

Agenda Item	Committee Date	Application Number
A5	19 August 2019	19/00567/CCC

Application Site	Proposal
Imperial Road Morecambe Lancashire	The development of an energy recovery facility comprising: the erection and operation of an energy from waste building including offices, workshop and visitor/education facilities; air cooled condensers; internal access roads; car, cycle and coach parking; perimeter fencing; electricity sub-stations; weighbridges; weighbridge office; contractors office; water and diesel tanks; lighting; heat offtake pipe; hardstandings; earthworks; landscaping and other ancillary infrastructure

Name of Applicant	Name of Agent
Mr Jon Woodhall	Mr Andrew Russell

Decision Target Date	Reason For Delay
28 May 2019	Awaiting further information

Case Officer	Mrs Eleanor Fawcett
Departure	No
Summary of Recommendation	No objection in principle, subject to conditions.

i) **Procedural Matter**

Lancaster City Council has been consulted in relation to a planning application which has been submitted to the Lancashire County Council as they are the determining Authority for applications relating to the disposal of waste (ref. LCC/2019/0021). Therefore this is not an application which the City Council will determine, but will provide a response as a consultee. As a result, the only consultation that has been undertaken, in order to inform the response, is within this Authority. All other consultations, including neighbouring properties, will be undertaken and considered by the County Council in the consideration and determination of that application.

1.0 The Site and its Surroundings

1.1 The site covers an area of approximately 4 hectares of previously developed land (former chemical works) located to the north of the small settlement of Middleton and approximately 1 km to southeast of the edge of Heysham. It is within an allocated employment site, Lancaster West Business Park, and is accessed via Imperial Road, which is unadopted and joins the Lancaster Morecambe Bypass at a roundabout to the north. The site is currently vacant and consists largely of areas of rough grassland, with some groups of trees to the southwest and a raised bund along the eastern boundary which contains some scattered trees and shrubs. There is a drainage pond/lagoon located adjacent to the southern boundary and one adjacent to the northern boundary. The site is located within Flood Zone 1, although Flood Zone 3 abuts the eastern boundary.

1.2 Immediately to the south is Middleton Waste Transfer Station, which is accessed from the same road. Beyond this is further industrial development before the start of the residential area of Middleton; the closest dwelling being about 230 metres from the site. There is one Grade II Listed building, The Old Roof Tree Inn, located on the northern edge of the village. To the east is relatively flat, low lying and undeveloped agricultural land containing some dispersed farm groups and several large wind turbines. Approximately 360 metres to the south east is a farm group, Downy Field Farm, and the two dwellings and a large barn are Grade II Listed. To the immediate north are fields, and beyond the bypass there is a large substation development. There is a further large substation to the north west and large pylons

cross the land to the north in an west/east direction. Between the site and this substation, approximately 400 metres to the north west, is a residential caravan park.

- 1.3 Approximately 30 metres to the west of the site boundary, on the opposite side of the existing access road, is Middleton Marsh Biological Heritage Site (BHS). There are two further BHSs near the site, comprising Middleton Former Refinery Site, around 360 metres to the west, and Heysham Moss approximately 900 metres to the north. The latter lies adjacent to Heysham Moss Site of Special Scientific Interest (SSSI). The site is located approximately 1.5 kilometres from the Lune Estuary SSSI and Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. There is also the relatively recently designated Wyre-Lune Marine Conservation Zone at a similar distance from the site.
- 1.4 The nearest Conservation Areas to the site are Overton, approximately 1.5 kilometres to the south east, and Heysham, approximately 2 kilometres to the north. There are no public rights of way in the immediate vicinity of the site, the nearest located around 430 metres to the northwest and 600 metres to the east. The site is located approximately 8 kilometres from the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and approximately 12 kilometres from the Arnside and Silverdale AONB.

