

Proposed development: Full Planning Application: Demolition of existing waste management operations, relocation of the Waste Transfer Station and Materials Recycling Facility and erection of Anaerobic Digestion Facility.

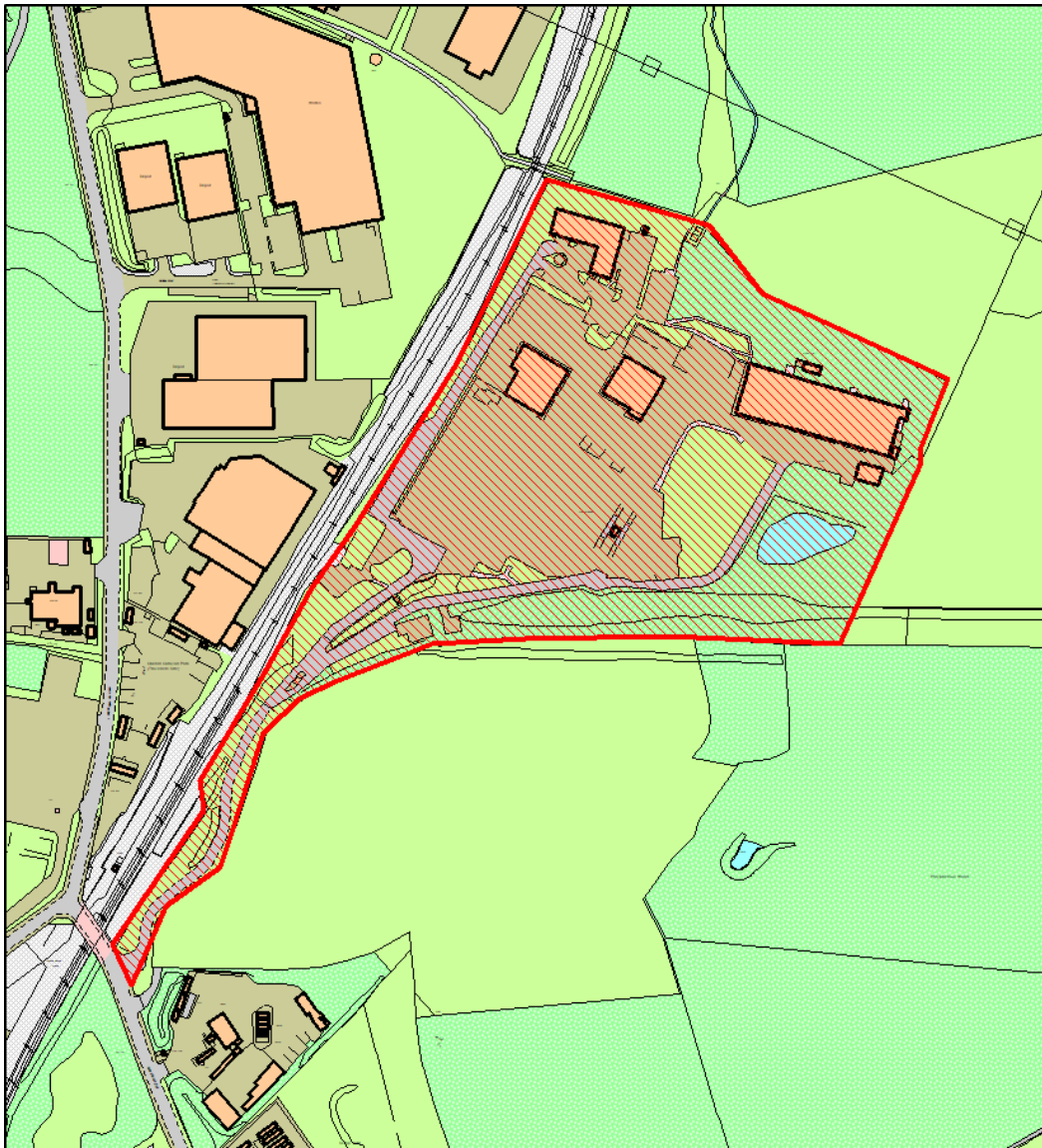
**Site address:
Suez Recycling & Recovery Park
Lower Eccleshill Road
Darwen
BB3 0RP**

Applicant: Suez Recycling & Recovery UK Ltd

**Ward: Darwen East
Ward: West Pennine**

**Councillor Karina Fielding
Councillor Martin McCaughran
Councillor Paul Browne**

**Councillor Julie Slater
Councillor Neil Slater
Councillor Jean Rigby**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 APPROVE – Subject to a Section 106 Agreement for a commuted sum of £61,000, as a proportionate contribution towards the Goosehouse Lane/Hollins Grove junction enhancements, so required to improve capacity, address safety concerns and improve pedestrian and cycle facilities; and conditions. Full details are set out at paragraph 4.1.**

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The proposal will deliver an Anaerobic Digestion Facility (ADF), together with the relocation of the existing Waste Transfer Station (WTS) and Materials Recycling Facility (MRF). Demolition of the existing waste management operations will facilitate the works.
- 2.2 The proposed ADF will process up to 100,000 tonnes of food waste per annum from Blackburn with Darwen Borough and the wider Lancashire area. The ADF would treat waste onsite to generate renewable energy (predominantly biomethane 'green gas', but also electricity and heat). The gas and electricity would be exported to the local distribution network and electricity used to power the plant.
- 2.3 The proposal is found to represent a high quality design and sustainable practises in waste management, as well as renewable energy, at an allocated waste site deemed suitable for built waste facilities; in accordance with the Council's strategic aims and objectives for minerals and waste planning. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application or capable of being controlled or mitigated through planning conditions and a Section 106 contribution.

3.0 RATIONALE

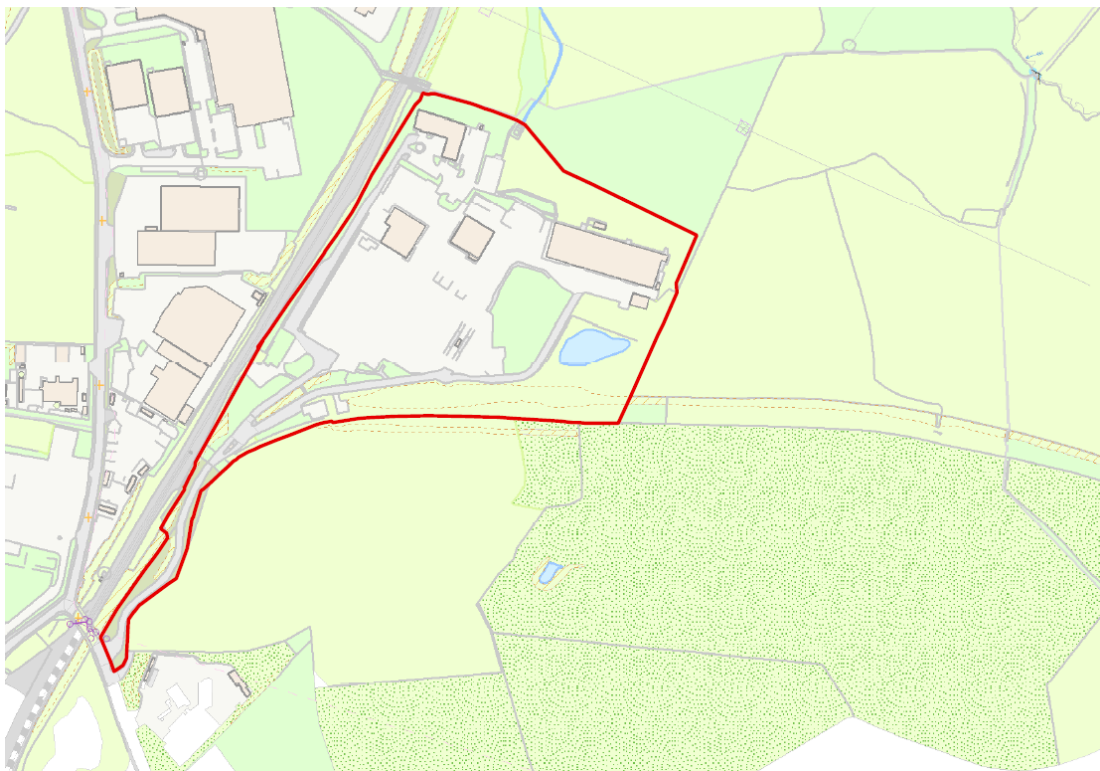
3.1 Background

- 3.1.1 The application is submitted following pre-application dialogue with the applicant (Suez Recycling & Recovery UK Ltd). The site currently benefits from an extant planning permission to create the new Darwen Energy Recovery Centre – EFW facility. The facility would process up to 500,000 tpa of residual municipal, commercial and industrial waste. Permission was granted in August 2019 by the Planning and Highways Committee, under application reference 10/19/0495. Permission was subject to a mutually agreed 4 year commencement period which expires on 15th August 2023. The current ADF proposal is submitted as an alternative form of waste management facility to the EFW which is unlikely to come forward, due to a significant shift in market forces, since approval of the facility.
- 3.1.2 The applicant does, however, wish to secure lawful commencement of the EFW permission, in order to retain the option of developing the site for that

purpose, should market forces dictate a need. In order to facilitate this option and to ensure lawful commencement can be achieved, an application is anticipated to discharge pre-commencement conditions and / or to vary the wording of conditions, as may be necessary. Members should, however, be assured that only one development - either the ADF or EFW - will be implemented. Indeed the site cannot physically accommodate both. In order to formalise the position, the applicant and the Council have agreed that revocation of the EFW permission will be triggered upon commencement of the ADF, legally secured via either a clause inserted into the Section 106 Agreement or a Unilateral Undertaking. Discussions with the Council's Legal team are ongoing in this regard and the final position will be represented in the Update Report.

3.2 Site and Surroundings

3.2.1 The application site (the site) comprises Darwen Resource Recovery Park located east of Lower Eccleshill Road and off Goose House Lane. The site extends approximately 7.23ha, as defined by the red edged location plan extracted below (Planning Statement (WSP, Oct 2022).



3.2.2 The Site is located approximately 4km south of Blackburn Town Centre and approximately 1.6km north of Darwen Town Centre, and is an established waste management site which currently operates as a Waste Transfer Station (WTS) and Materials Recycling Facility (MRF), within the ownership and occupancy of the applicant (Suez).

3.2.3 The Site contains an established pond located towards the eastern edge, with a small stream issuing from it flowing northwards. Another small stream flows

north from an interceptor on the site boundary. Both streams feed into Davy Field Brook located north of the site.

