Town and Country Planning Act 1990
Town and Country Planning General Regulations 1992

PLANNING PERMISSION

Submission by Executive Director for the Environment

Part I – Particulars of application

Date of application: 21/08/2008 Application No. 11/08/0482

Particulars and location of development:
Construction Of A 3.1km Length Single Carriageway To The North Of Huncoat Between Whinney Hill Road/Bolton Avenue Junction And A679 Burnley Road/A56 (T) Junction Along With Associated Works Land Running West - East Between Whinney Hill Road/Bolton Avenue Junction And Burnley Road A679/A56 (T) Junction Passing Via Altham Lane

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 hereof 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) (a) of the Town and Country Planning Act 1990.

....Continued......

Date: 29th April 2009

LANCASHIRE COUNTY COUNCIL JO TURTON EXECUTIVE DIRECTOR FOR THE ENVIRONMENT

Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.
2. Written notification of the date of commencement of the development shall be sent to the County Planning Authority within 7 days of such commencement.

    Reason: To enable the LPA to monitor the development to ensure compliance with this permission.

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 and Environmental Statement submitted on 21 August 2008

   b) Submitted Plans:

        Drawing Number 5017072/PLD/034 – Location Plan
        Drawing Number 5017072/PLD/010 – Environmental Master Plan
        Drawing Number 5017072/PLD/047 – Cross Sections
        Drawing Number HC/14959/LS/003 – Centreline Long Sections (Altham Lane to Whinney Hill Road)
        Drawing Number HC/14959/LS/003 – Centreline Long Sections (Burnley Road to Altham Lane & Altham Lane)
        Drawing Number HC/14959/XS/001 – Cross Sections (Burnley Road to Altham Lane)
        Drawing Number HC/14959/XS/001A – Cross Sections (Altham Lane to Whinney Hill Road)
        Drawing Number HC/14959/XS/001 – Cross Sections (Altham Lane)
        Drawing Number HC/14959/GA/001D – General Arrangement
        Drawing Number HC/14959/GA/002 – General Arrangement Contour Plan

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

    Reason: To minimise the impact of the development on the amenities of the local area and to comply with Policies 2,34, 37 and 79 of the Lancashire Minerals and Waste Local Plan and Policies S1, I1, I5, E3, E6,E10,TR1 and L1 of the Borough of Hyndburn Local Plan.

4. No development shall commence until a detailed scheme and programme for the landscaping of the link road route has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall provide for the following:

   a) Details of the exact line and elevation of the link road route;
   b) Plan(s) showing the vegetation to be removed and/or retained
including a method statement for the translocation of any hedgerows and grassland and for the protection of any vegetation which is to be retained within the site boundary;

c) Details for the formation of embankments, cuttings and mounds including gradients and heights;

d) Details for seeding of cutting slopes, embankments and landscape mound areas including ground preparation, seed mixes to be used and methods to ensure establishment;

e) Details for tree and shrub planting including areas to be planted, ground preparation works, numbers, species, types and sizes of plants, planting methods and protection measures;

f) The measures to be undertaken to eradicate or control invasive weeds;

g) The identification of and timing of any landscaping works that are to be undertaken before the commencement of the development.

h) The measures to be taken to link footpath 1 to the realigned section of Altham Lane.

i) The measures to be taken to allow agricultural access across phase 1 of the link road.

The approved landscaping works shall be undertaken in the first planting season following the completion of the development and shall thereafter be maintained for a period of five years in accordance with the Lancashire County Council Environment Directorate specification entitled 'Tree and Shrub Planting and grass seeding with protective fencing'.

Reason: In the interests of visual and local amenity and the local environment and to comply with Policies E3 and E10 of the Borough of Hyndburn Local Plan.