2.0 The Proposal

- 2.1 Planning permission is sought from Lancashire County Council for the erection of an energy from waste facility and associated infrastructure. The principal processes to be carried out at the plant include the receipt, storage and combustion of non-hazardous residual waste and the generation of electricity and heat. The facility would have an installed electricity generating capacity of approximately 34 Megawatts (MW). Approximately 30 MW of electricity would be exported to the local electricity grid with the remainder being used in the operation of the facility. It would also be capable of exporting heat to local heat users, and the application includes a heat offtake link along Imperial Road to facilitate this.
- 2.2 The proposed development would be based around a main building which would contain the waste reception hall, the main thermal treatment process, a turbine hall, ash handling facility, flue gas treatment facility, offices, a workshop, stores and staff welfare facilities. This would measure approximately 140 metres in length, and between 55 and 100 metres in width. The building would be divided into the various process areas with the height of the structure varying depending on the process that it houses. The highest section of the building, towards the eastern end, would house the boiler hall and the flue gas treatment facility. At its highest point, in the boiler hall, the building would be 49.1 metres in height. Connected to the main building would be two 90 metre high emissions stacks and an air cooled condenser. An education/visitor centre and office space would form an integrated element of the main building and would be located on the northern façade.
- 2.3 In addition to the main elements listed above, the scheme also includes a range of ancillary infrastructure including:
- A two storey maintenance contractors' offices;
 - A weighbridge office and weighbridges;
 - Transformer and sub-station enclosure;
 - Fire water tank and water treatment facility;
 - Vehicle access and internal site circulation roads;
 - Car parking and a cycle store;
 - Silos for consumables;
 - Utilities and services;
 - Lighting and CCTV;
 - Drainage infrastructure; and
 - Security fencing, gates and landscaping.
- 2.4 Once commissioned, the facility would operate on a continuous (24 hour/7-day per week) basis. However, the bulk of deliveries and visits would be made during the normal working day (i.e. 07.00 – 19.00). The submission sets out that it would provide employment for approximately 40-45 people with a peak day-time staffing level of approximately 27, supplemented by shift workers to maintain 24-hour plant operation.

3.0 Site History

3.1 The site has a long planning history and was first developed during WWII as a factory for the production of aviation fuel and ammonium nitrate for use in explosives. The use of the site as a chemical works then continued until 1986, mainly for the production of fertilizers. These uses were subject to a certificate of lawful use in 1994. In 1994, planning permission was granted for the construction of a waste water treatment works. In 1996 planning permission was granted for construction of an access road from the A683 Heysham bypass. In 2000 planning permission was granted for the erection of buildings connected with general industrial and storage/distribution uses. It is understood that none of these historical permissions were implemented.

More recently, planning permission was granted by Lancashire County Council in 2005 for the development of a waste technology park comprising mechanical and biological treatment plant, in-vessel green waste composting plant and recyclate handling plant. It is understood that the consent was implemented, albeit only in part, with the construction of the new access south of the A683 and a waste transfer station. The most recent history is listed below.

Application Number	Proposal	Decision
01/07/1416	Variation of conditions 9, 17 and 19 of planning permission 01/05/0254 relating to highways, noise control, landscape and ecology	Approved
01/05/0254	Development of waste technology park, ancillary buildings, landscaping works and modification of existing junction and new access road	Approved

4.0 Consultation Responses

4.1 The following responses have been received from internal consultees:

Consultee	Response
Contaminated Land Officer	In agreement with the proposed extensive site investigations. Recommend conditions in relation to the investigation and remediation of contamination.
Air Quality Officer	Initial comments raise a number of queries.
Environmental Health Officer (noise)	With mitigation in place, the submitted assessment satisfactorily demonstrates that there will be no observed effect levels and lowest observed adverse effect level in respect of noise both during the construction and operational phases of the development.

5.0 Neighbour Representations

5.1 None. Notifications will be carried out and considered by the County Council.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraph 11 – The presumption in favour of sustainable development

Paragraph 80 – Supporting economic growth

Paragraph 108 – Access and transport

Paragraphs 124 and 127 – Achieving well-designed places

Paragraph 148, 153 and 154 – Low carbon and renewable energy

Paragraph 165 – Sustainable drainage systems

Paragraphs 170 – Protecting valued landscapes

Paragraphs 170, 175 and 176 – Protecting and enhancing biodiversity

Paragraph 178 and 179 – Risks from contamination

Paragraph 180 – Impacts from noise

Paragraph 183 – Pollution control regimes

Paragraphs 185, 192, 193-197 – Conserving and enhancing the historic environment

6.2 Local Planning Policy Overview – Current Position

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) (A Review of) The Development Management DPD

The Examination Hearing Sessions commenced on 9 April 2019.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making.

Given the current stage of both DPDs, it is considered that significant weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

6.3 Lancaster District Local Plan Saved Policies

EC5 – Allocated employment sites

6.4 Lancaster District Core Strategy

SC1 – Sustainable development
SC5 – Achieving quality in design

6.5 Development Management Development Plan Document

DM15 – Proposals involving employment land and premises
DM17 – Renewable energy generation
DM20 – Enhancing accessibility and transport linkages
DM21 – Walking and cycling
DM22 – Vehicle parking provision
DM27 – The protection and enhancement of biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM30 – Development affecting Listed buildings
DM31 – Development affecting Conservation Areas
DM32 – The setting of designated heritage assets
DM35 – Key design principles
DM39 – Surface water run-off and sustainable drainage
DM48 – Community Infrastructure

