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| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | **LH** | **Date:** | **19.6.24** | **Manager:** | **NH** | **Date:** | **19/06/24** |
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| **Application Ref:** | 2024/0038 |  |
| **Date Inspected:** | 14.2.24 | **Site Notice:** | 14.2.24 |
| **Officer:** | Lyndsey Hayes |
| **DELEGATED ITEM FILE REPORT:**  | **APPROVAL** |
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| **Development Description:** | Proposed drilling of borehole for ground source heating purposes and associated underground pipework |
| **Site Address/Location:** | Land adjacent to 8 Old Hive PR3 2QQ |
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| **CONSULTATIONS:**  | **Parish/Town Council** |
| No representations received. |
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| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
| **LCC Highways** | No objection |
| **Environment Agency** | No objection |
| **RVBC Environmental Health** | Require details of control measures during the site preparation and construction phase to be submitted to prevent nuisance from noise/ dust/ fumes/ vibration. Site preparation and construction phase works shall be restricted to 0800 - 1800hrs Monday to Friday, 0900 to 1300hrs on Saturdays, and shall not take place on Sundays and Bank Holidays, unless otherwise prior agreed in writing with the local planning authority. All works shall be undertaken in accordance with BS5228:2009. |
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| **CONSULTATIONS:**  | **Additional Representations.** |
| Two representations from 1 household objecting to the proposal on the following grounds:-* Question feasibility studies. Historic properties in Chipping are unsuitable.
* Benefits to community is dubious.
* Inappropriate development within the AONB with no very special circumstances
* Damage to the infrastructure of the village and its heritage assets.
* Drilling rigs would be a visual eyesore
* Unsuitable / uncertain geology
* Disruption to the road network during the drilling period
* Safety hazard being under the highway and close to properties leading to ground instability and environmental issues which is contrary to the NPPF
* Noise and light pollution impacting on wildlife/biodiversity including bats which are known to roost nearby and the nearby Clark House BHS
* Scheme may need an environmental permit but unsure if this has been obtained
* Query the LCC Highways response which makes reference to two boreholes
* Query whether LCC Highways understand the full highway implications including apparatus in the highway
* Query whether LCC Highways realise that the drilling site will restrict access to properties.
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| **Ribble Valley Core Strategy:**Key Statement DS1 – Development StrategyKey Statement DS2 – Sustainable DevelopmentKey Statement EN2 – Landscape Key Statement EN5 – Heritage AssetsPolicy DMG1 – General ConsiderationsPolicy DMG2 – Strategic ConsiderationsPolicy DMG3 – Transport and MobilityPolicy DME2 – Landscape and Townscape ProtectionPolicy DME3 – Site and Species Protection and ConservationPolicy DME4 – Protecting Heritage AssetsPolicy DME5 – Renewable EnergyPolicy DME6 – Water ManagementPlanning (Listed Buildings and Conservation Areas) ActNational Planning Policy Framework (NPPF) |
| **Relevant Planning History:**There are other pending applications for boreholes and associated works within the village which require planning permission or listed building consent as part of the Chipping Community Energy Project. |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| **Site Description and Surrounding Area:**The application site relates to an area of land within the highway currently used for parking adjacent to a cluster of stone properties known collectively as Old Hive, just outside the village of Chipping. The site lies immediately adjacent to the front stone cobbled curtilage of 8 Old Hive. The conservation area of Kirk Mill is to the east and north, accessed via Malt Kiln Brow. Public Right of Way route 3-12-FP-129 passes to the north of the site from Old Hive through to Clark House Biological Heritage Site to the north and beyond. The site is within the Forest of Bowland National Landscape. |
| **Proposed Development for which consent is sought:**The application seeks planning permission for the drilling of one borehole for ground source heating purposes and associated underground pipework within the public highway. The borehole is a ‘closed loop borehole’ between 50m and 200 metres deep and 130mm in diameter. It would not extract any water from the borehole, but instead circulate a heat transfer water mix through a flow and return pipe that is to be installed throughout the length of the borehole once it has been drilled to collect the heat from the surrounding rock. The gap between the pipe and the surrounding rock will be filled with grout. This pipe will then connect to the underground pipework being installed in a trench between the borehole and the applicant’s curtilage. It would then extend underground within the front curtilage of 8 Old Hive to feed a ground source heat pump in the property which are being installed as permitted development works. Once the pipework has been laid the intention is to return the affected highway surface to the condition it was in prior to the development.  |
