

<b>Agenda Item</b>	A15
<b>Application Number</b>	22/01460/CCC
<b>Proposal</b>	County Council Consultation request for the permanent retention of the existing Salt Ayre Materials Recycling & Transfer Facility
<b>Application site</b>	Salt Ayre Landfill Site Salt Ayre Lane Lancaster Lancashire
<b>Applicant</b>	Jonathan Wilson, SUEZ Recycling and Recovery UK Ltd
<b>Agent</b>	N/A
<b>Case Officer</b>	Mr Patrick Hopwood
<b>Departure</b>	N/A
<b>Summary of Recommendation</b>	Lancaster City Council <b>OBJECT</b> to the Planning Application

(i) **Procedural Matters**

Consultee responses to Lancashire County Council planning applications are usually dealt with under delegated powers, however as this relates to a minerals and waste development, it must be reported to the Planning Regulatory Committee. This application has been submitted to, and will be determined by, Lancashire County Council as they are responsible for planning matters that relate to waste and minerals through their Minerals and Waste Plan. Lancaster City Council has been consulted as the proposal falls within their district, and as such this report sets out the City Council's proposed **consultation response**. It will be for the County Council to determine whether planning consent should be granted or not.

**1.0 Application Site and Setting**

1.1 The site to which this application relates is a Materials Recycling & Transfer facility, on the former Salt Ayre Landfill Site, adjacent to the Household Waste Recycling Centre (HWRC). The site is allocated as green corridor open space and a Key Urban Landscape (KUL) on the Adopted Policies Map.

1.2 The site lies within 900m of the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar internationally designated sites, and the Lune Estuary SSSI. The site is located approx. 350m north of the River Lune, and is also located within the Air Quality Management Area.

**2.0 Proposal**

2.1 The planning application submitted to the County Council seeks consent for the permanent retention of the Salt Ayre Materials Recycling & Transfer Facility. The only documents lodged with the application are a Site boundaries Plan, Site Layout Plan and Planning Supporting Statement. The

applicant's Planning Supporting Statement anticipates that conditions for time limits and restoration schemes will not be imposed.

### 3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the County Council. These include:

Application Number	Proposal	Decision
01/93/0403	Material recycling facility	Approved subject to time limit
01/02/1255	Retention of material recycling facility	Approved allowing operation until December 2010
01/08/1407	Variation of Condition 1 of planning permission 01/02/1255 to allow operation of Materials Recycling Facility to continue until 31 December 2017	Approved
LCC/2014/0006	Vary conditions to require the facility to cease not later than the 31 December 2017 and restored no later than 31 December 2018	Approved
LCC/2017/0014	Vary conditions to allow use until 31 December 2022 and restoration no later than 31 December 2023	Approved

### 4.0 Consultation Responses

4.1 The following responses have been received from internal City Council consultees:

Consultee	Response
Planning Policy	No response received
Waste & Recycling	No response received
Salt Ayre Leisure Centre	No response received
Environmental Health	No response received
Engineers	No response received
Climate Emergency	No response received
Property Services	Planning application plans inconsistent and not the same as the lease plan. Restoration scheme required, and expected that buildings removed at the end of the lease term.

### 5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of Development
- Landscape and Design
- Air Quality
- Biodiversity

5.2 **Principle of Development** (Policy CS9 of Lancashire Minerals & Waste Development Framework Core Strategy DPD; Policy SO3 of the Strategic Policies and Land Allocations DPD)

5.2.1 The site is established and still in use, and provides an important local recycling facility for bulking up of waste collected at the local Household Waste Recycling Centres (HWRCs) and from trade collections, facilitating movement of waste and recycling. It is noted that the site is not allocated or safeguarded for waste use on County Council Local Plan map, nor on the City Council's Local Plan. Sites allocated for waste management facilities within our district include White Lund and Heysham Industrial Estates. The National Planning Practice Guidance sets out that it is rarely justifiable to

grant further temporary planning permissions except in exceptional circumstances where there is clear justification in doing so. However, a further temporary permission for this use could be supported in principle in accordance with Policy CS9 of Lancashire Minerals & Waste Development Framework Core Strategy DPD (which seeks to achieve sustainable waste management and facilities such as bulking sites subject to a set of criteria) and Policy SO3 of Strategic Policies and Land Allocations (SPLA) DPD (which seeks to minimise waste and promote recycling), should the County Council consider that this is adequately justified.

