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| No.1 | APPLICATION NO. | LCC/2020/0024 |
| | LOCATION | Land At Simonswood Moss North Perimeter Road Knowsley Industrial Park Kirkby Knowsley |
| | PROPOSAL | County Matter - The import of subsoil, topsoil, organic matter and aggregates to restore land levels to improve the site for agricultural use with ancillary infrastructure. |
| | APPLICANT | SED Recycling Limited |
| | WARD | Bickerstaffe |
| | PARISH | Simonswood |
| | TARGET DATE | 6th July 2020 |

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Rigby has requested it be referred to Committee to consider the impact on biodiversity and loss of peat resource and carbon storage.

2.0 SUMMARY

- 2.1 The Council have been asked for their observations on this application (a County Matter) which has been made to Lancashire County Council for the import of subsoil, topsoil, organic matter and aggregates to restore land levels to improve the site for agricultural use with ancillary infrastructure.
- 2.2 I recommend that West Lancashire Borough Council **object** to the application as the operational phase of the development to import material and fill the site is inappropriate development in the Green Belt and no very special circumstances have been put forward to outweigh the harm to perceived openness and encroachment into open countryside. In addition, the proposal will harm the landscape character of this mossland area and insufficient information has been submitted to demonstrate that there would be no likely significant effect on features of international importance - no Habitat Regulations Assessment has been carried out in this regard. In addition, no mitigation has been proposed for the permanent loss of a nationally recognised carbon resource or wetland moss habitat and it is not clear, from the information submitted, what the implications are for drainage and flood risk. As such, I consider the proposal fails to comply with Habitat Regulations, the NPPF, and Policies EN2 and GN1 of the Local Plan.

3.0 RECOMMENDATION: OBJECT

4.0 THE SITE

- 4.1 The application site is located to the east of Kirkby and the north-east of North Perimeter Road in the very south of West Lancashire Borough. The site measures approximately 22.86 hectares in area and is roughly rectangular in shape. The site is surrounded by relatively flat open agricultural land to the north and east. To the west and south east is land that was formerly used for peat extraction and is now being restored and to the south, White Moss Horticulture operates a green waste composting business.
- 4.2 The site has historically been worked for peat extraction. Access to the site is taken from a roundabout on North Perimeter Road which also serves Knowsley Industrial Estate to the

west and the adjacent green waste composting facility to the east. The site subject of the application is approximately 600m along a track beyond the green waste composting facility. The site is within the Green Belt.

5.0 THE PROPOSAL

- 5.1 Planning permission was originally granted for peat extraction at this site in 1949. Work ceased many years ago but due to the previous peat extraction activity, there is a depression in the land where peat has been removed down to underlying sand. This has resulted in a difference in land levels between the site and surrounding land and access tracks as well as waterlogging and a depletion in the soil resource. It is proposed to fill the site with soil, organic matter and aggregates and restore the land to historic levels prior to peat extraction taking place and enable the land to be used for agriculture.
- 5.2 The applicant intends to fill the void with a blend of materials, including soil, aggregates and organic matter. All materials would be locally sourced to ensure soil continuity within the local area and are proposed to include inert subsoils (from construction sites), topsoil (stripped topsoil from excavations), organic matter, e.g. compost (material from local green waste collections and Household Waste Recycling Centres) and aggregates (crushed stone etc. from demolition sites). A total volume of approximately 673,211m³ of restoration material would be required in order to achieve the proposed levels.
- 5.3 Land levels would be increased across the entire site bringing it approximately level with the surrounding access tracks, with the finished ground level being at 44m. A slight camber would be created to allow adequate natural drainage to ensure the site is suitable for agricultural use, with surface water run off directed to the existing field drainage network in the north-west corner.
- 5.4 To facilitate the restoration of the land, a temporary site compound is proposed to be erected at the south eastern corner of the site for the duration of the importation works. The temporary site compound includes a weighbridge, measuring 15m x 3m, a wheel-wash bath, measuring 10m x 4m with a 4m x 4m access ramp and a temporary office, measuring 12m x 3m. A stocking ground is also proposed at the north eastern corner of the site.
- 5.5 The applicant anticipates that to import the required volume of material would require an average of 13 vehicle trips per day over a period of approximately 60 months (equivalent to approximately 1-2 trips per hour throughout the working day).