Ecology

5. No development shall commence until a scheme and programme of ecological mitigation has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include details of the following:

a) Details for the translocation of vegetation identified as being of ecological interests where these areas are to be directly affected by road construction works. The details shall include methods of translocation, identification of receptor sites and methods of translocation and works to ensure establishment.

b) Details of the exact areas to be used for habitat creation as shown on drawing number 5017072/PLD/010 and for the habitat creation works to be undertaken within these areas including tree and shrub planting and seeding works and other works proposed to enhance the ecological value of these areas.

c) Details of the timing of the above mitigation works in relation to the anticipated development timescale for the construction of the new link road.
The approved scheme and programme shall be carried out in its entirety.

Reason: *In the interests of ecology and to comply with Policy E10 of the Borough of Hyndburn Local Plan.*

6. The development shall not commence until a detailed scheme and programme of mitigation works for protected species has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include the following:

   a) The results of an updated ecological survey to identify the presence of Protected Species along the line of the route and adjoining habitat including the location of all bat roosts and badger activity affected by the development, and the impacts of the proposed road on their presence and activities;
   b) Details of the measures proposed to mitigate the effects of the development on protected species including a timescale for their implementation.
   c) A method statement and timescale for the implementation of each of the measures proposed under b) above.

The approved scheme and programme shall be carried out in its entirety prior to any development commencing.

Reason: *To secure the conservation status of protected species and to comply with Policy E10 of the Borough of Hyndburn Local Plan.*

Contaminated Land

7. No development shall commence until details of the working methods to be undertaken for contaminated land within the road corridor have been submitted to and approved in writing by the County Planning Authority. The details shall include the following:

   a) Details of the site investigation to be undertaken using the information obtained from the desk study and including the former power station site.
   b) A method statement and remediation strategy for any areas of contamination identified under a).
   c) The procedure to be adopted if any areas of contamination are discovered during road construction operations, which have not been identified during the desk top or site investigation works required under a) above.

The approved scheme and programme shall be carried out in its entirety prior to the commencement of the development.

Reason: *In the interests of the prevention of pollution and to conform with Policy E10 of the Borough of Hyndburn Local Plan.*
Noise

8. No development shall commence until a scheme and programme of the measures to be installed to reduce road noise at residential properties and other adjacent development has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include details of the following:

   a) A plan showing the location where noise attenuation measures are to be installed.
   b) Details of the noise attenuation measures that are to be installed at each location including heights and design and materials to be used for the noise attenuation measures.

The approved noise attenuation measures shall be installed prior to the road opening to traffic.

*Reason: In the interests of the amenity of local residents and to conform with Policy 2 of the Lancashire Minerals and Waste Local Plan and Policy E10 of the Borough of Hyndburn Local Plan.*

Protection of Watercourses

9. No development shall commence until details of the mitigation measures to be undertaken for impacts on water courses have been submitted to and approved in writing by the County Planning Authority. The proposed mitigation measures shall include details of the following:

   a) Identification of the lengths of all rivers, water courses and drainage ditches to be culverted, lost or otherwise affected by the development.
   b) Details of the measures to compensate for the loss of or culverting of watercourses or loss of bankside habitat including lengths of new watercourses to be created or opened.
   c) Details of how the construction phase drainage arrangements will link to the permanent surface water system to be installed.
   d) Details for the creation of the sustainable drainage ponds along the line of the highway including location of ponds, gradients, control of outfall and water levels to be maintained and landscaping measures.
   e) A timescale for the implementation of each of the mitigation measures identified in relation to the development programme for the new link road.

The approved mitigation measures shall be carried out in full.

*Reason: In the interests of ecology and the protection of surface water courses and to comply with Policy E10 of the Borough of Hyndburn Local Plan.*

10. No development shall commence until details of foul and surface water disposal,
including a surface water regulation system have been submitted to and approved in writing by the County Planning Authority.

Reason: In the interests of ecology and the protection of surface watercourses and to comply with Policy E10 of the Borough of Hyndburn Local Plan.

**Building and Construction Materials**

11. The development shall not commence until details of the materials to be used for the surfacing of the new highway have been submitted to and approved in writing by the County Planning Authority. The details shall include provision for the use of low noise road surfacing materials on the highway. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of local residents and to conform with Policy 2 of the Lancashire Minerals and Waste Local Plan and Policy E10 of the Borough of Hyndburn Local Plan.

