005 – Plan 5 – Proposed Landscape/Ecological Mitigation Plan
      502 7579 005/PLD/001 – Plan 6a – Landscape Cross Sections
      502 7579 005/PLD/002 – Plan 6b – Cross Sections Through Buildings and site
      502 7579/PLD/007 – Plan 7 – Photomontages

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

   Reason: For the avoidance of doubt and to enable the Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area, and to conform with Policies 22 and 28 of the Joint Lancashire Structure Plan, Policies 2, 37, 88, 98, 99 and 112 of the Lancashire Minerals and Waste Local Plan and Policies E.2, E.10 and E.13 of the Borough of Hyndburn Local Plan.

Hours of Working

4. (i) No construction development or delivery of materials shall take place outside the hours of:

   0800 to 1800 hours Mondays to Fridays (except Public Holidays).
   0800 to 1600 hours on Saturdays

   No construction development or delivery of construction materials shall take place on Sundays and Public Holidays.
(ii) The site shall not open for the receipt of waste or for the removal of waste/recyclable material outside the hours of:

0730 to 2000 hours Monday to Saturday, (except Public Holidays),
0930 to 1700 hours on Sundays and Public Holidays

The site shall not open for the receipt of waste or for the removal of waste/recyclable material on Christmas Day, Boxing Day and New Years Day.

(iii) No waste handling or shredding operations shall take place outside the hours of:

0700 to 2100 hours, Monday to Saturday (except Public Holidays)
0930 to 1700 hours on Sundays and Public Holidays

No waste handling or shredding operations shall take place on Christmas Day, Boxing Day and New Years Day.


Site Construction

5. No heavy goods vehicles, with the exception of those required for site preparatory works, delivery of associated machinery and equipment and those required for the construction of the new access road, shall access the site of the waste technology park from Altham Lane or Burnley Lane, Huncoat.

Reason: In the interests of highway and on-site safety, to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy 37 of the Lancashire Mineral and Waste Local Plan.

6. The construction of the access road shall not commence until wheel-cleaning facilities to a design, specification and in a position first approved by the Director of Strategic Planning and Transport have been installed. Thereafter, the approved facilities shall be maintained in full working order and be used by all Heavy Goods Vehicles leaving the site throughout the construction phases of the development.

Reason: In the interests of highway and on-site safety, to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy 37 of the Lancashire Mineral and Waste Local Plan.

7. Any internal haul road or private way between the wheel cleaning facilities and the boundary of the site shall, throughout the construction phases of the development, be metalled and drained and kept clear of debris along its entire length at all times.

Reason: In the interests of highway and on-site safety, to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy 37 of the Lancashire Mineral and Waste Local Plan.
8. Cranes or jibbed machines used in connection with the development shall not swing over railway property or be positioned within 3 metres of the nearest rail should the site boundary be closer than 3 metres of the nearest rail.


Site Investigation

9. No development shall commence within the former power station site until a scheme and programme of site investigation works and remediation measures has been submitted to and approved in writing by the Director of Strategic Planning and Transport. The scheme and programme shall include the following:

a) A desktop study to identify all previous site uses and potential contaminants.
b) A conceptual model of all potential contaminant sources, pathways and receptors.
c) Details of further site investigations based on information obtained by undertaking the work required by a) and b).
d) Results of the site investigations.
e) A method statement and remediation strategy in view of the findings in c).

The scheme and programme and results of the remediation strategy shall be implemented in its entirety.

Reason: To safeguard local watercourses and drainage and avoid the pollution of any watercourses or groundwater resource or adjacent land, and to conform with Policy 22 of the Joint Lancashire Structure Plan and Policy 23 of the Lancashire Minerals and Waste Local Plan.

Building Materials and Colours

10. No development, excluding construction of the access road, shall commence until details of the building materials and colours to be used for external elevations and roofing of the proposed buildings, and details of the height, type, colour and location of boundary fencing and entrance gates have been submitted to and approved in writing by the Director of Strategic Planning and Transport. Thereafter, only those materials approved by the Director of Strategic Planning and Transport shall be used.

Reason: To protect the visual amenities of the area and to conform with Policy 20 of the Joint Lancashire Structure Plan and Policy E.10 of the Borough of Hyndburn Local Plan.