5.3 **Landscape and Design** (NPPF Sections 12 and 15; Policies DM29 and DM46 of the Development Management DPD; Policy EN5 of the Strategic Policies and Land Allocations DPD)

5.3.1 The site is allocated as a Key Urban Landscape, an important open area proving a setting to the main urban areas. Policy EN5 seeks to safeguard these areas, preserving their open nature, and great importance is placed on protecting these areas. With no defined end date proposed, nor a restoration scheme for buildings and equipment to be removed and land restoration on a defined date or within a set number of months on cessation of use, the site would remain developed and industrial in perpetuity, detrimental to the visual amenity of the area and wholly inappropriate within the Key Urban Landscape. The existing buildings and structures are poor quality in design and contribute negatively to the character and appearance of the area, and not a feature the LPA would grant permanent consent for. Permanent planning permission cannot be supported, and a restoration scheme for any further temporary permission is considered essential. Accordingly, this proposal for permanent, indefinite planning permission fails to comply with Policies DM29, DM46 and EN5.

5.4 **Air Quality** (NPPF Section 15; Policy DM31 of the Development Management DPD; Policy EN9 of the Strategic Policies and Land Allocations DPD)

5.4.1 The site lies within an Air Quality Management Area and insufficient information (ie no Air Quality Assessment) has been submitted to enable consideration of air quality and air pollutants. Therefore, the scheme fails to accord with Policies EN9 and DM31 and the Low Emissions and Air Quality Planning Advisory Note.

5.5 **Biodiversity** (NPPF Section 15; Policy DM44 of the Development Management DPD; Policy EN7 of the Strategic Policies and Land Allocations DPD)

5.5.1 The site lies close to environmentally important areas, including the River Lune, Lune Estuary and Morecambe Bay, which are nationally and internationally designated for their ecological importance. Although the application is for a continuance of an existing use, no biodiversity report has been submitted to assess the impacts of this on the local wildlife populations and habitats. Furthermore, the supporting documents do not consider potential harm on the designated sites (protected under the Habitat Regulations), or other potential impact pathways, and no means of biodiversity net gain have been proposed. As such, the proposal fails to conserve and enhance biodiversity and the natural environment, contrary to Policies DM44 and EN7.

5.6 **Other Matters**

5.6.1 The red edge boundaries on the two plans submitted are inconsistent, and it is not clear which boundary defines the land forming this planning application. Furthermore, the plans also show a different boundary to that of the lease agreement between the applicant and Lancaster City Council as landowner.

**6.0 Conclusion and Planning Balance**

6.1 As discussed above, the need for a recycling facility is acknowledged, and weight is given to this, however ultimately the City Council consider this does not outweigh the overall visual harm, air quality and biodiversity matters identified in this report. For these reasons it is recommended that Lancaster City Council object to the Lancashire County Council planning application.

**Recommendation**

That Lancaster City Council **OBJECT** for the following reasons:

1. The site is allocated as a Key Urban Landscape, an important open area proving a setting to the main urban areas. Policy EN5 seeks to safeguard these areas, preserving their open nature, and great importance is placed on protecting these areas. With no defined end date proposed, nor a restoration

scheme for buildings and equipment to be removed and land restoration on a defined date or within a set number of months on cessation of use, the site would remain developed and industrial in perpetuity, detrimental to the visual amenity of the area and wholly inappropriate within the Key Urban Landscape. The existing buildings and structures are poor quality in design and contribute negatively to the character and appearance of the area, and not a feature the LPA would grant permanent consent for. Permanent planning permission cannot be supported, and a restoration scheme for any temporary permission is considered essential. Accordingly, the proposal fails to comply with Policies DM29, DM46 and EN5.

2. The red edge boundaries on the two plans submitted are inconsistent, and it is not clear which boundary defines the land forming this planning application. Furthermore, the plans also show a different boundary to that of the lease agreement between the applicant and Lancaster City Council as landowner.
3. The site lies within an Air Quality Management Area and insufficient information (ie no Air Quality Assessment) has been submitted to enable consideration of air quality and air pollutants. Therefore the scheme fails to accord with Policies EN9 and DM31 and the Low Emissions and Air Quality Planning Advisory Note.
4. The site lies close to environmentally important areas, including the River Lune, Lune Estuary and Morecambe Bay, which are nationally and internationally designated for their ecological importance. Although the application is for a continuance of an existing use, no biodiversity report has been submitted to assess the impacts of this on the local wildlife populations and habitats. Furthermore, the supporting documents do not consider potential harm on the designated sites (protected under the Habitat Regulations), or other potential impact pathways, and no means of biodiversity net gain have been proposed. As such, the proposal fails to conserve and enhance biodiversity and the natural environment, contrary to Policies DM44 and EN7.

## **Background Papers**

N/A