

PLANNING PERMISSION

Name and address of Applicant

PETER SEDGWICK
Lynwood
Newton
Preston
PR4 3RU

Name and address of Agent (if any)

CFM CONSULTANTS LTD
1 New Media House
8 Hardhorn Road
Poulton Le Fylde
FY6 7SR

Part I – Particulars of application

Date of application: **19 August 2010** Application No. **05/10/0641**

Particulars and location of development:

Extraction of clay to form a fishing lake including 5 car parking spaces and alteration of existing access Lynwood Blackpool Road Newton

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 hereby permitted shall be begun not later than 3 years from the date of this permission.

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

2. The excavation operations to create the fishing lakes shown on drawing PS/04060/003A shall be completed within two years of the date of their commencement as notified to the County Planning Authority under the requirements of condition 3 below. The site shall be landscaped in accordance with the scheme and programme approved under the requirements of condition 17 within one year of the completion of the excavation works.

Reason : In the interests of visual amenity and the amenity of local residents and to conform with Policies 2 and 7 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

3. Written notification of the date of commencement of the excavation works shall be sent to the County Planning Authority within seven days of such commencement.

Reason : In the interests of visual amenity and the amenity of local residents and to conform with Policies 2 and 7 of the Lancashire Minerals and Waste Local Plan and Policy SP2 of the Fylde Borough Local Plan.

Working Programme

4. 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 received by the County Planning Authority on 19th August 2010, as modified by the emails from CFM Consultants dated 26th October 2010 and 28th October 2010

- b) Submitted Plans and Documents:

Drawing PS/04060/001A – Location Plan
Drawing PS/04060/003A – Proposed Site layout
Drawing PS/04060/004A – Proposed Entrance layout
Drawing PS/04060/005 – Proposed Sections

- c) All schemes and programmes approved under the conditions to this planning permission.

Reason: For the avoidance of doubt and to enable the County Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policies 2, 7, 37 and 112 of the Lancashire Minerals and Waste Local Plan and Policies SP2, of the Fylde Borough Local Plan.

Site Operations

5. All trees and hedgerows forming the boundaries of the site as shown on drawing PS/04060/003A shall be protected from damage and maintained throughout the excavation phase of the development.

Reason: In the interests of the visual amenity of the area and to conform with Policy 7 of the Lancashire Minerals and Waste Local Plan.

6. No excavation of clay shall take place below a depth of 3 metres below existing ground levels as shown on drawing PS/04060/003A.

Reason: In the interests of local amenity and to conform with Policy 7 of the Lancashire Minerals and Waste Local Plan.

7. Prior to the commencement of development, the boundary of the lakes as shown on drawing PS/04060/003A shall be marked out on the ground using pegs, tape or other

form of delineation. No soil stripping or extraction shall take place outside of the area delineated under the requirements of this condition.

Reason: In the interests of local amenity and to conform with Policy 7 of the Lancashire Minerals and Waste Local Plan.

8. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufactures specification and shall be operated in accordance with that specification at all times throughout the development.

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

9. Measures shall be taken at times during the construction of the fishing lakes to minimise the generation of dust. Such measures shall include the watering of all haul and access roads and stockpiles and the suspension of activities during dry and windy weather conditions.

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

10. No soil stripping, excavation or landscaping works shall take place outside the hours of 07.30 – 18.00 hours Monday to Fridays (except public holidays)

No soil stripping, excavation or landscaping operations shall take place on Saturdays, Sundays or Public Holidays.

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

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

11. Notwithstanding the hours of operation specified in condition 10 above, no soil or clay shall be exported from the site outside the hours of 09.30 – 15.00 Mondays to Fridays. No such export shall take place on Saturdays, Sundays or Public Holidays.

Reason: In the interests of local amenity and highway safety and to conform with Policies 2 and 37 of the Lancashire Minerals and Waste Local Plan.

Highway Matters

12. No development shall commence until the access and highway works set out in this condition have been carried out and signage erected in accordance with a scheme and programme which has first been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include details of the following:-
- a) The laying out of the site access, including visibility splays to be provided, the dimensions of the access road including location and design of any gates that are to be provided
 - b) The surfacing of the access road including area to be surfaced and construction details.
 - c) The provision of warning signage on the A583 to warn other road users of turning construction traffic
 - d) Details for the provision of wheel cleaning facilities including details of location and specification
 - e) Signage to be provided at the site access to inform drivers of all HGV's to turn left from the site access

The approved works and signage shall be retained in position throughout the development.

Reason: In the interests of highway safety and to conform with Policy 37 of the Lancashire Minerals and Waste Local Plan.

13. The wheel cleaning facilities contained in the scheme and programme approved under the requirements of condition 12 above shall be installed prior to any soil or clay materials being exported from the site and shall be used by all vehicles leaving the site so as to ensure that no mud, dust or other deleterious materials are deposited on the public highway by vehicles leaving the site.