6.6 Supplementary Planning Documents

Employment and Skills Plan

6.7 Emerging Strategic Policies and Land Allocations DPD

EC1 – Established Employment Areas
SG15 – Heysham Gateway

6.8 Joint Lancashire Minerals and Waste Local Plan

WM2 – Large Scale Built Waste Management Facilities

6.9 Other Material Planning Considerations

The Government Review of Waste Policy in England (2011)

National Planning Policy for Waste (October 2014)

Energy from Waste: A guide to the debate' (revised edition February 2014) – Defra

Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that the local planning authority shall have regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

7.0 Comment and Analysis

7.1 The main issues to be considered as part of this consultation are:

- Principle of the development
- Scale, design and landscape and visual impact
- Impacts on heritage assets
- Impacts on trees (and ecology)
- Impacts on the amenities of neighbouring properties
- Impacts on air quality
- Contamination

7.2 Principle of the development

7.2.1 The proposal relates to the erection of a large energy from waste facility to help meet the waste management needs of Lancashire. It is anticipated that the significant majority of the waste managed would be municipal waste. Municipal waste is that waste collected and managed by, or on behalf of, local authorities. A lesser proportion of the waste treated at the facility would be commercial and industrial wastes similar in composition to the municipal waste. Energy from waste involves taking waste and turning it into a useable form of energy and can include electricity, heat and transport fuels (e.g. diesel). This can be done in a range of ways, including incineration. In the case of this proposal, waste would be burned to produce electricity with the capability to export heat to local heat users. The energy generation process is founded upon hot gases from the furnace passing to a boiler which converts the energy from the gases into steam to power a turbine. The submission sets out that this would involve up to 330,000 tonnes of non-hazardous residual waste per year. Residual waste is defined as waste that is left over when all the recycling possible has been done. This generally means the environmental or economic costs of further separating and cleaning the waste are bigger than any potential benefit of doing so. The energy generated from the recently grown materials in the mixture is considered as renewable. Energy from residual waste is therefore considered to be a partially renewable energy source, sometimes referred to as a low carbon energy source.

7.2.2 The site is located within the Lancaster West Business Park which is allocated for employment purposes under both the adopted and emerging Local Plan. This permits for a range of B1, B2 and B8 uses within the estate. Whilst the proposal does not directly fall into one of these specific use-classes there is little doubt that such a proposed use would be better served on an employment site which has good access to the surrounding road network. It is therefore considered that this proposal would be consistent with the land-use in both the adopted and emerging plan.

7.2.3 The submission sets out that the plant would provide employment for approximately 40-45 people with a peak day-time staffing level of approximately 27, supplemented by shift workers to maintain 24-hour plant operation. The majority of the employees would be skilled operatives (electricians/fitters/crane operatives) or technical engineers (control and plant). Temporary employment would also be generated through the construction period with peak construction staff numbers occurring during the plant installation and fit out, requiring around 350 skilled and non-skilled workers. New development can contribute towards providing training and employment opportunities for local residents. In accordance with Policy DM48 and the associated Supplementary Planning Document, this is a development of a scale that would be expected to produce an employment and skills plan to ensure that opportunities are made available for local people. The agent has agreed to this in principle and it would be expected that they liaise with the council's advisors in relation to the precise details of this and how it is delivered.

7.2.4 In terms of the need for this type of development, the National Planning Policy for Waste (NPPW) only expects a market need to be demonstrated where proposals are not consistent with an up to date development plan. Lancashire County Council will consider their adopted policies in more detail when determining the application, but it is worth highlighting that policy WM3 of the Joint Lancashire Minerals and Waste Local Plan (adopted September 2013) identifies land at Lancaster West Business Park as a site where large scale built waste management facilities, including thermal treatment/energy from waste, would be supported. This does set a catchment area of Lancaster/Morecambe and a capacity of 160,000 tonnes for this particular site, which would be exceeded by the proposed development, as set out above. The submission contends that the policies of the plan and objectives are largely up to date, but that the capacity figure is not. It sets out that this figure was based on waste management solutions that were being promoted through the waste management strategy and municipal waste contracts at the time and does not reflect the current situation. The County Council would need to take this into account when assessing and determining the proposal.

7.2.5 By their nature, energy from waste proposals bridge two sectors. They have their roots in waste management, but also provide energy generation. Paragraph 208 of the Government Review of Waste Policy (2011) sets out the reasons for the Government's support for energy from waste, stating that:

"The benefits of recovery include preventing some of the negative greenhouse gas impacts of waste in landfill. Preventing these emissions offers a considerable climate change benefit, with the energy generated from the biodegradable fraction of this waste also offsetting fossil fuel power generation, and contributing towards our renewable energy targets providing comparative fuel security, provided it can be recovered efficiently."