- 3.2.4 The Site also contains a two-storey high office building located in the northwest corner and also a fire-water pond located to the eastern side of the site. Current waste operations take place in existing repurposed industrial buildings.
- 3.2.5 The site is accessed along a private road via a T-junction with Goose House Lane. Goose House Lane provides access to a junction with Lower Eccleshill Road and Hollins Grove Street to the west. Lower Eccleshill Road provides access to Junction 4 of the M65 which is located approximately 0.93-mile driving distance to the north of the site and Hollins Grove Street provides access to the centre of Darwen to the west via the A666.
- 3.2.6 To the west of the site lies a predominately industrial area with a number of commercial units located in close proximity to the site, such as Crown Paints Polymer Plant located directly to the west, beyond an active rail line which bounds the west of the site.
- 3.2.7 The site is bounded to the south by a disused railway and beyond lies an open field. The northern boundary is bounded by a public footpath which runs from east to west linking Lower Eccleshill with Davy Field Farmhouse. The eastern boundary is formed by a combination of trees and hedgerows beyond which agricultural land is located. The area beyond the site to the north is a Biological Heritage Site (BHS) designated at County Level, known as Eccleshill Old Iron Works and is currently wooded, this area is also in the ownership of the applicant SUEZ but does not form part of the application site. To the south and southeast is open agricultural land, designated as Green Belt.
- 3.2.8 The site is well served by road but limited public transport links currently exist in close proximity.
- 3.2.9 The nearest residential properties are located on the Oakhill Caravan Park, a travellers' site, which is located around 200m to the southwest of the site. Other residential properties are located on Lords Crescent 500 metres to the north, beyond the M65 motorway and around 500m away to the southeast in Knowle Lane.
- 3.2.10 The site is not subject to any environmental designations.
- 3.2.11 The site is allocated as a Secondary Employment Area in the Council's adopted Blackburn with Darwen Borough Local Plan Part 2 (LPP2) (December 2015). It is also an allocated site for large scale-built waste management facilities in the adopted Lancashire Joint Minerals and Waste Local Plan, supporting waste type development with capacities of up to 330,000 tonnes per year.

3.3 Proposed Development

- 3.3.1 The Proposed Development is for the demolition of existing waste management operational buildings, installation of an AD plant and the relocation of existing WTS and MRF at Darwen Resource Recovery Park off Goose House Lane, Darwen to replace existing waste handling, processing, and transfer facilities at the site. The use does not fall within any defined Use Class and instead considered a *sui generis* use – ie. of its own kind.
- 3.3.2 The proposed AD plant will form a network of strategic facilities across the UK. Food waste derived from Lancashire and surrounding areas will be processed and treated through the anaerobic digestion process of which is considered to provide the best environmental outcome for food waste.
- 3.3.3 The AD plant will be designed to treat 100,000 wet tonnes per annum (tpa) of organic and commercial food waste to generate renewable energy (predominantly biomethane 'green gas', but also electricity and heat). The gas and electricity would be used to power the plant but also exported to the local distribution network. It is considered that a maximum capacity the Proposed Development could generate a capacity of approximately 126,600MWh of gas which could be exported as a renewable gas to replace fossil gas currently used in the local network.
- 3.3.4 A further 19,200Mwh (approximately) of power from burning gas to generate renewable electricity could also be generated and exported of which 8,000 MWh to be used to power the AD Plant.
- 3.3.5 The key aspects of the Proposed Development include:
- Erection of AD plant and main process building
 - Erection of new WTS and MRF facility
 - Office car park, disabled parking and cycle parking and shelter, EV charging provision
 - Bin store and container area
 - Fuel tank and transformer/substation
 - New office and welfare facilities
 - Logistics/HGV parking area
 - Workshop area.
- 3.3.6 Areas and structures that will be retained as part of the proposals include the existing two storey office building, substation, pond /lagoon, gas governor, access and haul route, gatehouse and weighbridges.
- 3.3.7 The facilities will be constructed on concrete and hardstanding surfaces. Permeable block paving is proposed for areas where there are office and welfare facilities and access for pedestrians. Pedestrians on areas will be appropriately demarcated.

3.3.8 Proposed ADF composition and operational summary:

The proposed ADF can be separated into six general areas: reception, separation, anaerobic digestion, liquor treatment, biogas handling (including electricity generation) and odour control.

3.3.9 The process of anaerobic digestion at the site can be summarised as the conversion of biodegradable material into methane, carbon dioxide and waste through microbial action in the absence of oxygen. Biogas consisting of mainly methane and carbon dioxide is captured and used in the generation of electricity. The material left from the process is known as digestate which is subsequently separated into solid digestate and liquid.

3.3.10 The AD plant comprises:

- Main process building,
- Gas to Grid area
- Combined heat and power plant (CHP)
- Heat exchanger
- Boiler house
- Ferric Store
- Pasteurisers
- X 3 stacks
- X 1 gas flare
- X 5 digester tanks
- X 4 buffer tanks
- X 3 post digestion tanks
- Feeder tanks
- NaOH tank
- X 3 Propane tanks.

3.3.11 The main AD process building extends to approximately 2,800m² in area and would be a maximum height of 16m. The roof will be flat and contain photovoltaic panels. The building would be aluminium framed curtain walling and painted with an olive-green finish. A number of outer steel roller shutters inclusive of a high-speed curtain door for HGV access are proposed on the front elevation. The building is also attached to an odour control area which contains an odour control stack extending to a maximum height of 19m. A chiller and compressors area are also provided in the south of the building.

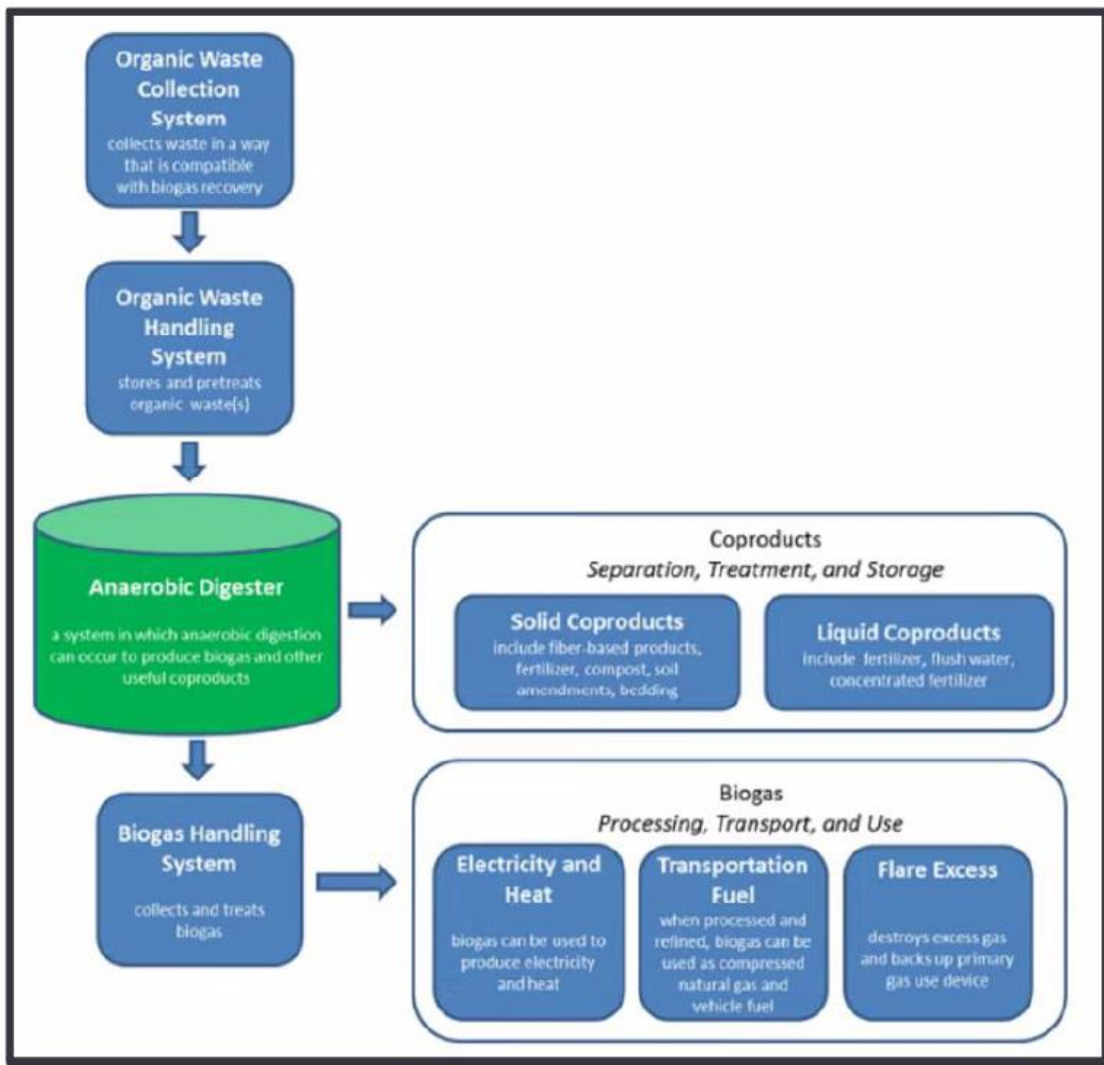
3.3.12 The AD tanks vary in diameter between 3.5m and 28m, the tallest AD tanks (the digester tanks) would be a maximum of 15m in height. Most of the tanks will be finished in light grey colour, however the digester tanks would be olive green with a light grey PVC tank hood.

3.3.13 Above ground pipe gantries would link the various components of the AD facility within which, liquid digestate, biogas, reagents and water would be piped. A visualisation of the proposal is shown below (Planning Statement (WSP, Oct 2022).



3.3.14 The waste reception area is located in the centre of the building. Vehicles arriving onsite via a weighbridge would reverse into the reception area of the main AD building, where the waste would be tipped. The fast-acting shutters will be used and operated by staff to provide access and exit to the AD facility building. The building would be maintained under negative air pressure through the extraction of air by forced ventilation. This would ensure that all odours are drawn through the odour control system preventing odour release from the building. Once the doors are closed the driver would tip the waste into a bunker pit (below ground level), which will then automatically discharge food waste into the pre-treatment mechanical plant for depackaging and waste separation stage.

3.3.15 The ADF process is shown below (Planning Statement, WSP, Oct 2022).



3.3.16 The proposal also seek to relocate the existing WTS and MRF operations at Darwen, which benefit from extant planning permission (refs. 10/15/1150 and 10/15/1149). These operations will continue as per their consent including their aligned operational hours, except will be newly constructed and relocated onsite west of the main AD building.