12. No development shall commence until details of the lighting to be erected along the route have been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:

   a) The areas of the road to be illuminated and those which are to be unlit.
   b) The position of the lighting columns and their heights and designs including any shielding that is to be incorporated into the lighting column.
   c) Details of the light spread from each column.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with Policy 2 of the Lancashire Minerals and Waste Local Plan and Policy E10 of the Borough of Hyndburn Local Plan.

13. No development shall commence until details of the building materials to be used for the external facings of all structures including bridges, retaining walls and culvert sides and headwalls have been submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to conform with Policy 2 of the Lancashire Minerals and Waste Local Plan and Policy E10 of the Borough of Hyndburn Local Plan.

**Traffic Issues and Environmental Improvements**

14. No development shall commence on any part of the Whinney Hill Link Road until full design and construction details of how the scheme is to link in with the western arm
of the A679/A56 (T) junction and onto the northern limit of this roundabout, together with details of the highway alignment and geometry, carriageway markings, lane separation and destinations and highway signing and lighting have been submitted to and approved in writing by the County Planning Authority. The submitted details shall also include:

   a) Confirmation of full compliance current Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards)
   b) An independent Stage One and Stage Two Road Safety Audit (Stage Two to take account of any Stage One Road Safety Audit recommendations) carried out in accordance with current Departmental Standards (DMRB) and current Advice Notes.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the link road would be constructed so as not to compromise standards of safety on the A56 Trunk Road managed and maintained by the Highways Agency as part of the system of strategic routes in accordance with Section 10(2) of the Highways Act 1980.

Road Construction Operations

15. No soil stripping shall take place until a scheme and programme for the storage of stripped topsoils and subsoils has been submitted to and approved in writing by the County Planning Authority. The details shall include a plan showing the location of soil stockpiles, their heights and dimensions and proposals for their grading and grassing during the period of soil storage.

Reason: In the interests of visual amenity and amenity of local residents and to comply with Policy E10 of the Borough of Hyndburn Local Plan.

16. All available topsoil and subsoil shall be stripped from any part of the site before that part is excavated or is traversed by heavy vehicles, plant or machinery, or roads, buildings, plant yards or stores are constructed on it. All stripped topsoil and subsoil shall be retained on site for use in the approved landscaping works.

Reason: To ensure the proper removal and storage of soils to ensure satisfactory landscaping and restoration and to comply with Policy 10 of the Borough of Hyndburn Local Plan.

17. No movement of topsoil or subsoil shall occur during the period from the 1 October to the 30 April (inclusive) without the prior written consent of the County Planning Authority. At other times, the stripping, movement and resspreading of top and subsoils shall be restricted to occasions when the soil is dry and friable and the ground is sufficiently dry to allow the passage of heavy vehicles, plant and machinery over it without damage to the soils.

Reason: To ensure the proper removal, storage and replacement of soils to ensure
satisfactory restoration and to comply with Policy E10 of the Borough of Hyndburn Local Plan.

18. No topsoil or subsoil shall be sold or otherwise removed from the site without the prior written approval of the County Planning Authority.

Reason: To ensure the satisfactory landscaping of the link road route and in the interests of highway safety and amenity and to comply with Policy E10 of the Borough of Hyndburn Local Plan.

Hours of Working

19. No road construction works shall take place outside the hours of:

- 0730 to 1800 hours, Mondays to Fridays (except Public Holidays)
- 0730 to 1300 hours on Saturdays

No such development shall take place at any time on Sundays or Public Holidays.

This condition shall not, however, operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential repairs to plant and machinery used on site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy 2 of the Lancashire Minerals and Waste Local Plan and Policy E10 of the Borough of Hyndburn Local Plan.