7.2.6 Whilst there are clearly some conflicts with the adopted Minerals and Waste Local Plan, in terms of the scale and catchment of the proposal, this would be for the County Council to assess through the determination of the application. However, the principle of this type of development is considered to be acceptable in planning policy terms and would be considered as an appropriate land use in this location.

7.3 Scale, design and landscape and visual impact

7.3.1 Visually, the site is located on the south eastern edge of the built up area of Heysham, although actually located within the Parish of Middleton. The immediate vicinity is predominantly characterised, and to some extent dominated, by energy infrastructure. This includes large electricity substations, large scale pylons, wind turbines and, at a further distance, Heysham Power Station. There are also a number of industrial estates in the general area of Heysham and Middleton. However, immediately to the west, the landscape mostly comprises low lying agricultural land interspersed by small farm groups which extend up to the River Lune, approximately 3 kilometres to the east. Around 900 metres to the northwest starts the residential area of Heysham.

7.3.2 The main part of the proposal comprises a very large building which would have several distinct elements. There are also ancillary structures and hardstanding which have been detailed in paragraph 2.3 above. The highest part of the building would be the section which is roughly in the centre when viewed from the north or south. This would be rectangular in shape with a flat roof and measure 45 metres by 74 metres and be 49.1 metres in height. The building would then lower at either side, on the east and west elevations, to around 38 metres, with the roof at one side being slightly sloping, before lowering again on the eastern elevation to 19.9 metres. The total length of the building (east to west) would be approximately 140 metres. Two stacks are proposed projecting from the roof of part of the building, and would reach a height of 90 metres above ground level. The sections discussed would vary in width and some lower projections are proposed on the north and south elevations. The overall width of the building would vary between approximately 55 and 100 metres. In addition, a slightly detached structure, containing the air cooled condenser, is proposed to the south of the site which would be 21 metres in height and viewed in the context of the building. The originally submitted drawings show the building to be finished in a mix of different greys and a copper coloured cladding.

7.3.3 A document has been submitted with the application which shows the design progression. From this, it is clear that the approach has been to break up the overall bulk and massing of the building, with the separate sections linked together by copper coloured elements providing a roughly curved shape across the whole building in order to respond to the landscape. However, there are particular concerns about the large scale and rectangular appearance of several elements of the building which are likely

to appear as the dominant features in some views, particularly given the light grey colour. Given the relatively flat and low lying nature of the surrounding landscape, and large areas of trees and hedgerows which line the main highways, local views of the building would be relatively limited, and most would likely focus on the larger sections of the building. Therefore, it is more likely that views of the whole building would be gained from more distant and elevated viewpoints and there were concerns that this had not been fully considered. It was queried whether the flat roofs would be visible and there were concerns that this would add to the overall mass of the central section in terms of how this is viewed. The site is located on the fringe of the urban area, in the context of low lying agricultural land, and it is therefore considered that it should respond appropriately to this and not just the existing industrial development.