3.3.17 The WTS and MRF will be split over two buildings. These two facilities will continue to process a total of 85,000 tpa of waste. No other changes to these facilities are proposed including additional vehicles or tonnage increases as a result of the relocation of these facilities.

3.3.18 A site wide landscaping and biodiversity enhancement strategy is also proposed, though full details are not yet available. Instead, they will be secured via condition.

3.3.19 The proposed operational hours of the AD plant will be 24 hours per day and seven days a week, with the reception of waste restricted between 0700-1900hrs Monday - Sunday, excluding bank holidays

3.3.20 Full details are set out in the submitted drawings, Planning Support Statement, Environmental Statement (ES) and suite of Technical Reports.

3.3.21 The proposed site layout is illustrated below (Planning Statement, WSP, Oct 2022).



3.3.22 Methodology for assessment of environmental impact:

This planning application is supported by an Environmental Impact Assessment (EIA), which is a process required by UK law to collate information about the likely significant environmental effects of a development. The legal basis for an EIA lies in European Community Directive 85/337/EEC3 (the 'EIA Directive') (as amended by Directive

2014/52/EU). The EIA Directive is transposed into UK law through several pieces of legislation.

3.3.23 The proposed development does not fall within Schedule 1 of the EIA Regulations (2017), which mandates the undertaking of an EIA and the production of an ES. It is, however, considered that the development, represents a Schedule 2 development under Category 11(b) (installations for the disposal of waste), which sets a threshold of over 0.5ha in size. As the site area of over 0.5 ha it, therefore, meets the threshold for EIA Screening.

3.3.24 For Category 11 (b) development, the indicative criteria in Schedule 3 and threshold column identifies installations (including landfill sites) for the deposit, recovery and/or disposal of household, industrial and / or commercial wastes where new capacity is created to hold more than 50,000 tpa, or to hold waste on a site of 10 hectares or more. Sites taking smaller quantities of these wastes, sites seeking only to accept inert wastes (demolition rubble etc.) or civic amenity sites, are unlikely to require EIA. The key issues to consider column identifies the need to consider the scale of the development and the nature of the potential impact in terms of discharges, emissions or odour. Given the above and the fact that the tonnages exceed 50,000 tpa the applicant has voluntarily submitted an EIA and the application is supported by an Environmental Statement (ES). This follows an EIA scoping exercise, undertaken in advance of this application (ref. 10/22/0598), when the extent of the ES was mutually agreed. Assessment takes account of noise and air quality / emissions arising from the proposal upon the environment; detailed assessment of which is included in the assessment section of this report.

3.3.25 Environmental Permitting:

The proposal requires an Environmental Permit (EP), issued by the Environment Agency (EA), before it can operate. The EP regime seeks to ensure that regulated facilities do not cause harm to the environment or human health; it is the Environment Agency's responsibility to ensure this.

3.3.26 The applicant has management procedures in place for the existing operations on site in the form of a Site Management Plan (SMP) which is regulated by the EA under the Environmental Permit. The SMP will be amended to incorporate the changes proposed within this application. The SMP will ensure appropriate control of odour, windblown litter, dust and noise on site and is subject to review and continual improvement under the Environmental Permitting system.

3.3.27 The EA requires that all applications for Environmental Permits for new installations, regulated under the Environmental Permitting (England and Wales) Regulations 2016, demonstrate the use of Best Available Techniques (BAT) for a number of criteria, including emissions and energy efficiency; one of the principal ways that energy efficiency can be improved is through the use of combined heat and power.

3.3.28 Environmental Permits have a series of conditions attached addressing specific outcomes e.g. emissions and monitoring requirements, maintenance of records, requirements for staff competence etc, which must be complied with. The EA conducts regular inspection visits to ensure that facilities are operating in accordance with the permit conditions.

3.4 Development Plan

3.4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

3.4.2 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. Joint Lancashire Minerals and Waste Local Plan: Core Strategy DPD (February 2009) (Blackburn and Darwen Borough Council, Blackpool Council and Lancashire County Council, 2009); Site Allocations and Development Management Policies – Part One (September 2013) DPD (Blackburn and Darwen Borough Council, Blackpool Council and Lancashire County Council, 2013a); Site Allocations and Development Management Policies – Part Two (September 2013) DPD (Blackburn and Darwen Borough Council, Blackpool Council and Lancashire County Council).

3.4.3 In determining the current proposal the following are considered to be the most relevant policies:

3.4.4 Blackburn with Darwen Core Strategy:

- CS2: Types of Employment land
- CS3: Land for Employment Development
- CS4: Protection and reuse of employment sites
- CS11: Facilities and Services
- CS16: Form and Design of New Development
- CS18: The Borough's Landscapes
- CS21: Mitigation of Impacts / Planning Gain

3.4.5 Blackburn with Darwen Local Plan Part 2 (2015) (LPP2):

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 12: Developer Contributions
- Policy 15: Secondary Employment Areas
- Policy 36: Climate Change
- Policy 39: Heritage

- Policy 40: Integrating Green Infrastructure & Ecological Networks with New Development
- Policy 41: Landscape

3.4.6 Emerging Blackburn with Darwen Borough new Local Plan 2021-2037.

3.4.7 Joint Lancashire Minerals and Waste Local Plan Site Allocations and Development Management Policies Part One (2013) and Part Two (2013):

- Policy DM1: Management of Waste & Extraction of Minerals
- Policy DM2: Development Management
- Policy DM4: Energy from Waste

3.4.8 Review of the Joint Lancashire Minerals and Waste Local Plan – Publication Consultation Version (Regulation 19), Autumn 2018.

3.4.9 **Other material Planning Considerations**

3.4.10 National Planning Policy Framework (The Framework):

The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. At its heart is a presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 6: Building a strong, competitive economy
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change.

3.4.11 Additional considerations:

- National Planning Policy Guidance
- Our Waste, Our Resources: A Strategy for England (2018)
- Waste Management Plan for England 2013
- Waste (England and Wales) Regulations 2011
- National Planning Policy for Waste (NPPW), 2014
- National Planning Statements

3.5 **Assessment**

3.5.1 The Development Plan reaffirms The Framework's principles of sustainability which includes support for sustainable economic development, combating climate change and encouragement of effective re-use of land; subject to the principles of high-quality design and securing a good standard of amenity for all existing and future occupants of land and buildings.

3.5.2 In assessing this application, the following important materials considerations have been taken into account:

- Principle
- Amenity
- Environment
- Highways / Accessibility & Transportation
- Design / Landscape / Visual Impact
- Heritage
- Climate Change

3.5.3 Principle

The Joint Lancashire Minerals and Waste Local Plan - Core Strategy (JLMWCS) was adopted in February 2009 and covers a period of time up to 2021. As the life of the JLMWCS ended in 2021, it is considered out of date. Therefore paragraph 11 (d) of the NPPF (2021) is engaged, directing a presumption in favour of sustainable development. Notwithstanding the plans out of date status, and in the interests of completeness, the JLMWCS sets out the joint planning authorities collaborative objectives, as follows:

- *that new waste facilities will be located to reduce the need to transport wastes unnecessarily and to support self-sufficiency and local ownership of waste management;*
- *all new waste development will contribute to conserving and enhancing our landscapes, our natural and cultural heritage and our quality of life;*
- *that Lancashire will benefit from an integrated network of waste facilities using innovative technologies to manage our waste in sustainable ways, and supporting by thriving a recycling and reprocessing market;*
- *where high quality design and working practices will be an essential feature of all new waste development which will respect the character and distinctiveness of their surroundings; and*
- *that waste activities will be an exemplar of best practices.*

3.5.4 Building upon the vision of the Core Strategy, the Site Allocations and Development Management Policies DPD (Parts 1 & 2) set out a number of objectives that are underpinned by the vision to manage waste according to the principles of sustainable development. Officers have considered the relevant policies and consider key policies in relation to this are as follows:

3.5.5 Policy CS7 of JLMWCS outlines that an integrated waste management strategy will be planned which relies on the 'top end' of the waste hierarchy to 'improve waste prevention and maximise reuse, recycling and composting, supported by a network of facilities providing flexibility for different technologies.' The policy also states that proposals for new developments are required to provide suitable facilities for the handling, storage, collection and separation of wastes arising from the permanent use of the development.

3.5.6 The Site is an established and active waste management facility, where waste is currently segregated and sorted so that recyclable items can be bulked up

and onward transferred and non-recyclables disposed of site. The proposed development would result in the installation of anaerobic digestion plant to process 100,000 tpa of food waste to generate renewable energy. The proposal will include the relocation of existing waste operations (WTS and MRF), of which will continue to process, recycle and recover 85,000 tpa of household recyclable waste.

3.5.7 The proposed ADF will treat food waste from Lancashire and surrounding areas that would otherwise be sent for disposal to a landfill site. The waste would be treated through anaerobic digestion to generate renewable energy (predominantly biomethane 'green gas', but also electricity and heat). The primary functions of the proposal are considered to provide multiple environmental and economic benefits, which fundamentally support the north west's transition to achieving net zero carbon by 2050. The proposal would enable Lancashire as a region to process, treat and manage 100,000tpa of its own organic food waste which in itself reduces many environmental impacts on the wider environment. Whilst this policy predates the NPPF (2021) NPPW (2014) and Our Waste, Our Resources - a Strategy for England (20184), the proposed development complies with this policy in effectively promoting waste at the top end of the waste hierarchy where waste will be treated to generate a renewable energy and not disposed to landfill.

3.5.8 Policy CS8 of JLMWCS sets out management needs and the strategic way in which they will be met.

3.5.9 The Site is a strategic allocation within the Joint Lancashire Minerals and Waste Local Plan - Core Strategy DPD (2009) identified as Policy WM2 – 'Large Scale Built Waste Management Facilities' (site referenced as BWF7 – former Wolstenholme Bronze / Goosehouse Lane site) and forms part of a network of waste management facilities across Lancashire. The site allocation is illustrated below (extract from Site Allocation DPD).