6.0 RELEVANT APPLICATIONS

- 6.1 LCC/2017/0003 - County Matter - Change of use from composting storage to green waste composting within existing operational area. APPROVED
- 6.2 2013/1337/CMA - County Matter - Continuation of permitted compost storage activity without complying with condition 3 of planning permission 08/11/0529 in order to allow compost storage to take place to the rear of the site administration/compost processing buildings. APPROVED
- 6.3 2011/0529/CMA - County Matter - Variation of condition 8 of permission 2010/1226 to allow composting operations to continue until the 31st December 2042 independent from the cessation of peat extraction. APPROVED
- 6.4 2010/1226/CMA - County Matter - Improvements to vehicular access and resurfacing of approved compost product storage area. APPROVED

- 6.5 2010/0196/CMA - County Matter - Application for Determination of Conditions for permission 08/94/0291 for extraction, processing and storage of peat. APPROVED
- 6.6 2008/0998/CMA – County Matter – Importation and storage of sand to use as an additive in compost products. APPROVED
- 6.7 2007/0383/CMA – County Matter – Variation of Condition 4 (restoration no later than 20th August 2041) and 6 (permitted waste types) to planning permission 94/0024. APPROVED
- 6.8 2004/0024/CMA – County Matter – Change of Use of an operational peat extraction area to be used for the composting, processing and storage of minerals and providing for the early restoration of part of the minerals extraction site. APPROVED
- 6.9 8/94/0291/CMA – County Matter – Application for the determination of conditions for a registered Interim Development Order – Peat Extraction. APPROVED

7.0 **CONSULTEE RESPONSES**

- 7.1 As this is a County Matter application, LCC have carried out the relevant consultations. Observations of West Lancashire Borough Council consultees are as follows:
- 7.2 Environmental Health (17.06.2020) – HGV's should not be permitted to access the site prior to 7am on week days and 8am on Saturdays and a vehicular routeing plan should be submitted and approved by LCC.

8.0 **OTHER REPRESENTATIONS**

- 8.1 Simonswood Parish Council (28/05/2020) – Object to the proposal on the following grounds:

- loss of peat bog - Simonswood Moss is in the region of 400m of peat bog, most of which is under a regeneration project. It is the only area of peat bog in West Lancashire Borough and has a great effect on the storage of carbon for the surrounding area. Originally the Moss stored approximately 20ft of peat, which is now down to 12in or less and this cannot absorb the amount of rainfall we now experience. The site has never been used for agricultural purposes, it has always been a wild peat bog.

- impact on drainage and flooding - The site has several lakes and as the Moss is a catchment area for most of the rainfall if these lakes were to be filled in and the ground level raised this would result in flooding on adjoining farmland and property (already occurred at Wild Goose Farm).

- loss of wildlife – Since peat extraction ceased, the Moss has become a haven for wildlife, the site is an area of wetland that is home to hundreds of birds throughout the year, skylarks, lapwing, wigeon, teal, shell duck, oyster catchers etc. and with ever decreasing numbers, areas like this are vital to sustain the wildlife population in this part of the Borough.

- impact on pink footed geese – from October to February, thousands of pink footed geese winter on the Moss and this feeding ground would be lost. The numbers have already declined since the lakes were drained. This site lies within an area identified as supporting habitat to a Natura 2000 site.

- the lakes and habitat should be re-instated and not used as second or third grade agricultural land.

- after 15 years of restoration work on the Moss, why have the lakes been drained and surrounding habitat destroyed? If this application is granted what is to stop the rest of the Moss going the same way once the 15yr restoration period has expired?

9.0 SUPPORTING INFORMATION

9.1 The application is supported by the following information:

Transport Note
Wintering Bird Survey
Breeding Bird Survey
Ecological Survey
Phase 1 Desk Study
Landscape and Environmental Management Plan
Flood Risk Assessment
Planning Statement

10.0 RELEVANT PLANNING POLICIES

10.1 National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (February 2009), Joint Lancashire Site Allocations and Development Management Policies DPD (September 2013) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals should be assessed.

10.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan. The site also falls within the Mineral Safeguarding Area as designated under Policy M2 of the Joint Lancashire Minerals and Waste Local Plan.

10.3 The following policies apply:

National Planning Policy Framework (NPPF)

Achieving sustainable development
Building a strong competitive economy
Promoting healthy and safe communities
Making effective use of land
Protecting Green Belt land
Meeting the challenge of climate change, flooding and coastal change
Conserving and enhancing the natural environment
Facilitating the use of minerals

West Lancashire Local Plan (2012-2027) DPD

SP1 – A sustainable development framework for West Lancashire
GN1 – Settlement boundaries
GN3 – Criteria for sustainable development
EN2 – Preserving and enhancing West Lancashire's Natural Environment
IF3 – Service accessibility and infrastructure for growth

10.4 The following supplementary planning document is also relevant:
Supplementary Planning Guidance - Natural Areas and Areas of Landscape History Importance (August 2007)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

11.1 The application raises the following issues:

Principle of development in the Green Belt;
Impact upon Visual Amenity and Landscape Character;
Impact on Biodiversity;
Impact upon Neighbouring Properties;
Highways;
Drainage.