- 7.3.4 Following these concerns, discussions were undertaken with the agent and the County Council, and a slightly different approach has now been proposed with regards the finish of the building, whilst the rest of the design has not change. In addition, further visualisations were undertaken from more distant viewpoints to help support the written assessment of the landscape and visual impact, including from both the Arnsdale and Silverdale and Forest of Bowland Areas of Outstanding Natural Beauty (AONB). These have also helped to inform alterations to the finish of the building. To help break up the bulk of the central section in particular, the use of a graduated grey colour was investigated and this did appear to soften the overall building and reduce the prominence of this highest part of the building. However, there were still some concerns regarding the grey colour and more natural colours were considered in order to complement the more earthy tones of the lower copper coloured sections. As a result, a further document has been produced which has incorporated green tones into the central section of the building, which gradually fade towards the top. Another large section of the building, which was proposed as a relatively light grey, has also been proposed in green so that there would be more cohesion in the more visible elements, although some of the lower sections have been retained in grey.
- 7.3.5 It needs to be acknowledged that the proposal relates to a very large building and, as such, the visual impacts cannot be fully mitigated, particularly from the closer viewpoints. This means that it could never fully relate to the scale and massing of all nearby development in the vicinity, particularly smaller scale residential properties and farm groups. Given its scale, landscaping would do little to provide screening, so it is therefore important that the design and finish of the building is of a high quality and contains visual interest, and aims to respond to both local and more distant views. It is considered that the amended approach to the finish of the building would allow the building to sit more subtly within the landscape and reduce its overall prominence, whilst also providing some visual interest, complementing that already proposed by the copper coloured material. Care will need to be taken in relation to the final tones of the building and the graduated pattern. However, it is considered that the amended approach provides an appropriate solution in order to help mitigate the visual impacts of the building, particularly when it is viewed from more distant locations, such as Ashton Memorial and Jubilee Tower.
- 7.3.6 In terms of the overall landscape and visual impact, as discussed above, the building would be located on the edge of a relatively industrial landscape, which includes some taller structures including pylons, wind turbines and the more distant Heysham Power Station buildings. Therefore, it is considered that the building would be appropriate in this context and not have a detrimental impact on the character and appearance of the immediate built up area. However, it is also on the edge of a low lying agricultural landscape and there are some local views in the context of this, although vegetation and landform provides screening from most of the nearby settlements. There is a key local view in the context of a Listed farm group, and this will be discussed in more detail in relation to heritage assets. However, most of the more immediate views of the building are broken up by landform and vegetation and will be more transient views from the highway network.
- 7.3.7 The further visualisations provided show that the building would be seen from more distant and elevated views, but that this would be in the context of other large structures and the built up area around Heysham. Taking into account the alternative elevational treatments proposed, which provide more muted and natural colours which soften the appearance and should reduce prominence within the landscape, it is considered that the development would not have a significant adverse landscape and visual impact. This is very much dependent on the design approach shown in the recently submitted document and, as such, it would be expected that the materials would be based on this. It is considered that this could be adequately covered by a condition, rather than requiring an amendment to the original plans, providing that it is appropriately worded.

7.3.8 It is likely that views of the building could be gained from both AONBs within Lancaster District. However, these will be very distant and also in the context of other development, as discussed above. As such, and based on the visualisations submitted to support the application, it is considered that the proposal would not have a detrimental impact on views into or out of the protected landscapes. The scheme also proposes external lighting for safe movement of vehicles and pedestrians, for any external amenity areas, and for the security of employees and visitors which would likely be on a 24 hour basis. Given its context, with the existing industrial development, this is unlikely to result in a significant adverse impact to the visual amenity of the area. However, it would be expected that this is sensitively designed to avoid excessive light spill to the more rural area and to habitats around the site, including in relation to bats.

7.4 Impacts on Heritage Assets

7.4.1 The application submission includes an assessment in relation to heritage assets. As discussed above, the immediate vicinity is predominantly energy infrastructure and industrial in nature and, as such, heritage assets in close proximity are limited. Within Middleton, there is one Grade II Listed building, the Old Roof Tree Inn, located approximately 370 metres to the south of the site. Approximately 360 metres to the south east is a farm group, Downy Field Farm, and the two dwellings and a large barn are Grade II Listed. The nearest Conservation Areas are Overton, approximately 1.5 kilometres to the south east, and Heysham, approximately 2 kilometres to the north. Views of the site will also be gained from Ashton Memorial which is Grade I Listed, and is located within a Grade II Registered Park and Garden located approximately 6.5 kilometres to the north east.

7.4.2 As a result of the combination of gentle undulations in the landscape, groups of trees, the distance and some intervening development, the proposal is unlikely to have an adverse impact to the setting of either of these Conservation Areas. Immediately to the north of the Listed building in Middleton, on the opposite side of Middleton Road, is a relatively thick group of trees and a banking which effectively prevent views towards the site to the north. It is considered that the building does not form part of the setting of the building in which it is perceived and as such should not cause harm to this. Whilst the building may be visible from elevated areas within Williamson Park and the Ashton Memorial, it will be viewed as a distant structure in combination with other tall and large structures within the low lying landscape. The measures proposed in terms of the finish of the building, as discussed above, would reduce its visual prominence within the landscape and therefore also in views from these heritage assets. As such, it is considered that there would not be a detrimental impact on the setting of, including views from, these heritage assets.

7.4.3 The development would be viewed in the context of the Listed buildings at Downy Field Farm and this has been demonstrated in the viewpoint from the edge of Overton, although closer views would be gained from Downy Field Lane to the front of the farm group. It is acknowledged that the large turbines, the treatment works adjacent to the site, and to a lesser extent the large pylons, can be viewed in the context of this group at present. The group does still retain some of its historic agricultural setting, although it has been eroded to some degree by the existing industrial development. However, the proposed building will be of a much larger scale than any of the existing buildings in the immediate context of the farm complex and it is considered that this would be quite dominant in close views of the Listed buildings. The visualisation shows that the power station is also visible but this is much more distant and more in the context of the existing urban area.