- 3.5.10 The proposed development is for installation of an ADF and the relocation of existing waste management facilities. The ADF, when operated at maximum capacity, will treat 100,000 tonnes of organic food waste, which will prevent 100,000 tonnes of food waste being sent to landfill.
- 3.5.11 The proposal will enable Lancashire as a region to treat its own food waste and enable it to become self-sufficient further reducing the impacts of transporting waste and particularly exporting waste.
- 3.5.12 Policy CS9 of JLMWCS sets out that priority of location will be given to local waste facilities close to residential or community area. It also states that priority of location will be given to larger waste facilities within existing or planned industrial or commercial areas; and that provision will be made for a limited number of resource recovery / waste parks where this would maximise recycling and recovery, support growth in the reprocessing. The policy also requires no significant adverse environmental or other identified impacts to arise for development.
- 3.5.13 As noted above, the site is a strategic allocation hosting a long-standing waste management facility, located within an established industrial area where commercial and other industrial uses exist. Therefore, the scale and nature of the proposed development, with respect to the planned waste management operations, are suitably located in the context of local amenity and the wider environment.
- 3.5.14 The proposal is supported by an ES where potential effects on air quality (Chapter 7 of the ES) and noise (Chapter 6 of the ES) are proportionately considered in detail. Impacts are not considered to pose a significant threat to the environment.
- 3.5.15 All other material matters are proportionately informed by a range of technical reports.
- 3.5.16 Policy DM1 'Management of Waste and Extraction of Minerals' outlines that to achieve the Spatial Vision and to provide for the level of need and spatial distribution for the provision of waste treatment and disposal set out in the Core Strategy developments will be supported in accordance with the site specific policies within this plan - subject to the developments not exceeding the overall capacity as set out in the Core Strategy, and for the individual catchment area as set out in Policy WM1 - for, amongst other things:
- provision of a network of fixed recycling facilities, and
 - provision of a network of new waste management facilities based on strategic locations and local sites.
- 3.5.17 The proposed ADF and relocation of existing WMF would be in accordance with Policy DM1. Existing waste management operations (WTS and the MRF) at the site which are proposed to be relocated, benefit from extant planning permission and collectively manage a total of 85,000 tonnes pa. Furthermore,

the site also benefits from extant planning permission for the development of an EFW to treat 500,000 tpa.

3.5.18 Policy DM2 'Development Management' outlines that waste management operations will be supported where it can be demonstrated that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. It also requires that in assessing proposals account will be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which the impacts can be controlled in accordance with current best practice and recognised standards. Furthermore, in accordance with Policy CS5 and CS9 of the Core Strategy developments will be supported for waste developments where it can be demonstrated by the provision of appropriate information that the proposals will where appropriate make a positive contribution to the:

- local and wider economy;
- historic environment;
- biodiversity, geodiversity and landscape character;
- residential amenity of those living nearby;
- reduction of carbon emissions; and
- reduction in the length and number of journeys made;

3.5.19 Policy DM4 'Energy from Waste' outlines that all developments that include processes capable of recovering EfW will be required to include measures to capture any heat or electricity produced directly or as a by-product of the waste treatment process and either use it on site or export it to the national grid or a local energy or heat consumer.

3.5.20 Policy WM3 allows that Local Built Waste Management Facilities Development involving individual local waste management facilities, of a capacity of around 50,000 tonnes per year, for the recycling, transfer, and materials recovery (excluding thermal treatment) will be supported at the strategic locations identified in Policy WM2 and at other identified sites. A need for 100,000 tonnes of this type of capacity is identified in Blackburn with Darwen / Ribble Valley. In measuring the total capacity of the developments within a catchment, all waste permissions granted on sites identified within Policy WM2 and WM3 will be aggregated. As previously noted, the site already benefits from an extant permission for an EFW to treat 500,000 tpa. In this context, the proposal is considered acceptable. Moreover, it should be re-iterated that the AD and EFW cannot be developed together. Only one will be developed, likely the current AD proposal, which, together with the existing WTS and MRF, will collectively manage 185,000 tpa.

3.5.21 The waste management facilities which would be appropriate within the Strategic locations identified in Policy WM2 - Large Scale Waste Management Facilities - are listed as follows:

- Waste Transfer Station;
- Material Recovery Facility (MRF);

- Construction and Demolition Waste Recycling Plants;
- In Vessel Composting Plant (IVC);
- Thermal Treatment (EfW);
- Advanced Thermal Treatment (pyrolysis and/or gasification);
- Mechanical Biological Treatment (MBT);
- **Anaerobic Digestion**; and
- Mechanical Heat Treatment (MHT).

3.5.22 In November 2018, Lancashire County Council consulted on the 'Review of the Joint Lancashire Minerals and Waste Local Plan Publication' (Regulation 19) version. This new local plan is a combination of the adopted Core Strategy and the Site Allocation and Development Management Policies plan with new proposed policies to ensure the plan remains relevant until the period of 2034. Lancashire County Council is anticipating undertaking further consultation in autumn 2022, with a Submission version submitted to the Secretary of State in summer 2023. The emerging plan currently carries limited weight. Notwithstanding the position, the proposal demonstrates broad consistency with the emerging policies, insofar as it involves a waste management facility, at an allocated site, that will meet the requirements of the borough, whilst contributing a meaningful amount to the identified capacity for recyclable and recovery of waste - processing and treating 100,000 tpa of organic food waste from Lancashire and surrounding areas to generate renewable energy that can be exported as a renewable gas to replace fossil gas currently used in the local network.

3.5.23 Moreover, the proposal will have no significant environmental impacts, as evidenced through submission and review of the ES and the suite of supporting technical reports.

3.5.24 Overall, the proposal effectively promotes the management of waste at the top end of the waste hierarchy, at a rate proportionate to the site and its general location, preventing waste being disposed to landfill, thus further enabling Lancashire to be self-sufficient in managing its own food waste, whilst generating renewable energy that would be exported to the local distribution network, as well as electricity used to power the plant. Therefore, the proposal is considered to accord with the emerging policy position.

3.5.25 The Frameworks '*presumption in favour of sustainable development*' is engaged, on account of the JLMWCS outdated status. The presumption directs that development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified. No such negative impacts are identified, as recognised in the remainder of this assessment.

3.5.26 LPP2 Policy 15 'Secondary Employment Areas', explains that within these areas planning permission will be granted for development in use classes B1 (business), B2 (general industrial) and B8 (storage or distribution) and for other uses which have a clear requirement to locate within a commercial area. This is on the proviso that an appropriate overall balance of uses continue to be maintained in the area. The existing use of the site for waste

management, and the extant permission for the EFW, are critical material considerations. In this context, the proposed ADF use at a site allocated for a waste management at county level, is consistent with the policy requirements.

3.5.27 Amenity

Policy 8 requires development to make a positive contribution and to ensure a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

3.5.28 Residential Amenity – Relationship between buildings:

The nearest known residential receptors are found to the south west at the Oakhill Caravan Park, a fixed traveller site with 17 pitches and one house. There are additional residential receptors located in Lower Darwen approximately 500 metres to the north (Lords Crescent), south east (Manor House Farm) and east (Davy Field Farm). The residential area of Lower Darwen to the north sits beyond the M65 motorway.

3.5.29 The following maximum height dimensions are proposed:

- Main AD processing building - 16.26m;
- The WTS - 11.74m;
- Digester Tanks – 15.30m;
- Buffer Tanks – 16.64m;
- Post Digestion Buffer Tank – 10.275m; and
- Sequence Batch Reactor Feed Tank – 8.370m.

3.5.30 Although substantial buildings / structures occupying a large area of the site, their siting in relation to the nearest residential properties is appropriate, in achieving a separation distance in excess of 200m (from the edge of the Caravan Park), thereby guarding against any significant amenity threat, with specific reference to outlook, dominance and overshadowing. Moreover, it should be recognised that the overall scale and mass of the current proposal is significantly smaller than the EFW previously approved. An acceptable relationship between buildings is, therefore, achieved.

3.5.31 Noise:

The significance of noise impact is recognised, as a matter scoped into the EIA. A Noise Impact Assessment has, therefore, been submitted with application and reviewed by the Council's Public Protection consultee. The main thrust of the assessment is impact on the living and working conditions of people in proximity to the site. Noise impact can be split into construction and operational phase of the development.

3.5.32 Construction phase: Noise and vibration impacts arising from construction of the development have the potential to be significant, albeit for a limited duration. Noise and vibration control measures are recommended to be secured via condition, in order to mitigate impacts during construction phase.

3.5.33 Operational phase: The assessment is accepted as comprehensive, utilising noise modelling and relevant British Standard (BS4142) to forecast the likely impact upon existing receptors in the area. The assessment concludes that there will be no significant impact upon those receptors, as no significant increase in noise levels will arise. Notwithstanding the submitted information, noise mitigation measures for the operational phase of the development are recommended to be secured via conditions requiring submission of a Noise Management Plan and time limited delivery and despatch of materials.

3.5.34 Air Quality:

As with noise, the significance of air quality impacts is recognised, as a matter scoped into the EIA. An Air Quality Impact Assessment has, therefore, been submitted with the application and reviewed by Public Protection. Air quality impact can be split into the categories of air pollution, dust and odour arising from the operational use of the site.

3.5.35 Air pollution: The potential impacts from pollutants include, but are not necessarily limited to, nitric oxide (NO) and nitrogen dioxide (NO₂). Such impacts are considered in the assessment qualitatively and, to some degree, quantitatively. This includes modelling of emissions from the combined heat and power engines. Modelling forecasts a generally low impact on the environment

3.5.36 Dust: The assessment considers the potential impact of dust during construction phase of the development. A low to medium risk is forecast when appropriate mitigation applied. It is recommended that such mitigation will be delivered by a control of construction dust scheme, to be secured via condition.

3.5.37 Odour: A qualitative assessment of odour has been undertaken, forecasting the site as having a low potential for odour with a negligible risk of odour exposure at all surrounding receptors. Public Protection offer the following cautionary comment:

“For the record I do not agree that the odour source potential is low. I believe that an Anaerobic Digestion Plant with a capacity of 100 000 tonnes per annum has a greater than “low” odour potential.

I also feel that the assessment does not fully take into account the potential for fugitive emissions.”

3.5.38 It is, however, recognised that odour outcome will very much depend on the final plant design, the technology employed and the way in which the site is maintained and operated. Moreover, the site will be required to operate under an Environmental Permit, as regulated by the EA, which will include strict conditions relating to odour and emissions. The assessment makes reference to a more detailed quantitative assessment in support of the Permit application for the site.

3.5.39 Notwithstanding the expressed concern, Public Protection are satisfied that odour control conditions can mitigate impacts under the planning process, and in conjunction with the EA permitting regime. It is, therefore, recommended that an Odour Assessment and an Odour Management Plan are secured via condition.

3.5.40 Lighting:

As a 24 hour operation, external light sources will be required. Proposed lighting will consist of low energy LED's which will be controlled with a timer and photocell which will be angled downwards to ensure illumination is limited to the site, so far as is practicable. Lighting is currently indicative, and Public Protection offer no objection in this regard, recognising the significant separation between the site and light sensitive uses. A detailed lighting scheme is, therefore, recommended to be secured via condition, applying the guidance from the Institute of Lighting Professionals.