Site Operations

11. A copy of this permission (and all the documents referred to in Condition 3) shall be available for inspection at the site office at all times throughout the development.

Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions, and to conform with Policy 28 of the Joint Lancashire Structure Plan, Policies 2, 88, 98, 99 and 112 of the Lancashire Minerals and Waste Local Plan and Policy E.10 of the Borough of Hyndburn Local Plan.
12. There shall be no outside storage, treatment, or processing of waste materials, or outside storage of waste containers associated with the operations.

**Reason:** To safeguard the amenity of local residents and adjacent properties/landowners and land users, and to conform with Policy 28 of the Joint Lancashire Structure Plan, Policies 2, 88, 98, 99 and 112 of the Lancashire Minerals and Waste Local Plan and Policy E.10 of the Borough of Hyndburn Local Plan.

13. All recycled materials, compost or waste transported from the site shall be contained within vehicles that are securely sheeted or within purpose-designed containers.

**Reason:** In the interests of highway and on-site safety, to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy 28 of the Joint Lancashire Structure Plan, Policy 2, 37, 88 and 112 of the Lancashire Mineral and Waste Local Plan and Policy E.10 of the Borough of Hyndburn Local Plan.

14. Measures shall be taken to ensure that no dust or wind-blown material is carried onto adjacent property.

**Reason:** To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy 28 of the Joint Lancashire Structure Plan, Policy 2, 88 and 112 of the Lancashire Minerals and Waste Local Plan and Policy E.10 of the Borough of Hyndburn Local Plan.

**Safeguarding of Watercourses and Drainage**

15. No development, excluding the construction of the access road, shall commence until a scheme and programme for the provision and implementation of a surface water drainage system has been submitted to and approved by the Director of Strategic Planning and Transport. The scheme and programme shall include details to ensure that the adjacent railway is not affected by storm or surface waters. Thereafter the scheme and programme shall be implemented in its entirety prior to the waste technology park being brought into use.

**Reason:** To safeguard local watercourses and drainage and avoid the pollution of any watercourses or groundwater resource or adjacent land, and to conform with Policy 22 of the Joint Lancashire Structure Plan, Policy 23 of the Lancashire Minerals and Waste Local Plan and Policy E.10 of the Borough of Hyndburn Local Plan.

16. 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.

**Reason:** To safeguard local watercourses and drainage and avoid the pollution of any watercourses or groundwater resource or adjacent land, and to conform with Policy 22 of the Joint Lancashire Structure Plan, Policy 23 of the Lancashire Minerals and Waste Local Plan and Policy E.10 of the Borough of Hyndburn Local Plan.

17. All foul drainage shall be discharged to a public sewer or else to a sealed tank and the contents of the tank shall be removed from the site completely.
Reason: To safeguard local watercourses and drainage and avoid the pollution of any watercourses or groundwater resource or adjacent land, and to conform with Policy 22 of the Joint Lancashire Structure Plan, Policy 23 of the Lancashire Minerals and Waste Local Plan and Policy E.10 of the Borough of Hyndburn Local Plan.

18. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers total volume and shall enclose within their curtilage all fill and draw pipes, vents and gauges. There must be no drain through the bund floor or walls.

Reason: To safeguard local watercourses and drainage and avoid the pollution of any watercourses or groundwater resource or adjacent land, and to conform with Policy 22 of the Joint Lancashire Structure Plan, Policy 23 of the Lancashire Minerals and Waste Local Plan and Policy E.10 of the Borough of Hyndburn Local Plan.

Highway Matters

19. No development shall commence until a detailed scheme and programme for the layout and construction of the access road between the site entrance and the existing roundabout on A679 Burnley Road, Huncoat and details of modifications to the design of the aforesaid roundabout has been submitted to and approved in writing by the Director of Strategic Planning and Transport.

Thereafter the approved scheme and programme shall be implemented and the access road made available for use prior to the commencement of the development of the waste technology park. Thereafter the access road shall be used for all traffic associated with the development and operation of the waste technology park.

Reason: In the interests of highway and on-site safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy 37 of the Lancashire Mineral and Waste Local Plan and Policy E.10 of the Borough of Hyndburn Local Plan.