7.4.4 Whilst it is considered that existing industrial structures cause harm to the setting of the Listed farm group at present, this does not justify more harm. However, it does reduce the sensitivity of the group to change and this would still be viewed in the context of its low lying agricultural landscape. It is clear that harm would be caused to the setting of the Listed buildings given the proximity and large scale of the building and that it would impact in views of the Listed group in particular.

7.4.5 The NPPF sets out that when considering the impacts of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance and any harm requires clear and convincing justification. However, the NPPF puts a less stringent test on development when harm is considered to be less than substantial and sets out that this harm should be weighed against the public benefits of the proposal.

7.4.6 The submission has assessed the harm to the significance of these buildings as less than substantial in terms of the tests in the NPPF. As discussed above, from the viewpoint provided, the proposed building would appear to dominate the group of Listed buildings, in a much greater way than the existing structures particularly given the scale, bulk and massing of the proposal. The nature of the development has obviously lead to the scale of the building proposed, and any large building on the site would likely harm the setting of this group of Listed buildings, as it is out of scale with any other buildings in the area and diminishes its agricultural context as well as dominating the group in general. There were concerns that the level of harm had been underestimated. However, as set out above the agricultural context of the listed buildings has already been lost to some degree in the direction of the site. It was advised that changes to the design of the building were considered in order to mitigate the impacts on views as much as possible as it would be difficult to screen the building, as discussed above. It is considered that the proposed changes to the finish of the building, providing more muted and natural colours, although not altering the scale, massing and bulk of the building, will mitigate the harm to some degree. This should allow the building to sit more subtly within the landscape and hopefully reduce the visual prominence and dominance of the building in the context of the Listed farm group to the point that it may be considered to be less than substantial.

7.4.7 There are clearly benefits of the proposal that can be weighed against the harm caused to the setting of the Listed buildings. This will be for the County Council, in determining the application, to carry out this assessment and reach a view as to whether the public benefits outweigh the harm. However, it needs to be acknowledged that Listed buildings and their settings are also covered by legislation and therefore regard must be had to Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which states that the local planning authority shall have regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. This will need to be fully considered by the County Council in the determination of the application.

7.5 Impacts on ecology and trees

7.5.1 As set out in section 1, the site is in relative close proximity to a number of designated ecological sites, the impact on which will need to be fully considered in the determination of the application. The County Council will consult Natural England in relation to the impacts on the designated sites and will take into account any comments that they make in determining the application. They will also seek advice from specialists to allow them to fully assess the impacts on biodiversity, including in relation to the application site itself. Therefore, it is not the intention to provide a detailed assessment or advice in this regard to the County Council. However, as discussed above in relation to design, it is considered that the lighting scheme should ensure that it is designed to prevent impacts on important habitats, including features such as trees and hedgerow that may be used by bats. It is also considered that the development should enhance the existing ecological value of the site. One way is through additional landscaping and it should be ensured that this comprises native species that will establish and mature in this location. The site plan does show indicative landscaping and this could be covered by a condition.

7.5.2 An arboricultural implications assessment has been submitted with the application. However, this just provides an assessment of the trees within and in close proximity of the site, and not in relation to the proposed development. However, confirmation has been provided in relation to what is proposed to be removed as a result of the development. Trees are limited within the site, with two groups located towards the southwest corner, one of which is relatively large, and one group close to the northeast boundary outside the site. There are also other trees and shrubs close to the pond, which is just outside the southern boundary of the site, and along the bund on the eastern boundary. Ideally the scheme should seek to retain any trees that are within the site in the interests of the amenity and biodiversity of the area.

7.5.3 Unfortunately, the main group within the site is likely to be removed as part of the proposal. It does appear to be mostly outside the developed part of the site. However, it has been confirmed that this area would likely be used as compound areas during construction, and therefore this could not be retained in its current state. The site is relatively constrained so it does appear that it would be difficult to avoid this area, and it is adjacent to the proposed site access. The arboricultural report sets out that this is predominantly goat willow with some alder, with stem diameters of less than 10cm and has been categorised as C2, which are defined as trees of low quality.

7.5.4 Given that it is unlikely that these trees could be retained and allow the site to be constructed as proposed, and that they have been categorised as being of low quality, their loss is considered to be acceptable providing that they are adequately compensated. A ratio of 3 trees for every 1 tree that is lost would usually be expected. In addition, it is considered that other trees along the boundaries and adjacent to the site should be adequately protected during the course of construction, through appropriate barrier fencing which should be agreed prior to any work commencing on the site. However, it is considered that this could be adequately covered by a condition.