| **Principle of Development**The development is required to provide a low carbon heat source to facilitate a ground source heat pump, as part of a wider community project to support the transition to low carbon heating in the rural community of Chipping which includes harder to heat old stone properties. The principle is supported by policy DME5 subject to the development having an acceptable impact on the local environment and on local amenity. Policy DME5 requires consideration to be given to the potential benefits of such proposals. The proposal if approved would form a network of community financed and owned boreholes developed by Chipping Community Energy Group who have been working for three years to develop a viable low carbon heat option for Chipping residents. The applicant cites that the benefits to members of the community include access to economies of scale e.g. drilling multiple boreholes at the same time, a community scale solution which all properties can benefit from, community finance and the most efficient heat pump technology (access to warmer ambient heat from the borehole where temperatures typically range from 50C to 100C). The applicant goes onto state that community wide surveys confirm wide consumer demand for such a solutionas such the proposal would appear to have local community support.Policy DME5 goes onto state that such schemes will not be allowed in AONB’s (now National Landscapes) unless the proposals cannot be located outside such statutory designations. As the entire village of Chipping lies within the National Landscape, and this is a community wide project with the aim to be as inclusive as possible, then it is not possible for it to be located outside of this designation. The policy also states these will not be allowed where they compromise the objectives of the designation and fail to mitigate any adverse environmental impacts. This will be considered in due course below.Policy DMG2 identifies the type of development acceptable in tier 2 villages and outside settlement boundaries. This includes ‘small-scale uses appropriate to rural areas where a local need or benefit can be identified’. Once the borehole has been dug and the pipework laid, the proposal will be unseen being mostly underground and then the highway surface returned to the condition it was in prior to the development. As such the impact of the development is considered to be immediate to its surrounds, and so could be considered a small-scale development. The benefits are identified above. In which case the proposal is considered to be compliant with policy DMG2 subject to an assessment on visual and landscape impacts below.Even if the proposal were not considered small-scale, this policy conflict with policy DMG2 would have to be balanced against the policy support expressed by policy DME5 for renewable energy schemes in rural areas, and where all other policy requirements of DME5 are met, it would be difficult to conclude that the proposal would not be an appropriate form of development in a rural area.A third party representation makes reference to this being inappropriate development where no very special circumstances exist, however this test applies to development in the Green Belt or to major development (as defined in the DMPO) in National Landscapes, none of which apply here. |
| **Impact on Heritage**Regard must be given to the statutory duties imposed on the authority in respect of the preservation and enhancement of heritage assets. At a local level, Key Statement EN5 and Policy DME4 are relevant for the purposes of assessing likely impacts upon designated heritage assets resultant from the proposed development. At a national level, the NPPF sets out further duties in respect of considering potential impacts upon designated heritage assets with Paragraphs 205 – 214 being of particular relevance. In addition, the principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 (as amended by s.58B (1) of Levelling-up and Regeneration Act 2023) is to preserve or enhance the special character of heritage assets, including their setting. In determining applications that affect designated heritage assets, the authority must consider the duties contained within the principal Act.Kirk Mill Conservation Area and a number of Listed Buildings, including the Grade II Listed Kirk Mill and associated Mill Pond, lie to the east of the application site. However the intervening distance and undulating topography, together with the fact that the proposal would be underground, means there would be no impact upon the setting of these designated heritage assets. Construction traffic particularly the larger vehicles would have no reason to travel through the conservation area. It is accepted that during the digging of the borehole there may be noise impacts on the conservation area, however this impact is short-term and temporary in nature (the application states typically 2-3 days), and reflective of the former industrial character of the Kirk Mill, as such no adverse impacts on the significance of the conservation area or listed buildings are identified.As for archaeology, the applicant’s supporting statement advises *“The proposal involves underground works within areas with undoubted historical development. There is potential for features of archaeological interest to be disturbed during the construction. However, all due diligence has been undertaken insofar as it can be at this stage of the process. The County Historic Environment Record has been assessed for possible impact and the County Archaeologist has been contacted to seek any guidance as to the likelihood of any other potential areas of interest within the scope of the proposal. None has been identified. In addition to this, the Working Method Statement indicates that the works will be dug by hand for the first 1m depth. This is to ensure that no unknown services are disturbed and to allow any discovered features to be examined. Overall, the area of construction is small, comprising a borehole of about 150mm in diameter and a trench for the connecting pipework of about 500mm wide.”*No response has been received/ concerns raised by LCC Archaeology. As such the proposal would satisfy the principal Act, local plan policy DME4, key statement EN5 and the NPPF in respect of heritage impacts. |