3.5.41 Contaminated Land:

A Phase 1 Environmental Desk Study has been submitted with the application and reviewed by the Council's Public Protection consultee, who notes site investigations (SI) are pending. The Phase 1 report identifies the site has an industrial history and will be contaminated in parts. The proposed use is not, however, considered particularly sensitive. Submission of the SI's, including and any necessary remediation, as well as validation thereof, will, therefore, be secured via the standard contaminated land conditions.

3.5.42 The EA also recommend securing SI's via their standard conditions. For brevity, the conditions will be amalgamated, to avoid unnecessary duplication.

3.5.43 Evaluation of amenity impact:

Overall, the Council's Public Protection consultee is satisfied that the applicant has approached the environmental impact assessment in a manner consistent with the UK requirements. They have utilised a satisfactory approach and methodology to predict the likely emissions, noise and any other key pollutants impacts arising from the proposal on the local environment.

3.5.44 National Planning Policy for Waste advises that when determining waste planning applications, waste planning authorities should: *...concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.*

3.5.45 As previously noted, activities will require a bespoke installation environmental permit issued by the EA. As part of the environmental permitting process, the EA assess all applications to ensure that they meet the requirements of the Environmental Permitting Regulations. During assessment, the design of the plant is reviewed, as well as how it will be operated, the emissions it will generate (to air, water and land) and whether emissions will have an adverse impact on people living nearby and the natural environment. The EA do this

by consulting partner organisations, such as Natural England (experts on impacts on wildlife) and Public Health England (experts on human health impacts). In order to achieve the limits set by the IED the operator will need to show that they will use Best Available Techniques (BAT).

3.5.46 Coal Mining Legacy:

A Coal Mining Risk Assessment (CMRA) has been submitted with the application and reviewed by The Coal Authority, due to development proposed within a Development High Risk Area, defined as such due to historic coal mining activity. The Coal Authority initially offered objection to the proposal, following review of the CMRA and the proposed drawings, due to the safety risks arising from the proposed location of a workshop within the area of a mine entry. Removal of the workshop from the proposed layout resulted in the withdrawal of the Coal Authority's objection, subject to securing a scheme of intrusive investigations and implementation of any necessary remedial / mitigation works; as well as a verification statement of any remedial / mitigation works undertaken, via conditions.

3.5.47 Accordingly, the development is found to achieve a positive contribution and to appropriately safeguard amenity levels, in accordance with the requirements of Policy 8 and The Framework.

3.5.48 Environment

Policies CS13, 9 and 40 require that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.

3.5.49 Flood Risk / Drainage:

A Flood Risk Assessment (FRA) and Outline Drainage Strategy has been submitted with the application and reviewed by the Council's Drainage consultee (as Lead Local Flood Authority - LLFA), United Utilities and the EA. The FRA confirms the site to be wholly within Flood Zone 1. The assessment concludes that the risk from tidal, fluvial, groundwater and artificial sources is low. Potential flood risks associated with surface water run-on and surface water run-off have been identified, which would be addressed through mitigation. No objection is offered, subject to submission of a Sustainable Surface Water Drainage Scheme and a SuDS Management and Maintenance Scheme, for the lifetime of the development, secured via condition. LLFA also recommend submission of detailed proposals for the diversion of the drainage ditch from the existing lagoon on site, via condition.

3.5.50 Ecology:

An Ecological Impact Assessment has been submitted with the application and reviewed by the Council's Ecology consultee. The Assessment found the site to support a number of protected species as well as habitats with ecological value.

3.5.51 Bats: Survey work found no evidence of roosting bats on the site. Overall activity levels were found to be low. The main features being used by bats

are to be retained. The assessment recommends that a sensitive lighting scheme be designed for the site. It is, therefore, recommended that a Sensitive Lighting Strategy for Biodiversity is secured via condition.

3.5.52 In addition, the assessment recommends enhancement measures for bats, including the erection of 25 bat boxes. An Ecological Design Strategy (EDS), addressing mitigation and enhancement measures, is, therefore, recommended to be secured via condition.

3.5.53 Barn Owl: Survey work found two locations being used by barn owls including one breeding site. Mitigation measures are outlined in the assessment for the loss of these locations, which are acceptable although more detail is required. Such measures shall be incorporated into the EDS condition referenced above.

3.5.54 Amphibians and Reptiles: Survey work found no evidence of Great Crested Newts on the site but other amphibian species were found, including Palmate Newt and Common Toad. A low population of common lizard is also present on the site. Measures to prevent harm to these species during demolition and construction will be required by means of a Demolition & Construction Environmental Management Plan (DCEMP) for Biodiversity, to be secured via condition.

3.5.55 Nesting Birds: Survey work found that site supports habitat that is likely to be used by nesting birds. Therefore, any clearance of vegetation or demolition of buildings that may be used by nesting birds should avoid the main bird breeding season (March to August inclusive), a requirement to be secured via condition.

3.5.56 Badgers: Although survey work found evidence of badgers on site, the badgers should not be directly impacted by the proposals. However, as badgers are highly mobile species a pre-commencement survey is recommended, to be secured via condition. Precautionary working measures during construction, for badgers and other mammals shall be included as a requirement of the DCEMP.

3.5.57 Invasive Species: Survey work found several invasive species present on site. Submission of an Invasive Plant Species Survey of the site is recommended via condition.

3.5.58 Biodiversity Net Gain (BNG): A Biodiversity Metric (3.1) has been submitted with the application and reviewed by the Council's Ecology consultee. It is established that the proposed development will result in a net loss in biodiversity of -10.73%. In terms of the information submitted on BNG, the metric divides the habitats into parcels. Some enhancements have been proposed for within the site including for grassland. These measures include the use of a grassland seed mix - Emorsgate EM1 - which includes the species Salad Burnet. This species occurs on calcareous grasslands and should only be included in areas that support the correct substrate. Notwithstanding the submitted information, it is considered that a reasonable

BNG can be achieved on site, as advocated by The Framework. Emerging local policy and the intention to legally mandate a 10% BNG for major developments should be recognised. It is, however, mutually accepted that the full 10% may not be achievable on site or a combination of on-site and off-site (within the applicants adjoining land holding). The outcome is currently uncertain, particularly as the SuDs strategy is not yet finalised, which will be significant to informing the final provision. Accordingly, it is agreed with Ecology that a BNG strategy can be secured via condition. The strategy must include the extent of BNG achieved post development, assessed against the sites biodiversity baseline value pre development, and be agreed by the LPA as reasonable and proportionate for the development as proposed. That the extant EFW permission does not provide for a defined BNG should be recognised as a material fall-back position. It is anticipated that the current ADF proposal will achieve a more significant uplift. Moreover, the applicant's desire to ensure a development providing significant BNG should be emphasised, as a benefit for the internal working environment, as well as the wider area.

3.5.59 The site lies immediately adjacent to Eccleshill Old Iron Works Biological Heritage Site (BHS). Mitigation measures within the CEMP will minimise any impacts arising during construction phase.

3.5.60 Trees: An Arboricultural Impact Assessment / Tree Survey & Constraints Plan has been submitted with the application and reviewed by the Council's Arboricultural consultee. A total of 16 individual trees and 11 groups and one woodland have been surveyed across the site. A total of 10 trees are proposed to be removed due to the direct impact of the development and 3 groups partially removed. These trees are identified on the submitted plan as T1, T4, T5, T9, T10, T11, T12, G4, G6, & G7 – fully removed; and G5, G8 & G3 partially removed. The remaining trees are to be retained and protected as outlined on the Tree Protection Plan by methodology needed in an Arboricultural Method Statement, to be secured via condition.

3.5.61 The site consists broadly of landscape buffer planting that have little relevance in the public realm providing limited visual amenity in the wider landscape by virtue of their geographical position within the site. They are, however, of some amenity value in the local landscape. The trees mainly comprise of landscape plantings that are maturing and located around the site's periphery. The southern boundary contains a notable woodland of considerable arboricultural and conservation quality. Many tree groups are located off site and overhanging into site. It is considered that the retention of significant arboricultural assets has been achieved. Moreover, a site wide landscaping scheme, to be secured via condition, will provide a significant degree of replacement planting. No objection is, therefore, offered on arboricultural grounds.

3.5.62 Accordingly, the environmental impact of the development is found to be acceptable, in accordance with the requirements Policies CS13, 9 and 40, and The Framework.

3.5.63 Highways / Accessibility and Transport

Policies CS22 and 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.64 A Transport Assessment (TA) has been submitted with the application and reviewed by the Council's Highways consultee and National Highways; who offer no objection. The TA presents an assessment of accessibility to the site by walking, cycling, public transport and car, and also provides an assessment of the impacts of the development on the Strategic Route Network and the Local Highway Network.

3.5.65 The TA makes the case that additional traffic generated by the development will have a negligible effect on the operation of the Goose House Lane / Hollins Grove Street / Lower Eccleshill junction. An additional 40 HGV movements a day are forecasted, equating to a 1% increase in total vehicles (north of Goose House Lane / Hollins Grove Street / Lower Eccleshill junction) on Eccleshill Road and that, as such, no improvement for capacity should be required at the junction.

3.5.66 Notwithstanding this assertion, it is apparent that the development will result in an increase in traffic movements through additional HGV movements and additional staff attending the site. There is also the potential for additional pedestrian movements at the junction arising from the development proposals. Work undertaken by Capita in their Technical Note "Lower Eccleshill Road / Goose House Lane Junction Improvement – Option Appraisal" identified concerns (in Section 3) relating to the swept path of articulated vehicles overrunning opposing lanes, a lack of pedestrian crossing facilities and right turning traffic from Lower Eccleshill Road onto Hollins Gove Street blocking traffic running straight onto Goose House Lane. The Capita Technical Note also indicates that the existing junction layout would operate over capacity in future years with or without the proposed development.

3.5.67 Consequently, it is considered that improvements at the Goose House Lane / Hollins Grove Street / Lower Eccleshill junction are justified, by local policy and through The Framework, as identified in Section 2.2 of the TA, as it would demonstrate:

- that the potential impacts of development on transport networks can be addressed (Paragraph 104);
- that opportunities to promote walking, cycling and public transport use have been identified and pursued (Paragraph 104); and
- that the proposals give priority first to pedestrians and cycle movements, both within the scheme and with neighbouring areas (Paragraph 112).

3.5.68 The applicant has agreed to a financial contribution towards the identified need for junction improvements, of £61,000, to be secured via a Section 106 Agreement. The agreement is considered as a proportionate, circa 10% contribution towards the overall funding of the junction improvements. Other

major committed developments in the locale have also contributed a proportionate cost, as will other future developments. A timetable for the works is not yet available, though Members are advised that a fully worked up design should be available within the next few months.