20. No development shall commence until a scheme and programme for traffic management measures at the junction of Higher Gate Road with the A679 Burnley Road, Huncoat to assist traffic turning onto A679 Burnley Road, Huncoat has been submitted to and approved in writing by the Director of Strategic Planning and Transport.

Thereafter the approved scheme and programme shall be implemented in its entirety prior to the waste technology park being brought into use.

Reason: In the interests of highway and on-site safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy 37 of the Lancashire Mineral and Waste Local Plan and Policy E.10 of the Borough of Hyndburn Local Plan.
21. All vehicles visiting the site shall only enter or leave using the proposed access road onto Burnley Road. This condition shall not apply to emergency vehicles.

Reason: In the interests of highway and on-site safety, to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy 37 of the Lancashire Mineral and Waste Local Plan and Policy E.10 of the Borough of Hyndburn Local Plan.

22. No development, excluding the construction of the access road, shall commence until a scheme and programme for the construction and layout of car parking and number of car parking spaces has been submitted to and approved in writing by the Director of Strategic Planning and Transport. The car parking provision shall accord with Lancashire County Council car parking standards and shall include the provision of an appropriate number of disabled facilities and cycle parking facilities.

Thereafter the approved scheme and programme shall be implemented in its entirety prior to the waste technology park being brought into use.

Reason: In the interests of highway and on-site safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy 37 of the Lancashire Mineral and Waste Local Plan and Policy E.10 of the Borough of Hyndburn Local Plan.

23. No development of the access road shall commence until a scheme and programme for the design, construction and layout of the crossing of Footpath Number 3 in the Borough of Hyndburn and the Bridleway at Burnley Lane across the access road has been submitted to and approved in writing by the Director of Strategic Planning and Transport.

Thereafter the approved scheme and programme shall be implemented in its entirety prior to the waste technology park being brought into use.

Reason: In the interests of highway and on-site safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy 37 of the Lancashire Mineral and Waste Local Plan and Policy E.10 of the Borough of Hyndburn Local Plan.

Control of Noise

24. Noise emitted from the operation of plant on the site shall not exceed 50dBLAeq (1 hour) (free field), as defined in this permission, when measured at any location along the boundary of the site at any time.


25. Notwithstanding the requirements of Condition 24, noise emitted from the operation of the development shall not exceed background levels by more than 5dBLAeq (1 hour) (free field), as defined in this permission, when measured at a point on the boundary of the nearest residential property on Grime Row. Prior to the commencement of development a scheme and programme for the assessment of existing background
noise levels at a point on the boundary of the nearest residential property shall be submitted to and approved in writing by the Director of Strategic Planning and Transport. The scheme and programme shall be undertaken in accordance with British Standard (BS) 4142:97 or any future revisions.

**Reason:** To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy 28 of the Joint Lancashire Structure Plan, Policy 2 of the Lancashire Minerals and Waste Local Plan and Policy E.10 of the Borough of Hyndburn Local Plan and to enable the Planning Authority to monitor the operations to ensure compliance with this permission.

26. All plant, equipment and other machinery used in connection with the construction and operation of the waste management facility 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 28 of the Joint Lancashire Structure Plan, Policies 2 and 112 of the Lancashire Minerals and Waste Local Plan and Policy E.10 of the Borough of Hyndburn Local Plan.

**Lighting**

27. No development shall commence until a scheme and programme for a lighting scheme for the illumination of new roads, parking and the waste technology park has been submitted to and approved in writing by the Director of Strategic Planning and Transport.

Thereafter the approved scheme and programme shall be implemented in its entirety prior to the waste technology park being brought into use.

**Reason:** In the interests of highway and on-site safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy 28 of the Joint Lancashire Structure Plan, Policies 2 and 37 and 88 of the Lancashire Mineral and Waste Local Plan and Policy E.10 of the Borough of Hyndburn Local Plan.

**Nature Conservation**

28. No trees, bushes or hedges within the development site shall be removed, lowered or pruned during the bird-nesting season between 1 March and 31 July inclusive. If areas cannot be cleared outside this time, they should be checked for breeding birds in accordance with English Nature’s Guidance and if appropriate, an exclusion zone set up. 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 2 and 20 of the Lancashire Minerals and Waste Local Plan and Policy E.10 of the Borough of Hyndburn Local Plan.
Archaeology

29. The development shall not commence until a scheme and programme for a programme of archaeological investigation has been submitted to and approved in writing by the Director of Strategic Planning and Transport. The scheme and programme shall thereafter be implemented in its entirety.