| **Visual Impact / Impact upon the Forest of Bowland National Landscape / Other Environmental Impacts:**Policy DMG1 is relevant insofar that the policy sets out general Development Management considerations, with the policy having a number of inherent criterion on design and environment that are relevant to the assessment of the current proposal.Key Statement EN2 requires the landscape and character of the Forest of Bowland National Landscape to be protected, conserved and enhanced. Development will be expected to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, features and building materials.As previously stated, once the borehole has been dug and the pipework laid, the proposal will be unseen being mostly underground and then the highway surface returned to the condition it was in prior to the development. The surface affected by the proposed development is tarmac (the cobbled area in front of No.8 is within its curtilage and outside of the application site). As such the development would not impact upon important landscape features and re-instatement of an appropriate surface finish can be secured by condition.The visual impact of the drilling rigs / fenced off drilling site during the installation of the borehole would be temporary in nature (the application states typically 2-3 days to drill the borehole and install the associated pipework, grout and then tidy and reinstate the site), which would not give rise to any concerns.The environmental effects are mainly associated with the installation of the borehole. Paragraph 180 of the NPPF requires decisions to contribute to and enhance the natural environment by…preventing new development from contributing to… unacceptable levels of soil, air, water or noise pollution or land instability. Noise and vibration and air quality (dust) impacts are limited to the construction phase. In view of the timescale indicated (typically 2-3 days) it would not be reasonable to refuse the application on this basis. Conditions can require the submission of a method statement which details the working methods to mitigate impacts as well as a construction management plan to demonstrate that appropriate mitigation has been considered to reduce impacts.In terms of water and contamination impacts the Environment Agency has been consulted and raise no objection. The site is located in flood zone 1 (lowest risk of flooding) and the application states ‘to satisfy the Environment Agency’s Good Practice Guide the site was assessed to make sure that there are no existing water extraction points within 50 metres of the proposed boreholes and that the site isn’t within 10 metres of a watercourse.’Paragraph 189 of the NPPF states ‘Planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation. There is nothing on the Council’s GIS mapping system to indicate that the site is at risk from contamination and the site is not within a coal mining constraint area. Whilst a land stability report has not been undertaken, the application submission refers to carrying out a risk assessment to evaluate the risks and mitigation measures required. Paragraph 190 of the NPPF goes onto state that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. Imposing a condition which requires the submission of a method statement and risk assessment together with mitigation is reasonable and sufficient to meet this requirement.As such, taking account of the above matters, it is not considered that the proposed development raises any conflict(s) with Key Statement EN2 or Policy DMG1 of the Ribble Valley Core Strategy, nor any conflicts with the objectives of the National Planning Policy Framework in respect of protecting National Landscapes and avoiding environmental harm.  |
| **Impact upon Residential Amenity**The impacts are mainly associated with the installation of the borehole from a noise and vibration and dust perspective, however in view of the timescale indicated (typically 2-3 days) it would not be reasonable to refuse the application on this basis. Conditions are to be imposed requiring the submission of a method statement which details the working methods to mitigate impacts as well as a construction management plan to demonstrate that appropriate mitigation has been considered to reduce impacts.  |
| **Impact upon Highway Safety**Whilst concerns from a third party objector about disruption to the road network and restricted access to properties during the construction phase are noted, these impacts would be temporary in nature (typically 2-3 days) and is comparable with disruption caused by relevant authorities when undertaking works in the highway. LCC Highways raise no objection to the proposal but advise that as the works would be within the adopted highway appropriate permits would be required from the highway authority. Whether or not the permits / licenses would be forthcoming is not relevant to consider in this application. The proposed borehole and underground pipes are not directly on the route of the PROW however should the highways permit require the temporary stopping up or diversion of the nearby PROW then this would be a matter for the PROW Team to advise on. |
| **Ecology and Trees**There are no trees nearby that would be affected by the proposal.In terms of immediate ecology impacts the site lies within a hard-surfaced area which does not provide a habitat for protected species. Clark House Farm Pasture BHS is nearby. This site is designated for its diverse grassland communities which represent a species rich pasture as well as areas of scattered copse. This together with the rural nature of the site and proximity to older buildings and watercourses means that wildlife is likely to be prevalent in the area, including protected species habitats. However, as the drilling would be temporary (typically 2-3 days) it is not considered that the development would result in any unacceptable impacts on ecology. The construction management condition could include reference to details of any site lighting. |
| **Other Matters**Comments are raised about the feasibility of the project including suitability of properties and geology; potential damage to the infrastructure of the village and its heritage assets; and the potential need to obtain an environmental permit. The highways authority can request pre-development condition surveys on highways infrastructure affected and remediation to be carried out where necessary, however this request has not been made in this case. The other concerns are all matters for the applicant or homeowner to consider and are not relevant planning considerations. |
| **Observations/Consideration of Matters Raised/Conclusion:**As such, for the above reasons and having regard to all material considerations and matters raised that the application for planning permission is recommended for approval. |
| **RECOMMENDATION**: |  |
| That planning permission be granted subject to the imposition of conditions. |