Principle of Development

- 11.2 Policy GN1 of the Local Plan states that planning applications for development in the Green Belt outside of settlement boundaries are to be assessed against both national policy (the NPPF) and any relevant local plan policies. Paragraph 133 of the NPPF retains the government's view that great importance is attached to Green Belts and that certain forms of development are not inappropriate within the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt (encroachment into the countryside this case).
- 11.3 Paragraphs 145 and 146 set out the limited types of development that are appropriate in the Green Belt. These include mineral extraction and engineering operations provided the operations preserve the openness of the Green Belt.
- 11.4 When considering the proposed development, there are two aspects of openness that require assessment. The first is the impact upon completion of the development - i.e. when the site has been filled and restored for agricultural purposes. The second, is the impact during the active restoration stage.
- 11.5 In terms of the impact upon completion of the proposed development, as land levels will be similar to those of the surrounding fields and will be returned to agricultural use, openness would be preserved and the development would not conflict with the purposes of including land in the Green Belt (encroachment in this case).
- 11.6 With regards the impact during restoration work, in my view, this amounts to the filling of the sunken area of land with materials. The applicant describes "a blend of materials" suggesting a mix of soil, aggregates and organic matter. However, no split between these types of materials is provided and it could potentially be a landfilling exercise with mostly demolition and construction materials used. In my view, this is likely to result in some harm to the openness of the Green Belt and result in encroachment. Firstly by the very use of inert waste material being "dumped" in the ground and secondly through the activity associated with the restoration of the site. This would include vehicular movements, wheel wash bath, weighbridge and office.
- 11.7 The NPPG confirms that openness is capable of having both spatial and visual aspects and that matters such as the degree of activity likely to be generated by a proposal can be taken into account – one such example of which is traffic generation. It is anticipated that the site would take approximately 5 years to achieve the proposed levels and that this would amount to approximately 1 to 2 HGV movements per hour over 12 hours as well as occasional smaller vehicles and machinery on site to move material. The surrounding land is flat and open and vehicle movements from North Perimeter Road to the site would be highly visible, particularly from the south. Although there is some amount of activity already taking place at the entrance off North Perimeter Road by White Moss Horticulture, the large application site to the east is some distance along an unmade track in an undeveloped area of the landscape. Whilst it is acknowledged that the restoration period is temporary, in my view, the associated activity would result in harm to the perceived

openness of the Green Belt and cause urban sprawl by encroaching into the open countryside contrary to the purposes of the Green Belt.

- 11.8 Para 144 requires that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 11.9 It is for the decision maker Lancashire County Council to weigh the green belt balance in respect of harm versus very special circumstances. However I am not aware of any very special circumstances that have been put forward by the applicant. In my view, there is no over-riding need to restore this site as it was restored following peat extraction many years ago and became part of a network of diverse wetland habitat. As such, I consider the justification for works to be less than compelling as it appears to be carried out for landfill purposes rather than to upgrade the landform and landscape quality.

Impact on Visual Amenity and Landscape Character

- 11.10 Policy GN3 of the Local Plan requires new development to protect and enhance the existing landscape. Policy EN2 requires development to maintain or enhance the distinctive character and visual quality of the Landscape Character Area. The NPPF supports this approach and seeks to protect and enhance the natural environment and recognizes the intrinsic character and beauty of the countryside.
- 11.11 The site is within the "Upland Type Mosses" as characterised in the 'Natural Areas and Areas of Landscape History Importance' SPG, with the general characteristics being flat, raised reclaimed mosslands, where it is important to protect existing semi- natural habitat, especially ponds, mosslands and drainage ditches, and create appropriate new habitats where opportunities exist. The SPG also encourages rehabilitation of mossland landscape on completion of extraction. As the proposed development upon completion is intended solely for agricultural use, it would harm the intrinsic landscape character of the local area and should include some form of wetland habitat creation in mitigation for that lost to filling. The proposal is therefore contrary to Policies GN3 and EN2 of the Local Plan.

Drainage

- 11.12 Policy GN3 and IF3 of the Local Plan seek to ensure flood risk is avoided/mitigated through development and that proposals for new development can be appropriately accommodated by existing water and drainage infrastructure. Paragraph 165 of the NPPF requires priority to be given to sustainable drainage systems.
- 11.13 The site is predominantly within Flood Zone 1 but the site entrance is within Flood 2 and 3. A Flood Risk Assessment and Drainage Strategy has been submitted. The Council's drainage engineer has advised that further information is required with regards the type of soil to be imported to the site as this may impact upon drainage of the site and clearer information should be provided to inform soil compaction and surface water run-off rates to surrounding land. The County Council as Lead Local Flood Authority, together with the Environment Agency will assess the proposals in respect of drainage issues.