Reason: In the interests of archaeology and to conform with Policy 28 of the Lancashire Minerals and Waste Local Plan.

Landscape Management

30. No development relating to the access road shall take place until a scheme and programme for the landscaping of the site has been submitted to and approved in writing by the Director of Strategic Planning and Transport. The scheme and programme shall include details of:

i) The location and profiles of proposed earth mounds.

ii) Native tree, shrub and hedgerow species to be planted and the grassland species to be sown.

iii) The number and spacing of trees and shrubs, protection methods and methods of planting.

iv) Management of wetland habitats around surface water balancing ponds.

v) Maintenance and protection measures for trees, shrubs, hedgerows and grassland areas including weed control, replacement of dead or dying plants and mowing of grassland areas.

vi) A programme for the implementation of the landscaping of the site and the access road.

On completion of the landscaping scheme the trees, shrubs and seeded areas shall thereafter be maintained for a period of 5 years in accordance with the Lancashire County Council Environment Directorate specification entitled “Tree and Shrub Planting with Grass Seeding and Protective Fencing”.

Reason: In the interests of visual and local amenity and the local environment, and to conform with Policy 20 of the Joint Lancashire Structure Plan, Policy 14 and 20 of the Lancashire Minerals and Waste Local Plan and Policy E.10 of the Borough of Hyndburn Local Plan.

31. No development other than that relating to the access road shall take place until a scheme and programme for the landscaping of the site has been submitted to and approved in writing by the Director of Strategic Planning and Transport. The scheme and programme shall include details of:
i) The location and profiles of proposed earth mounds.

ii) Native tree, shrub and hedgerow species to be planted and the grassland species to be sown.

iii) The number and spacing of trees and shrubs, protection methods and methods of planting.

iv) Management of wetland habitats around surface water balancing ponds;

v) Maintenance and protection measures for trees, shrubs, hedgerows and grassland areas including weed control, replacement of dead or dying plants and mowing of grassland areas.

vi) A programme for the implementation of the landscaping of the site and the access road.

On completion of the landscaping scheme the trees, shrubs and seeded areas shall thereafter be maintained for a period of 5 years in accordance with the Lancashire County Council Environment Directorate specification entitled “Tree and Shrub Planting with Grass Seeding and Protective Fencing”.

*Reason: In the interests of visual and local amenity and the local environment, and to conform with Policy 20 of the Joint Lancashire Structure Plan, Policy 14 and 20 of the Lancashire Minerals and Waste Local Plan and Policy E.10 of the Borough of Hyndburn Local Plan.*

**Definitions**

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

**Heavy Goods Vehicle:** A vehicle of more than 7.5 tonnes gross weight.

**Free Field:** At least 3.5 metres away from the facade of a property or building.

**Director of Strategic Planning and Transport:** means the Director of Strategic Planning and Transport at Lancashire County Council.

**Note**

1. The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

2. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act. Footpath Number 3 in the borough of Hyndburn is contained within the site.

Part III – Summary of Reasons for Grant of Planning Permission

The development is an integral part of the County Council's Waste Management Strategy. All waste management operations would be undertaken within buildings, which would be located on land allocated for industry/employment use. The proposed access road would enable the site to be linked to the strategic road network. The proposal would not result in unacceptable adverse impacts on people or the environment by reason of noise, odour, dust or traffic. The proposal would contribute to wards the management of waste up the waste hierarchy, assist in achieving sub-regional self-sufficiency and would satisfy the proximity principle.

Very special circumstances have been demonstrated to justify inappropriate development of the access road within Green Belt. The policies of the development plan relevant to this decision are Policies EQ4, EQ5 and EQ6 of the Regional Spatial Strategy, Policies 6, 11, 20, 22 and 28 of the Joint Lancashire Structure Plan, Policies 2, 5, 9, 14, 2, 22, 23, 31, 37, 87, 88, 95, 98, 99 and 112 of the Lancashire Minerals and Waste Local Plan and Policies S.1, I.1, I.2, I.3, I.6, E.2, E.1 and E.13 of the Borough of Hyndburn Local Plan.