Reason: In the interests of highway safety and local amenity and to conform with Policies 2 and 37 of the Lancashire Minerals and Waste Local Plan.

14. Not more than 20 Heavy Goods Vehicles, as defined in this permission, shall leave the site in any one day during Mondays to Fridays inclusive.

Reason: In the interests of highway safety and to conform with Policy 37 of the Lancashire Minerals and Waste Local Plan.

15. A written record shall be maintained at the site of all movements of Heavy Goods Vehicles out of the site, as defined in this permission. Such records shall contain the registration number and the time and date of the movement and shall be made available for inspection by the County Planning Authority on request at any time.

Reason: In the interests of highway safety and to conform with Policy 37 of the Lancashire Minerals and Waste Local Plan

16. The fishing lakes shall not be used for commercial purposes.

Reason: In the interests of highway safety and to conform with Policy 37 of the Lancashire Minerals and Waste Local Plan.

Landscaping

17. No development shall commence until a scheme and programme of landscaping for the site has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall be prepared in general accordance with drawing PS/04060/003A and shall contain the following details:-

- a) The gradients and landscaping of the lake margins which shall provide for the creation of an area of secluded waterside banking with fringing vegetation suitable for water voles.
- b) The landscaping of all areas of the site around the lakes that have been subject to disturbance including re spreading of soils, cultivation and seeding.
- c) Details of the mounding where spoil is to be retained on the site including contours of mounding and details for the surface treatment including seed mixes to be used
- d) Details of tree and hedge planting including areas to be planted, layout of planting, details of species, sizes and types of plants, spacings, planting techniques and protection measures.

The landscaping works contained in the approved scheme shall be implemented within one year of the completion of the excavation works at the site.

Reason: In the interests of the visual amenity of the areas and to conform with Policy 7 of the Lancashire Minerals and Waste Local Plan.

18. If the final configuration or depth of the excavation has not been reached within the time limits specified in condition 2, an amended version of the landscaping scheme approved under the requirements of condition 17 above shall be submitted to the County Planning Authority within 28 days of the time limit specified in condition 2 for approval in writing. The scheme and programme shall contain the information required by condition 7 based upon the revised dimensions of the lakes. The landscaping works contained in the approved scheme shall be implemented in the first available planting season following the date of approval.

Reason; To secure the proper landscaping of the site in the interests of visual amenity and to conform with Policy 7 of the Lancashire Minerals and Waste Local Plan.

19. The tree and shrub planting undertaken as required by conditions 17 and 18 above shall be maintained for a period of five years following planting including replacement of failures, weed control and maintenance of protection measures.

Reason: To secure the proper landscaping of the site in the interests of visual amenity and to conform with Policy 7 of the Lancashire Minerals and Waste Local Plan

Definitions

Heavy goods vehicle: a vehicle of more than 7.5 tonnes gross weight.

This consent requires the construction, improvement or alteration of an access to the public highway. Under section 184 of the Highways Act 1980, the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority can carry out these works. Before any works to the access commence you should contact the County Council's Area Manager (Public Realm) North (tel 01524 753339) quoting the planning permission reference.

The applicant is advised to contact the National Grid Plant Protection Team (tel 01455 982297) regarding protection of the underground / overground electricity cable within the site.

Part III Summary of Reasons

The proposal is for the creation of two small fishing lakes. The extraction operations to create the lakes would be acceptable in terms of the amenities of local residents. The lakes would be an acceptable use of land in the Countryside Area and would be acceptable in terms of local landscape and ecology impacts. The development is acceptable in terms of highway safety. The development complies with the policies of the Development Plan. The policies of the Development Plan relevant to this development are:-

Lancashire Minerals and Waste Local Plan

Policy 2	Quality of life
Policy 7	Open countryside and landscape
Policy 22	Water Resource Availability
Policy 23	Water Resource Protection
Policy 37	Strategic Road Network
Policy 112	Standards of Operation

Fylde Borough Local Plan

Policy SP2	Development in Countryside Areas
Policy EP12	Conservation of Trees and Woodlands
Policy EP18	Nature Conservation
Policy EP19	Nature Conservation
Policy EP23	Pollution of Surface Water



Date: 5 January 2011

LANCASHIRE COUNTY COUNCIL

**JO TURTON
EXECUTIVE DIRECTOR OF
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.

NOTE:

- 1. Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities and Local Government and the Regions under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within 6 months of the date of this notice, using a form which you can get from the Planning Inspectorate, Registry/Scanning Room , 3/05 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

2. Purchase Notices

- If either the local planning authority or the Secretary of State for Communities and Local Government and the Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the District/Borough Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

- 3.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State for Communities, Local Government and the Regions on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.