3.5.69 In addition to the above, it is considered that the permeable block paving, shown along the access road on the proposed site plan, should be extended to meet with the pavements of Goose House Lane to create a safe, convenient and continuous pedestrian route from the local highway network into the site. It is not clear from the TA or plans provided if this is included within the proposals or not. It is, therefore, recommended that details are secured via condition, in order to achieve a significant improvement to the sites accessibility, in support of employees who travel to site on foot or by public transport.

3.5.70 The proposed site plan indicates an increase in parking provision on site from 77 spaces, including 2 disability spaces, to 85 spaces, including 8 disability spaces. Although no justification has been provided for the additional parking spaces, the increase is not disproportionate to the scale of the development proposals and is accepted.

3.5.71 A Public Right of Way (PRoW) is routed just outside the site boundary (footpath 9 Eccleshill), to the north. An informative shall advise that the PRoW must remain unobstructed throughout the duration of demolition and construction.

3.5.72 Accordingly, highway impacts arising from the development are found to be acceptable, in accordance with the requirements of Policies CS22 and 10, and The Framework.

3.5.73 Design / Character & Appearance / Landscape Impact

Policy 11 requires a good standard of design which will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. The Framework also requires high quality design directing that, *“the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”*

3.5.74 The site is not within or covered by any statutory or non-statutory landscape designation. The impact of the development on the landscape must be considered in the context the site's allocation for waste management development, as well as the defining commercial industrial character of the immediate locale.

3.5.75 Although buildings and structures very substantial in scale are proposed, they would be read against the prevailing commercial / industrial character. Moreover, the overall scale of the development is smaller and less visually prominent than the approved EFW. The facility and supporting infrastructure has been carefully designed with regards to the form of the building its relationship to the existing site and the adjacent area. Buildings / structures would be colour coordinated in a grey and green palette to unify into the immediate natural surroundings, reduce contrast with the background landscape, minimise visual effects and aid assimilation into the wider landscape. Proposed dimensions are as follows (Planning Statement, WSP, Oct 2022):

	Area (m ²)	Diameter (m)	Height(m)	Number	Vol (m ³)
Reception Hall (16m ridge)	1258	-	16	1	-
Pre-Treatment Hall (16m ridge)	680	-	16	1	-
Digestate / Centrifuge Hall (16m ridge)	816	-	16	1	-
Pasteurisation Tanks		3.5	7.235	3	208.7207
Buffer Tanks		8.5	16.64	4	3775.034
Digester Tanks		28	15.3	5	61493.76
SBR Feed		7.5	8.37	1	795.0245
SBR Tank		20	10.77	1	6763.56
PDST		10	10.275	3	3226.35
NaOH Tank		8.5	8	1	567.1625
Gas fare			8.7m	1	
Stacks			19m	3	

3.5.76 The lighting strategy for the development must minimise light spill and sky glow resulting from both the internal and external lighting of the proposed facility. The landscaping and BNG schemes will be formulated to retain as much natural vegetation along the site boundary as possible, and provide enhancement throughout the site, where practicable, thus softening the visual impact of development.

3.5.77 Landscape and Visual Impact Assessment

Policy 41 supports development provided that there is no unacceptable impact on landscape character and the principal traits associated with it.

3.5.78 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application, on account of the scale of the proposed development. It should be recognised that, from the outset, impacts on landscape character

was not expected to be significant; for this reason, the matter was scoped out on the EA.

3.5.79 The design of the development includes three areas of mitigation that would influence and reduce the extent of potential landscape and visual effects:

- Similar Development Footprint:

The development would occupy a similar but slightly larger development footprint compared to the existing development.

The proposed site layout includes an extended area of hardstanding to the north and east of the site. This is to facilitate the ADF digester tanks, new admin offices, combined heat and power station, transformer and fuel tank. Access is to remain the same, with a change to designated operations (WTS and MRF), location of weighbridges and parking facilities. Existing access infrastructure would be retained and used to minimise the requirement for new access arrangements and land take.

- Reduced Height:

The Proposed Development would include new structures which have been designed to minimise the overall height and scale of the new development.

- Architectural Colour Scheme:

The Proposed Development would be colour coordinated in a grey and green colour pallet to unify the new structures, reduce contrast with the background landscape, minimise visual effects and aid assimilation into the wider landscape. The new building construction would be clad olive-green finish and the digester tanks would also be an olive green with a light grey PVC tank hood. Most of the other tanks would be finished in light grey colour.

3.5.80 The site is well screened from the public realm, by a combination of surrounding landform, trees, woodland vegetation and other buildings, such that further landscaping in the form of screen planting is unlikely to further reduce landscape and visual effects. The approach to landscape design has, therefore, focused, where possible, on the retention of existing vegetation within the site boundary, particularly around the perimeter.

3.5.81 The LVIA offers an analysis of 9 optimum viewpoints which collectively provide a representative assessment of visual impacts. The summary conclusion of the assessment, in terms of landscape effects, is that the proposed development would affect only small areas of existing grassland and trees within the site boundary; and that the effects on the wider landscape character would range from moderate and minor / negligible during construction and reduce to minor / negligible during operation use.

3.5.82 In terms of visual effects, high to medium magnitudes of change, during construction phase, are likely to be limited to areas to the south and east of the site, within an approximate 500m distance, affecting views in from the local Prow network and residents at Davy Field Farm, circa 460m to the east. Operational phase effects would reduce to medium to low. All other viewpoints are indicated to as very low or zero during operational phase.

3.5.83 The Council's Arboriculture consultee concurs with the outcome of LVIA, concluding that the development would not give rise to any detrimental visual impact on landscape character.

3.5.84 Accordingly, the design of the development and its impact of the landscape is found to be acceptable, in accordance with the requirements of Policies CS16, 11, 41, and The Framework.

3.5.85 Heritage

Policies CS17 and 39 require development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset.

3.5.86 Paragraph 199 of The Framework states that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; and the more important the asset, the greater the weight should be. Substantial harm to or loss of designated heritage assets of the highest significance should be wholly exceptional.

3.5.87 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon local planning authorities in determining applications for development affecting listed buildings to have special regard to the desirability of preserving the special interest and setting of the listed building.

3.5.88 It should first be acknowledged that the proposed demolition of buildings is acceptable, in the absence of any heritage value.

3.5.89 The Culture Heritage Report which accompanied the extant planning permission for the development of EFW has been considered for this application. It should, however, be noted that the current ADF proposal is smaller in scale than the EFW. The report identifies that there are 3 Post Medieval non-designated heritage assets recorded within the project site. These include a clay extraction pit at the southern end of the site; the former line of the Lancashire and Yorkshire Railway's Huddlesden branch is recorded along the southern boundary of the site; and the former Darwen and Mostyn Iron Works is also recorded within western side of the site. Further afield there are various assets, although most – such as listed buildings within Darwen – are sufficiently distanced from the site and / or have such intimate settings so as to be not affected by the proposal.

3.5.90 With reference to the listed buildings, it is considered that there would be inter-visibility with some, but the separations and / or the context (where there

are already other industrial buildings within views) means that the settings would not be detrimentally affected. In conclusion, 'no harm' arises upon the setting of the listed buildings.

3.5.91 With reference to non-designated heritage assets, the assessment has identified potential impacts to sub-surface archaeological remains associated with the former Darwen and Mostyn Iron Works that may be present within the project site. "A permanent moderate adverse significance of effect is predicted prior to mitigation. Any direct physical impacts to these archaeological remains can be mitigated through the implementation of a phased programme of archaeological investigation and the residual effects are predicted to be negligible. Potential impacts to sub-surface archaeological remains associated with the former clay pit and railway line have also been identified. A negligible effect is predicted and mitigation is not considered necessary." To address these concerns a condition requiring a programme of archaeological investigation has been recommended.

3.5.92 LCC Archaeology (Historic Environment Team) is of the opinion that the site does retain some level of local archaeological significance, one that could be adequately mitigated by the works proposed in section 9.43 of the report. It is, therefore, recommended that an archaeological investigation of the site is secured via condition.

3.5.93 Accordingly, impact of the development upon heritage assets is found to be acceptable, in accordance with the requirements of Policies CS17 and 39, and The Framework.

3.5.94 Climate Change

Policies CS13 and 36, as well as Core Policy 5 of the emerging plan set out the Council's approach to climate change. Exemplar developments which demonstrate how particularly high standards of environmental performance, within the urban area, are explicitly supported.

3.5.95 The Framework states that, " *new development should be planned for in ways that help increase the use and supply of renewable and low carbon energy and heat, and that plans should:*

a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);

b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers."

3.5.96 The proposed ADF would use organic food waste to generate renewable energy in the form of predominantly biomethane 'green gas', but also electricity and heat. The primary functions of the development are considered to provide multiple environmental and economic benefits, which fundamentally support the North West's transition to achieving net zero carbon by 2050.

3.5.97 Other contributions towards reducing carbon dioxide emissions relate to the proposed structures, including the main ADF, WTS and MRF facilities which will comprise some 2313 photovoltaic panels (solar panels) providing 720MWh of power, thereby helping to offset daytime power consumption. The proposals are inclusive of electrical vehicle charging points, which will amount to a minimum of 10% of all car parking provision (9 EV charging points).

3.5.98 The renewable electricity generated onsite would be used to power the ADF, with any excess being sent to the local distribution network. The 'green gas' produced would also be sent to the local gas distribution network, providing a cleaner and more sustainable form of gas that does not involve polluting drilling and extracting processes. The proposal would, therefore, result in the creation of a greener source of electricity, gas and heat that can be used by local residents, businesses and the development itself. The ADF would also reduce the amount of vehicle movements in transport/exporting waste, which would be a significant benefit and awarded significant weight in the determination of the application.

3.5.99 Overall, the proposals are considered to be a highly sustainable solution to managing and treating food waste for the generation of renewable energy, that will prevent waste being disposed and transported to landfill and not have unacceptable impacts on climate change. Through construction activities, the proposals also look to maximise the recycling of waste where possible.

3.5.100 Accordingly, the proposal is found to be acceptable, in accordance with the requirements of Policies CS13 and 36, emerging Core Policy 5 and The Framework.

3.5.101 Planning Gain / Section 106 Financial Contributions

The following Section 106 contribution is agreed between the Council and the applicant, towards improvements at the Goose House Lane / Hollins Grove Street / Lower Eccleshill junction:

- Highway / junction improvements - £61,000
- Monitoring fee - £610
- Total = £61,610

3.5.102 Summary

This report assesses the Full Planning Application for the demolition of existing waste management operations, relocation of the Waste Transfer Station and Materials Recycling Facility and erection of Anaerobic Digestion Facility. In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation. The

scheme is considered to promote a high quality design and sustainable working practises in waste management at an allocated waste site suitable for built waste facilities; in accordance with the strategic aims and objectives for minerals and waste planning, the Local Plan and The Framework. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application or capable of being controlled or mitigated through planning conditions and contributions.