7.6 Impacts on the amenities of neighbouring properties

7.6.1 There are no residential properties in the immediate vicinity of the site, the closest located at a distance of approximately 240 metres. Therefore, there would not be a loss of light or outlook to any residential properties, and the most likely impact would be as a result of noise and vibration. The planning submission includes a chapter in relation to this, which has been reviewed by the Council's Environmental Health Officer. Given the nature and scale of the proposal, its operation would be covered by a permit issued by the Environment Agency. However, the impacts from noise and vibration are still a material planning consideration and it needs to be ensured that any potential impacts could be adequately mitigated. In addition, the construction period would not be covered by the permitting regime.

7.6.2 The information submitted specifically assesses impacts associated with plant operational impacts, noise during the construction phase and future impacts upon the existing noise climate. This has been assessed using the appropriate methodology contained within BS4142:2014 ('Methods for rating and assessing industrial and commercial sound', BS5228-1:2009 Code of Practice for Noise and Vibration Control on Construction and Open Site, Institute of Environmental Management and Assessment (IEMA) 'Guidelines for Environmental Noise Impact Assessment' and the 'Design Manual for Roads and Bridges (DMRB). Appropriate monitoring locations were selected to form baseline data, and the survey was undertaken over a sufficient time period to provide representative sound level information. Background Sound Levels were derived using the methodology described within BS4142:2014 and are considered representative for the selected monitoring locations.

7.6.3 The Environmental Health Officer has advised that predictions would satisfactorily demonstrate that construction noise will fall well below the threshold values normally indicating significant effects, demonstrating that there will be 'lowest observed adverse effect levels' in respect of noise. Predictions in respect of vibration indicate that vibration levels during the construction phase are unlikely to give rise to 'adverse comment' as they will be well below perceptible levels, at the nearest sensitive receptor location.

7.6.4 In relation to the operation of plant the assessment satisfactorily demonstrates that during normal day-time operations there will be 'no observed effect levels' in respect of noise at nearest sensitive receptors. However, during night-time operations there is the potential of an indication of adverse impact at residential receptors 1 & 2 (Downy Field Farm and Middleton Road) although the impact could be considered negligible. However, to negate any uncertainty, this can be addressed with additional mitigation measures described within the submitted report (section 7.5.3) which would effectively reduce the Rating Level so that there will be a negligible impact or 'No observed effect levels'. This includes restricting noise levels from various plant within the building and buildings to be clad with a double skin to meet specific noise levels with ventilation louvres attenuated to match this. This will also significantly reduce any day-time operational noise associated with the proposed development. It is not clear if this would be covered in an Environmental Permit and it is therefore recommended that this be a condition on any consent if it would not be otherwise controlled.

7.6.5 With the mitigation in place, as described above, the assessment satisfactorily demonstrates that there will be 'no observed effect Levels' and lowest observed adverse effect levels' in respect of noise both during the construction and operational phases of this development. It is therefore considered that there would not be a significant adverse impact to the amenities of nearby residential properties as a result of noise or vibration.

7.7 Air quality and sustainable transport measures

7.7.1 As with noise, emissions would be covered by an Environmental Permit. However, the likely impacts have been considered by the Air Quality Officer. In the first instance a number of queries were raised and much of this was to gain a better understanding of how the facility would operate and how this impacts on emissions. Following the submission of further information, it is considered that the

assessment has been appropriately undertaken and that emissions can be adequately controlled and covered by an Environmental Permit so that there would not be an adverse impact to air quality. It should be noted that paragraph 183 of the NPPF sets out that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions where these are subject to separate pollution control regimes. There are also potential impacts from emissions on nearby designated ecological sites, which will be considered as a separate issue by the County Council in consultation with Natural England.