Highway Matters

20. No development shall commence until wheel cleaning facilities to a design, specification and in locations first approved by the County Planning Authority have been installed at each of the site access points identified under condition 22. These facilities shall remain available for use at all times during the development so as to ensure that no debris from the site is deposited by vehicle wheels upon the public highway and shall be maintained in full working order at all times throughout the development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy 2 of the Lancashire Minerals and Waste Local Plan and Policy E10 of the Borough of Hyndburn Local Plan.

21. The facilities required under condition 20 shall be used by all heavy goods vehicles leaving the site.

Reason: To safeguard the amenity of local residents and adjacent
properties/landowners and land users and to comply with Policy 2 of the Lancashire Minerals and Waste Local Plan and Policy E10 of the Borough of Hyndburn Local Plan.

22. No development shall commence until the locations of the access points from the public highway into the road construction site have been approved in writing by the County Planning Authority. Only those access points approved by the County Planning Authority shall be used as access points during the construction of the new link road.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and to comply with Policy 2 of the Lancashire Minerals and Waste Local Plan and Policy E10 of the Borough of Hyndburn Local Plan.

Noise and Dust

23. All plant, equipment and other machinery used in connection with the construction of the road 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 comply with Policy 2 of the Lancashire Minerals and Waste Local Plan and Policy E10 of the Borough of Hyndburn Local Plan.

24. Measures shall be taken during road construction operations to ensure that no dust or wind blown material is carried on to adjacent property and in particular shall include the watering of all haul and access roads and the spraying of storage heaps or areas as necessary during dry weather conditions.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy 2 of the Lancashire Minerals and Waste Local Plan and Policy E10 of the Borough of Hyndburn Local Plan.

Safeguarding of Watercourses and Drainage

25. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site during highway construction operations to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourses or groundwater resource or adjacent land and to comply with Policy E10 of the Borough of Hyndburn Local Plan.

26. 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 drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to comply with Policy E10 of the Borough of Hyndburn Local Plan.

27. 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, gauges and sight glasses. There must be no drain through the bund floor or walls.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to comply with Policy E10 of the Borough of Hyndburn Local Plan.

28. Repair, maintenance and fuelling of plant and machinery shall, where practical, only take place on an impervious surface drained to an interceptor and the contents of the interceptor shall be removed from the site completely.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourses or groundwater resource or adjacent land and to comply with Policy E10 of the Borough of Hyndburn Local Plan.

Archaeology

29. No development shall commence until a written scheme of investigation including a phased programme of archaeological evaluation, researching and mitigation has been submitted to and approved in writing by the County Planning Authority.

Reason: In the interests of archaeology and to comply with Policy E6 of the Borough of Hyndburn Local Plan.

30. In the event that an archaeological find or feature other than those identified in the Environmental Statement is discovered, no construction operations or preparation for such operations shall take place within 10 metres of the find or feature for a period of 14 days from the County Planning Authority and Transport receiving written notification of such a discovery, unless otherwise agreed in writing by the County Planning Authority. If the County Planning Authority is of the view that the find or feature requires further investigation, no construction operations or preparation for such operations shall take place within 10 metres of the find or feature until such time as a scheme and programme for further investigation and recording has been submitted to and agreed in writing by the County Planning Authority. Thereafter the scheme and programme shall be implemented in full unless otherwise agreed in writing with the County Planning Authority.

Reason: In the interests of archaeology and to comply with Policy E6 of the Borough of Hyndburn Local Plan.
Landscaping and Management of Tree and Hedge Planting and Ecological Mitigation Works

31. All hedges and trees forming part of the site boundaries or to be retained within the site as shown on Drawing Number 5017072/PLD/010 shall be protected from any damage and maintained throughout the development 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 comply with Policy E3 of the Borough of Hyndburn Local Plan.

32. All areas of the site left undisturbed, and all topsoil, subsoil, soil making material and overburden mounds shall be kept free from noxious weeds throughout the development as defined in this permission.

Reason: In the interests of visual and local amenity and the local environment and to comply with Policy E10 of the Borough of Hyndburn Local Plan.