4.0 RECOMMENDATION

4.1 Approve subject to:

- (i) Delegated authority is given to the Strategic Director of Growth & Development to approve planning permission, subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £61,610, specified as follows (payment is to be made prior to commencement of development):**

- Highway / junction improvements - £61,000
- Monitoring fee - £610
- Total = £61,610

Should the Section 106 Agreement not be completed within 6 months of the date of the planning application being received, the Strategic Director of Growth & Development will have delegated powers to refuse the application.

(ii) The following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the application received 22nd December 2021 and with the following drawings / plans / information: *(to be added)*.

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. Prior to commencement of any above ground works hereby approved, and notwithstanding the submitted details, written and illustrative details, including colours and textures, of the external walling, roofing and window materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory, in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2.

4. Prior to commencement of any above ground work hereby approved, and notwithstanding the submitted details, a scheme of boundary treatment(s) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the precise location, height and construction materials of all boundaries. The approved scheme of boundary treatment(s) shall be implemented prior to first occupation of the development and retained thereafter.

REASON: To ensure that the external appearance of the development is satisfactory, in accordance with Policy 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

5. Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:

i) A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.

ii) Findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the Local Planning Authority or the Environment Agency.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

6. Prior to the occupation of the development hereby approved, a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider

environment, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

7. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

8. Prior to commencement of the development hereby approved, and notwithstanding the submitted details, a scheme for protecting the surrounding residential and commercial premises from noise, vibration and dust shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and adhered to throughout the period of demolition and construction.

REASON: In order to safeguard neighbouring amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

9. Prior to commencement of the operational use hereby approved, and notwithstanding the submitted details, an Odour Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall provide for odour modelling and detail the likely impact on receptors in the area. The report shall also detail any odour mitigation necessary to ensure that receptors in the area are not impacted by odour from the approved use.

All mitigation measures shall be implemented and adhered to for the duration of the approved use.

REASON: In order to safeguard neighbouring amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

10. Prior to commencement of the operational use hereby approved, and notwithstanding the submitted details, an Odour Management Plan shall be submitted to and approved in writing by the Local Planning Authority (LPA). The approved plan shall be implemented and adhered to for the duration of the approved use. Should levels of odour emitted from the site change to the extent that the LPA consider the approved Odour Management Plan to be inadequate, an updated Odour Management Plan shall be submitted, upon request, and all approved management measures implemented with immediate effect.

REASON: In order to safeguard neighbouring amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

11. Prior to commencement of the operational use hereby approved, and notwithstanding the submitted details, an Operational Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be and adhered to for the duration of the approved use. Should levels of noise emitted from the site change to the extent that the LPA consider the approved Operational Noise Management Plan to be inadequate, an updated Operational Noise Management Plan shall be submitted, upon request, and all approved management measures implemented with immediate effect.

REASON: In order to safeguard neighbouring amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

12. During the operational phase of the development, no materials shall be delivered to the site or despatched from the site outside of the following hours:

- Monday to Friday (inc) between 07:00 and 19:00; and
- Saturday, Sunday, Bank Holidays and Public Holidays between 09:00 – 17:00.

REASON: In order to safeguard neighbouring amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Prior to the installation of any external flood lighting a scheme detailing the location and specification of any luminaires shall be submitted to and approved in writing by the Local Planning Authority. The scheme must accord with the guidelines set out in the Institute of Lighting Engineers publication "Guidance Notes for the Reduction of Obtrusive Light". The approved scheme shall be implemented and adhered to for the duration of the approved use.

REASON: In order to safeguard neighbouring amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

14. The construction of the development hereby permitted shall only take place between the following hours:

Monday to Friday: 08:00 to 18:00

Saturday: 09:00 to 13:00

Sundays or Bank Holidays: No site operations

REASON: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

15. Prior to commencement of the development hereby approved, including demolition) a Demolition, Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing

by the Local Planning Authority. The DCEMP shall provide for the following:

- Details of an environmental pollution incident emergency response;
- A plan showing the areas of storage for all materials associated with construction;
- Details specifying how the existing pond on site would be protected during the construction works, including details of proposed protective fencing/netting to be erected to safeguard the pond;
- Demolition and site clearance methodology;
- The parking of vehicles of site operatives and visitors;
- An area(s) for loading and unloading of plant and materials;
- An area for the storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
- Measures to control the emission of dust and dirt during construction;
- a scheme for recycling / disposing of waste resulting from demolition and construction works;
- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones";
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- Precautionary working measures during construction, for badgers and other mammals;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- Use of protective fences, exclusion barriers and warning signs.

Demolition and construction shall proceed in strict accordance with the approved DCEMP measures for the duration of those works.

REASON: In order to safeguard protected habitat; to avoid the deposit of debris into watercourses; and onto the highway, and in order to protect local amenity generally, in accordance with Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

16. Prior to the commencement of any above ground works hereby approved, and notwithstanding the submitted details, an electric vehicle charging point scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to operational use of the approved development and shall be so retained.

REASON: In the interests of air quality management and protection of health, in accordance with Policies 8 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

17. Prior to the commencement of development hereby approved, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (v) Incorporate mitigation measures to manage the risk of sewer surcharge as required;
- (vi) Full details of overland flow paths and any associated mitigation measures as required; and
- (vii) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

18. Prior to occupation of the development hereby approved, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

REASON: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with the requirements of Policy 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

19. Prior to commencement of the development hereby approved, detailed proposal for the diversion of the drainage ditch from the existing lagoon on site, shall be submitted to and approved in writing by the Local Planning Authority. The drainage ditch shall be diverted in strict accordance with the approved details.

REASON: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

20. No site clearance shall be undertaken between the 1st March and 31st August in any year, unless and until a detailed bird nest survey, undertaken by a suitably experienced ecologist, has been submitted to the Local Planning Authority in writing, confirming that no active bird nests are present.

REASON: To ensure the protection of nesting birds, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

21. Prior to commencement of any works at the site, an Arboricultural Method Statement and tree protection plan shall be submitted to and agreed in writing by the Local Planning Authority. The method statement shall clearly state how the trees to be retained on site will be protected during construction works. The agreed method statement shall be implemented in full prior to the undertaking of any on site works and retained for duration of the demolition and construction works.

REASON: Trees represent a public benefit by way of visual amenity and should therefore be protected at all times, in accordance with Policy 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

22. Prior to commencement of above ground works hereby approved, and notwithstanding the submitted details, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The

scheme shall include details of native tree and shrub planting, including species and densities, to compliment local priority habitat, to enhance the Leeds and Liverpool canal corridor and to provide for a net gain in biodiversity. Planting of trees and shrubs shall also be implemented in accordance with the approved details, during the first available planting season following completion of the development. Trees dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: To ensure an appropriate appearance to the site and in the interests of amenity and ecology, in accordance with Policy 9 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

23. Prior to occupation of the development hereby approved, and notwithstanding the submitted detail, a Landscape and Environmental Management and Maintenance Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall cover all landscaped areas of public open space, subject to details approved under condition 20, and it shall detail a programme of works including scheduled frequencies of weeding and watering as well as monitoring of habitats for a period of 30 years. The strategy shall be implemented in accordance with the approved detail upon completion of the development.

REASON: To ensure that there is a well maintained scheme of healthy trees and shrubs in the interests of amenity in accordance with Policies 9, 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

24. Prior to commencement of the development hereby approved, and notwithstanding the submitted details, a Biodiversity Enhancement Strategy for the site and adjoining land also within the applicant's control, shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall set out the extent of biodiversity net gain achieved post-development, assessed against the sites baseline biodiversity value pre-development. The Strategy shall include a phased timetable of implementation as well as a maintenance programme to be implemented post completion of the development, for a specified period of time.

REASON: In order to promote and protect ecology and biodiversity, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2 and the National Planning policy Framework.

25. Prior to commencement of the operational use hereby approved, a "lighting design strategy for biodiversity" for areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for nocturnal species including bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: In order to protect ecology and biodiversity, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

26. Prior to commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by the local planning authority. The content of the LEMP shall include the following.

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism{s} by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The LEMP shall be implemented in strict accordance with the approved details.

REASON: In order to promote and protect ecology and biodiversity, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2 and the National Planning policy Framework.

27. No development shall take place until an ecological design strategy (EDS) addressing mitigation and enhancement measures has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following.

- Purpose and conservation objectives for the proposed works.
- Review of site potential and constraints.
- Detailed design(s) and/or working method(s) to achieve stated objectives.
- Extent and location/area of proposed works on appropriate scale maps and plans.
- Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- Persons responsible for implementing the works.
- Details of initial aftercare and long-term maintenance.
- Details for monitoring and remedial measures.
- Details for disposal of any wastes arising from works.
- Barn Owl mitigation measures.
- Badger and mammals 'Reasonable Avoidance Measures'

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: In order to protect ecology and biodiversity; in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

28. Prior to the commencement of any works on site, a detailed Invasive Plant Species Survey of the site shall be carried out by a remediation / invasive species specialist. The results of this survey and any recommendations or mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation measures shall be carried out in strict accordance with the approved detail.

REASON: In order to protect ecology and biodiversity, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

29. If no site clearance or construction works commence by October 2024, an updated Ecological Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation measures shall be carried out in strict accordance with the approved detail.

REASON: To ensure the protection of ecology and biodiversity in general, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

30. If no site clearance or construction works commence by October 2024, a site walkover shall be undertaken to check for evidence of Badger presence. If such presence is identified, a Badger Survey shall be submitted to and approved in writing. Any recommended mitigation measures identified shall be carried out in strict accordance with the approved detail.

REASON: To ensure the protection of Badgers and ecology and biodiversity in general, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

31. Prior to operational use of the development hereby approved, a scheme to extend the permeable block paving along the access road on to meet with the pavements of Goose House Lane, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved detail, prior to operational use of the development.

REASON: In order to create a safe, convenient and continuous pedestrian route from the local highway network into the site, in accordance with the requirements of Policy 10 of the Blackburn with Darwen Local Plan Part 2.

32. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a phased programme of archaeological investigation, recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, as well as the proper reporting of that work and archiving of the project, in accordance with the requirements of Policy 39 of the Blackburn with Darwen Local Plan Part 2 and The Framework.