- 7.7.2 The permitting regime would not cover construction and there are also other potential impacts from the development on air quality, such as from transport. In terms of during construction, the submitted report sets out that measures to prevent dust would be covered by a Construction Environmental Management Plan (CEMP). The Air Quality Officer has identified that there could be air quality issues as a result of contamination that may be found on the site. In response, it has been set out that any such issues could be covered within the remediation strategy for contamination. Given the distance from the nearest sensitive receptors, it is considered that no further additional measures are required in relation to this. The report proposes the provision of a staff bus to minimise vehicle trips during construction and measures such as this could be included within the CEMP. The Air Quality Officer suggested the use of electric buses, and advised that electric vehicle charging facilities should shortly be available at the Caton Road Park and Ride. In response, the agent has advised that the suggestion of the use of the Caton Road Park and Ride facility may be a useful pick up point for construction staff accessing the site and the use of electric fleet vehicles could be investigated.
- 7.7.3 Queries were raised in relation to any potential impact on the Lancaster Air Quality Management Area (AQMA). Most heavy goods vehicles (HGVs) transport would utilise the M6 and the Bay Gateway so would avoid this. As such, it is unlikely that there would be a significant impact on air quality in this area.
- 7.7.4 As the County Council is the Highway Authority, they will consider matters in relation to highway safety. However, it is considered important to consider sustainable transport measures which would help to reduce any impacts to air quality. The nearest bus stops to the site are located on Middleton Road, but Imperial Road ends just short of this, and there is no formal connection through for pedestrians or cyclists. As such, it is proposed that a link would be created for cycling and walking which would provide a safer route than the bypass road and would likely encourage people to walk, cycle or use public transport where possible. It is considered that it is important that this is secured as part of the scheme and could also benefit other future economic development in the area.
- 7.7.5 The submission sets out that 51 car parking spaces would be provided on site, including 5 to disabled standard provision and 5 with electric parking charging facilities. A shelter would be provided for bicycles and there would be dedicated bays for motorcycles. It should be ensured that the cycle storage in particular is covered and secure, and shower and changing facilities are made available within the building to encourage this mode of transport. The Air Quality Officer has advised that given the electricity generation output of the proposed development, there is an opportunity for the facility to serve as an electric vehicle charging hub for the wider district/other businesses. The agent has advised that the operator would be open to discussions with nearby businesses to supply private wire electricity supplies, which could include electric vehicle charging facilities. It has also been indicated that charging for HGVs could be investigated as there could be a move towards this in the future. However, the level of charging facilities proposed is considered to be acceptable to serve the development proposed, and it is not the intention that this became a hub for charging vehicles and the site constraints would likely make this difficult.
- 7.7.6 Overall it is considered that the proposal is unlikely to result in a significant adverse impact to air quality and measures can be put in place to encourage sustainable modes of transport both during construction and operation of the development.

7.8 Contamination

- 7.8.1 An initial assessment has been carried out relation to ground conditions and potential risks from contamination. The site is previously developed and it is anticipated that it would have been subject to levels of contamination. A detailed site assessment is proposed which would include a remediation strategy. It is considered that this could adequately be covered by a condition if consent is granted.

8.0 Planning Obligations

- 8.1 There are no planning obligations to consider as part of this request for a consultation response to the planning application. There will potentially be obligations which are identified by Lancashire County Council as necessary to make the development acceptable in planning terms.

9.0 Conclusions

- 9.1 The principle of this type of development is considered to be acceptable in planning policy terms and would be considered as an appropriate land use in this location. Whilst there are clearly some conflicts with the adopted Minerals and Waste Local Plan, in terms of the scale and catchment of the proposal, this would be for the County Council to assess through the determination of the application. The proposal does relate to a very large structure that would be visible within the landscape from both local and more distant elevated viewpoints. However, given the context of existing industrial structures and energy related development, the low lying nature of the site which means that trees and hedges break up views from lower areas nearer the site, and the amendments that are proposed to the elevations to soften the appearance of the building, it is considered that the building would not have a significant landscape or visual impact.
- 9.2 As outlined above, it is considered that any potential impacts to residential properties could be adequately mitigated and contamination remediated and there is unlikely to be a significant impact on air quality. Harm has been identified to the significance of Listed buildings close to the site, given the location of the building within their setting. There are clearly benefits of the proposal that can be weighed against the harm caused to the setting of the Listed buildings. This will be for the County Council, in determining the application, to carry out this assessment and reach a view as to whether the public benefits outweigh the harm. However, it must also be ensured that they have full regard to Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.3 The consideration of other planning issues, such as the impacts on ecology, including nearby designated sites, drainage and transport and highway safety involves consultations with specialist statutory consultees which, Lancashire County Council will undertake as the determining authority. They will be required to consider all relevant planning issues in detail in determining the application. The potential impacts to the historic and natural environment must be carefully balanced against any wider benefits which the scheme may have in terms of energy generation, regeneration and local employment.

Recommendation

That the City Council has **NO OBJECTIONS** to the application subject to the following suggested conditions:

1. Employment skills plan
2. Construction and Environmental Management Plan, including a Travel Plan
3. Assessment and remediation of contamination
4. Tree protection during construction
5. Noise mitigation based on paragraph 7.5.3 of the Environmental Statement (if not otherwise included within an Environmental Permit)
6. Materials/ colours/ finishes to be agreed (based on the conclusions of the addendum design document)
7. Lighting scheme (may be included with other ecology mitigation)
8. Landscaping scheme
9. Creation of cycle/ footpath link to Middleton road
10. Electric vehicle charging points (with the consideration of facilities for HGVs), secure cycle storage and shower and changing facilities

Background Papers

None