Definitions

For the purposes of this permission the following expressions shall mean:

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

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

Completion of the Development: The date when Whinney Hill Link Road is opened to traffic.

Notes

1) The grant of planning permission does not entitle a developer to obstruct the 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 Nos. 3, 6, 22, 23, 26, 27 and 39 in the Borough of Hyndburn are contained within the site.

2) The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency in respect of works to water courses or from Natural England in relation to works that may affect the habitat of protected species.

3) The applicant’s attention is drawn to the possible location of invasive plant species within the application site and the need to avoid contributing to the spread of such plants. Any soils brought to the site shall be free of the roots/ seeds/ stem of any invasive plant covered under the Wildlife and Countryside Act 1981.
Part III – Summary of Reasons for Grant of Planning Permission

The proposed road is identified in the Local Transport Plan to reduce the volumes of HGV traffic on unsuitable local roads. There is a commitment by the County Council to improve the highway network serving Whinney Hill set out in Lancashire Minerals and Waste Local Plan. There is also a clear commitment by the County Council to address the specific issue of HGV movements in the Huncoat area and to provide a direct link between Whinney Hill strategic landfill site and the ELWTP. The traffic problems exist in this area as a result of historical land uses in the area causing a conflict between industrial development and residential amenity. The proposed link road would help to resolve this conflict by removing a significant amount of traffic from roads fronted by residential properties.

The applicant has investigated alternative routes to connect the strategic waste management facilities at Whinney Hill and the proposed East Lancashire Waste Technology Park with the strategic highway network. The Highways Agency will not allow a link to the M65 motorway network or the A56. There are no other acceptable alternatives. The new link road would support the strategic waste framework and facilitate the opportunity for HGV’s associated with the Whinney Hill landfill site to access the strategic highway network without using the local highway network as provided for in the planning permission for the Whinney Hill 'Global' landfill scheme and the opportunity for HGV’s associated with the proposed East Lancashire Waste Technology Park to access the strategic highway network and the strategic landfill site at Whinney Hill. It would remove heavy goods vehicle traffic from the local highway network in Huncoat and the surrounding area thereby improving residential amenity. The road would have some environmental impacts but mitigation would be provided. The benefits the link road would provide in terms of the reduction in traffic that would be experienced on the local highway network and the improved environmental conditions for local residents and other road users along these routes would outweigh the impacts associated with noise and disturbance on the environment and other residential properties. The applicant has therefore demonstrated very special circumstances exist to justify the development within the Green Belt. The development complies with the policies of the Development Plan. The policies of the Development Plan relevant to this decision are:

Regional Spatial Strategy

Policy DP4 Make Best Use of Existing Resources and Infrastructure
Policy DP7 Promote Environmental Quality
Policy DP9 Reduce Emissions and Adapt to Climate Change
Policy RDF4 Green Belts
Policy RT1 Integrated Transport Networks
Policy RT4 Management of the Highway Network
Policy RT7 Freight Transport
Policy RT9 Walking and Cycling
Policy RT10 Priorities for Transport Management and Investment
Policy EM1 Integrated Enhancement and Protection of the Region’s Environmental Assets
Policy EM12 Locational Principles
Policy EM13 Provision of Nationally, Regionally and Sub-Regionally Significant Waste Management Facilities
Lancashire Minerals and Waste Local Plan

Policy 37 Strategic Road Network
Policy 79 Safeguarding Land for Future Disposal of Waste

Hyndburn Local Plan

Policy S1 Green Belt
Policy I1 Employment Allocations
Policy E3 Retention of Trees and Woodland
Policy E6 Safeguard Listed Buildings and Structures
Policy E10 General Development Criteria
Policy TR1 Traffic and Transport
Policy L1 Public Rights of Way
Policy I5 Notifiable Installations

Joint Lancashire Minerals and Waste Development Framework Core Strategy (JLMWDFCS)

Policy CS7 Managing our Waste as a Resource
Policy CS8 Identifying Capacity for Managing our Waste