

Committee Update Sheet – 28th April 2022

Item 6 – 07/202100966/REM Land West of Lancashire Business Park, Centurion Way, Farington

Since the agenda was published, the Environment Agency have provided their formal response and raise no objections, commenting:

“We have reviewed the submitted information, alongside undertaking a detailed review of the hydraulic model supplied for this development and have no objection to this Reserved Matters application.

Design Changes – Advice to the LPA

The proposals on site have significantly changed since we reviewed the Outline planning application for this site (07/2020/00781/OUT) and the initial Reserved Matters application. We recommended conditions on the Outline application and also proposed potential planning conditions for the Reserved Matters planning application when it was originally submitted.

The applicant has since proposed the diversion of Watercourse 1 through an open channel within the site. The submitted information, particularly the Farington Flood Risk Strategy, produced by JBA, dated 26th August 2022, demonstrates that the revised channel design significantly reduces flood extents within the site boundary.

*The applicant has submitted the proposed location and design of the watercourse diversion alongside the hydraulic model used within the Flood Risk Strategy. Following a detailed review of the model, it is considered appropriate for use within the context of the proposals. As such, we have **no objections** to the proposed development as submitted, however the detailed design of the proposed scheme will be subject to an Environmental Permit, for which discussions with the applicant are ongoing.”*

The EA go on to provide advice for the applicant which can be included on the decision notice as informative notes:

“Hydraulic Modelling - Advice for the LPA and Applicant

Flood risk modelling undertaken by a third party has been used in support of this application and the Environment Agency has applied a risk based approach to the assessment of this model. In this instance, a detailed review has been carried out. The Environment Agency has not undertaken a full assessment of the fitness for purpose of the modelling and can accept no liability for any errors or inadequacies in the model.

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- *on or within 8 metres of a main river (16 metres if tidal)*
- *on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)*
- *on or within 16 metres of a sea defence*
- *involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert*
- *in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.*

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Proximity to Existing Industry Regulated by the EA – Advice to LPA and applicant

The proposed development is next to an existing waste facility regulated by the Environment Agency. Being located close to a waste facility could result in people at the new development being exposed to impacts including odour, noise, dust and pests. The severity of these impacts will depend on the size of the facility, the nature of the waste it takes and prevailing weather conditions.

Planning policy requirements (paragraph 187 of the National Planning Policy Framework) states that new development should integrate effectively with existing businesses and not place unreasonable restrictions

upon them. Where the operation of an existing waste transfer facility could have significant adverse effects on new development (including changes of use), the applicant should be required to provide suitable mitigation for these effects. Mitigation can be provided through the design of the new development to minimise exposure to the neighbouring waste transfer facility and/or through financial contributions to the operator of the activity to support measures that minimise impacts.

Environmental Permitting Regulations require operators to demonstrate that they have taken all reasonable precautions to mitigate impacts of their operations. This is unlikely to eliminate all emissions and there are likely to be residual impacts. In some cases, these residual impacts may cause neighbouring properties concern. There are limits to the measures that the operator can take to prevent impacts to neighbouring properties. Consequently, it is important that planning decisions take full account of paragraph 187 of the NPPF. When a new development is built near to an existing waste transfer facility this does not automatically trigger a review of the permit.”

In view of the response, the decision no longer needs to be delegated to the Director of Planning and Development in consultation with the Chair of Planning Committee and the recommendation can now be changed to **'Approval with Conditions'**

Additionally, the EA have also provided a response to 07/2021/01040/DIS for the discharge of conditions 9, 10 and 34 of the outline planning permission 07/2020/00781/ORM advising that condition 9 should be referred to the LLFA and that conditions 10 and 34 can be discharged.