Highways

- 11.14 Policy GN3 of the Local Plan requires proposals for development to incorporate suitable and safe access and road layout design and ensure that parking provision is made in line with the standards set out in Policy IF2.

- 11.15 The County Council is the Highway Authority and will assess the application in respect of highway safety issues.

Impact on Neighbouring Amenity

- 11.16 Policy GN3 of the Local Plan states that development should retain or create reasonable levels of amenity for adjoining occupiers and minimise the risk from all types of pollution and contamination. There are no immediately neighbouring residential properties. However the Council's Environmental Health Officer has considered the submission in respect of noise, air quality (dust) and lighting in terms of the importation and restoration phase. The submission states that HGV deliveries to the site will take place from 6am until 6.30pm Monday to Friday, 7.30am to 5.30pm Saturdays and 10am until 4pm Sundays. In the absence of a traffic routeing plan, they have advised that deliveries should not take place until 7am Monday to Friday and 8am on Saturdays to reduce noise from HGV movements north of North Perimeter Road where there are more residential areas of Kirkby. In other respects, they have confirmed that the information submitted sufficiently demonstrates that in terms of noise, air quality and lighting, there would not be a significant detrimental impact on the amenities of local residents, in accordance with Policy GN3.

Biodiversity

- 11.17 Policy EN2 of the Local Plan requires that development proposals must seek to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, is required to fully offset impacts. I note that the County Council obtain their own ecological advice and consultation has taken place with relevant statutory consultees, Natural England and the Environment Agency which will be considered in the assessment of the application.
- 11.18 I would bring to the attention of LCC that the site falls within functionally linked land to the Ribble & Alt Estuaries Special Protection Area and Ramsar and Martin Mere SPA and Ramsar. This is due to the internationally important numbers of pink footed geese that use the land and surrounding areas as feeding and overnight roosting ground. LCC should be satisfied that sufficient information has been submitted to inform a Habitats Regulations Assessment and that impacts on pink footed geese and necessary mitigation can be provided to ensure the likelihood of significant effects is ruled out.
- 11.19 In addition to the above, LCC also need to be satisfied that the fill material will not result in a harmful impact on surrounding soil and water bodies and importantly, that consideration is given to opportunities for peat restoration on the site to repair damage previously carried out on the site and enhance biodiversity and functionality of the site as a raised peat bog in accordance with Paragraph 175 of the NPPF.
- 11.20 Paragraphs 149 to 154 of the NPPF refer to the importance of taking a proactive approach to mitigating and adapting to climate change taking into account the long term implications for *inter alia* biodiversity and landscapes. As such, an assessment should be made of the potential carbon storage possibilities of the site having regard to potential peat regeneration.

Summary

- 11.21 The proposed restoration activity on the site is considered to constitute inappropriate development within the Green Belt which causes harm to openness and encroachment

into the open countryside contrary to one of the purposes of the Green Belt. Whilst this activity may be temporary, it should nonetheless be weighed against any special circumstances there are to justify the proposed development. I also consider that the development proposed would be detrimental to the character of the landscape due to the loss of wetland habitat and as such would not accord with Policies GN3 and EN2 of the Local Plan.

11.22 Finally, I consider that further information is required with respect to the type of imported material to restore the site and this has implications for drainage and flood risk, biodiversity, soil depletion and carbon storage. Further information is also required to fully assess the ecological implications with respect pink footed geese, protected species and habitats and HRA is required. No mitigation is proposed to offset the loss of the wetland moss site, contrary to the NPPF.

12.0 RECOMMENDATION

12.1 West Lancashire Borough Council raises **objections** on the following grounds:

1. The proposed restoration activity on the site conflicts with the NPPF and Policy GN1 of the West Lancashire Local Plan 2012-2027 DPD as it is considered to constitute inappropriate development within the Green Belt which causes harm to openness and encroachment into the open countryside contrary to one of the purposes of the Green Belt. Whilst this activity may be temporary, it should nonetheless be weighed against any special circumstances there are to justify the proposed development. No such special circumstances have been put forward.

2. The proposed development would be detrimental to the character of the landscape due to the loss of wetland habitat and as such would not accord with Policies GN3 and EN2 of the West Lancashire Local Plan 2012-2027 DPD.

3. Insufficient information has been submitted with respect to the specific type mix of imported material used to restore the site (fill) and this has implications for drainage and flood risk, biodiversity, soil depletion and carbon storage. As such the proposal conflicts with the NPPF and Policies GN3 and EN2 of the West Lancashire Local Plan 2012-2027 DPD.

4. Insufficient information has been submitted to fully assess the ecological implications of the development with respect pink footed geese, protected species and habitats and HRA is required. No mitigation is proposed to offset the loss of the wetland moss site, contrary to the NPPF and Policy EN2 of the West Lancashire Local Plan 2012-2027 DPD.