5.0 PLANNING HISTORY (Planning Statement, WSP, Oct 2022).

Permission Reference	Dated	Issuing Authority	Details
10/10/0732	01/12/2010	Blackburn with Darwen Borough Council	Certificate of Lawfulness (Proposed) for change of use from B2 (general industry) to B1 (offices).
10/11/0608	01/07/2011	Blackburn with Darwen Borough Council	Prior notification for demolition of industrial buildings.
10/11/0805	12/10/2011	Blackburn with Darwen Borough Council	New ventilation condensers to supply cooling to ground and first floors.
Materials Recycling Facility			
10/11/0930	29/02/2012	Blackburn with Darwen Borough Council	Change of use of inkworks and H1 building to MRF.
10/13/0767	21/11/2013	Blackburn with Darwen Borough Council	Variation of condition (VOC) to extend the operational hours of the facility.
10/15/1149	03/11/2015	Blackburn with Darwen Borough Council	VOC to extend the operational hours of the facility.
Waste Transfer Station & Refuse Derived Fuel Facility			
10/12/0558	18/10/2012	Blackburn with Darwen Borough Council	Waste Transfer Station with Refuse Derived Fuel Facility, staff welfare and offices and associated infrastructure.
10/15/1150	03/11/2015	Blackburn with Darwen Borough Council	VOC to extend the operational hours of the facility.
Energy From Waste			
10/19/0495	15/08/2019	Blackburn with Darwen Borough Council	Demolition of existing waste transfer and materials recycling buildings and construction of an energy from waste facility (EFW) with ancillary infrastructure and landscaping.

6.0 CONSULTATIONS

6.1 BwD Public Protection

The introduction of a large scale anaerobic digestion facility will bring with it Environmental Protection Challenges in respect of noise, air quality, light and contaminated land.

Noise

Construction Phase

This will be a fairly significant construction project with a potential impact on people living and working in the locality.

Construction phase control conditions can be applied to reduce this impact.

Operational Phase

TBC – comments to follow

Air Quality - including Air Pollution, Odour and Dust

An air quality Assessment has been submitted with the application. This assesses the potential impact of the development on air quality.

Air Pollution

The potential impact from pollutants such as NO₂ / NO_x is considered in the report qualitatively and to some degree quantitatively. This includes modelling of emissions from the CHP engines.

The outcome of this is that the potential impact is low. The report makes reference to the council's planning advice note on air quality.

Dust

The report considers the potential impact as a result of construction phase dust. This is considered as medium but low risk with appropriate mitigation.

This can be controlled via condition to agree a scheme for the control of construction dust.

Odour

A qualitative assessment of odour has been done and the site is classed as having a low potential for odour with a negligible risk of odour exposure at all surrounding receptors.

For the record I do not agree that the odour source potential is low. I believe that an Anaerobic Digestion Plant with a capacity of 100 000 tonnes per annum has a greater than “low” odour potential.

I also feel that the assessment does not fully take into account the potential for fugitive emissions.

However, much will depend on the final plant design, the technology employed and the way in which the site is maintained and operated.

The applicant will be required to operate under an Environmental Permit which will include conditions relating to odour and emissions. The applicant makes reference to a more detailed quantitative assessment in support of the Permit application for the site.

I believe that odour control conditions could be included on the decision notice to reduce the potential for odour impact in the future. This would include an odour assessment and an odour management plan which would also be necessary for the Permit Application.

Light

The use of lighting associated with the development has the potential to have an impact on surrounding light sensitive premises. Given the separation distances involved then this can be conditioned. It is expected that the developer will follow the guidance from the Institute of Lighting Professionals.

Contaminated Land

The site has a considerable industrial history.

An environmental desk study has been completed and submitted with the application. It will be reviewed in due course but this can be dealt with via condition.

Recommended Conditions

Noise

Condition – Construction / Demolition Noise / Dust Control

Demolition or construction work shall not begin until a scheme for protecting the surrounding residential and commercial premises from noise, vibration and dust from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and construction.

Reason: To safeguard the amenity of neighbouring properties by reducing the noise/vibration levels emitted from the site.

Condition - Redevelopment working hours

Construction and / or demolition works shall not be permitted outside the following hours:

Monday to Friday 8:00 to 18:00

Saturday 9:00 to 13:00

Unless otherwise agreed in writing with the Local Planning Authority.

Construction and demolition works shall not be permitted on Sundays or Bank or Public Holidays.

Reason: to limit noisy activity to within normal working hours.

Condition – Odour Management Plan

Prior to the occupation of the approved use an odour management plan must be submitted to and agreed in writing with the local planning authority. The agreed plan shall be retained for the duration of the approved use. The odour management plan shall be updated as appropriate.

Reason: To protect local residents from a loss of amenity from odour.

Condition – Odour Assessment

Prior to the commencement of the approved use, an Odour Assessment shall be submitted to and agreed in writing with the local planning authority.

The assessment shall include odour modelling and detail the likely impact on receptors in the area. The report shall also detail any odour mitigation necessary to ensure that receptors in the area are not impacted on by odour from the approved use.

Reason: to safeguard the amenity of surrounding premises.

Condition - Floodlighting:

Prior to the installation of any external flood lighting a scheme detailing the location and specification of any luminaires shall be submitted to, and agreed in writing by, the Local Planning Authority. The scheme must accord with the guidelines set out in the Institute of Lighting Engineers publication "Guidance Notes for the Reduction of Obtrusive Light".

Reason: to ensure adequate levels of residential amenity

CONTAMINATED LAND CONDITIONS

Condition 1

Prior to the commencement of construction works on site, the developer must submit to the Local Planning Authority (LPA) for written approval:

- i. A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Detailed proposals for subsequent site investigation based on the CSM shall be included as appropriate; the developer will be advised whether any further site assessment is required.
- ii. If required by the LPA, the findings of the approved site investigation work, including an appropriate assessment of risks to both human health and the wider environment, arising from contaminants in, on or under the land (including ground gas) will be submitted. Where unacceptable risks are identified an updated CSM, remedial options appraisal and detailed remediation scheme shall be presented for approval. No deviation shall be made from this scheme without the written express agreement of the LPA.

Condition 2

Prior to the commencement of the permitted use, the developer must submit a comprehensive validation report to the LPA for written approval. The report shall demonstrate effective remediation in accordance with the agreed remediation scheme. All the installed remediation must be retained for the duration of the approved use and the LPA periodically informed in writing of any ongoing monitoring and decisions based thereon as appropriate.

REASON: To ensure that the site has been made 'suitable for use', and as such, does not pose a risk to future users of the site or the wider environment.

Condition 3

Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site in accordance with Policy ENV3 of the Blackburn with Darwen Borough Local Plan.

6.2 BwD Drainage (Lead Local Flood Authority)

LLFA Position,

We have no objections to the proposals but require the following conditions:

Condition 1:

Prior to commencement, the applicant must submit detailed proposals for the diversion of the drainage ditch from the existing lagoon on site, which must be agreed with the LLFA.

Condition 2:

Prior to commencement, the applicant must submit a detailed drainage scheme, in accordance with the principles detailed in the previously submitted FRA. These shall include design details of the SuDS scheme and attenuation tanks, and must be agreed with the LLFA.

6.3 BwD Highways & PRow

The Transport Assessment makes the case that the addition of DERC site development traffic had a negligible effect on the operation of the Goose House Lane/Hollins Grove Street/Lower Eccleshill junction. It is suggested that the DERC development would only see 40 additional HGV movements a day equating to a 1% increase in total vehicles (north of Goose House Lane/Hollins Grove Street/Lower Eccleshill junction) on Eccleshill Road and that as such no improvement for capacity should be required at the junction.

Notwithstanding the above it is apparent that the development proposals will result in an increase in traffic movements through additional HGV movements and additional staff at the site. There is also the potential for additional pedestrian movements at the junction arising from the development proposals. Work undertaken by Capita in their Technical Note "Lower Eccleshill Road / Goose House Lane Junction Improvement – Option Appraisal" identified concerns (in Section 3) relating to the swept path of articulated vehicles overrunning opposing lanes, a lack of pedestrian crossing facilities and right turning traffic from Lower Eccleshill Road onto Hollins Gove Street blocking traffic running straight onto Goose House Lane. The Capita Technical Note also indicates that the existing junction layout would operate over capacity in future years with or without the proposed development.

Improvements at the Goose House Lane/Hollins Grove Street/Lower Eccleshill junction are justified through NNPF as identified in Section 2.2 of the TS as it would demonstrate:

- that the potential impacts of development on transport networks can be addressed (Paragraph 104);
- that opportunities to promote walking, cycling and public transport use have been identified and pursued (Paragraph 104); and

- that the proposals give priority first to pedestrians and cycle movements, both within the scheme and with neighbouring areas (Paragraph 112).

In relation to the above, I would also request that the permeable block paving shown along the access road on the Proposed Site Plan be extended to meet with the pavements of Goose House Lane to create a safe, convenient and continuous pedestrian route from the local highway network into the site. It is not clear from the Transport Statement or plans provided if this is included within the proposals or not but would be a significant improvement to the sites accessibility which would support employees who travel to site on foot or by public transport.

I would also note that while not covered in the TS the proposed site plan indicates an increase in parking provision on site from 77 spaces including 2 disability spaces to 85 spaces including 8 disability spaces. While no justification has been provided for the additional parking spaces the increase is not disproportionate to the scale of the development proposals.

In summary, I would consider that the revised proposals on the site should continue to support the proposed improvement scheme at the Lower Eccleshill Road / Goose House Lane junction and provide a continuous footway from Goose House Lane to connect with the footways shown on the proposed site layout plan to ensure the development proposals adequately support safe and sustainable accessibility.

PRoW

There is a Public right of way (footpath 9 Eccleshill) just outside the red line landownership.

Please add Highways 11 to this application

6.4 **BwD Arboriculture Officer**

I have considered the proposals with regard to the submitted AIA and Tree Survey and Constraints Plan.

Also I have referred to the Landscape and Visual Appraisal. (Highlighted in italics below sec 5.2).

I have highlighted the following in the AIA, as follows, with regard to tree removal and tree retention.

4.0 Trees to be removed and retained 4.1 The following trees have been identified for removal due to their condition (Category U): None 4.2 A total of ten tree references are identified to be removed for the direct impact of development and 3 no references partially removed as listed in section 2.3.2. 4.3 The remaining trees are due to be retained and protected as outlined on the TPP by methodology needed in an AMS.

G4 Leyland Cypress X Cupressocyparis leylandi - Remove and replace within landscape planning

5.0 Summary Category A Category B Category C Category U W1 T2;T3;T4;T5;T6;T7;T8;T9;T10;T11;T1;T14;T15;T16;G1;G2;G3;G9;G10;G11;G7;G8;T1;T12;G4;G5;G6.

Summary: A total of 16 individual trees and 11 groups and one woodland have been surveyed across the site. Note: Please refer to tree survey schedule for detailed dimensions and specific site comments The site consists broadly of landscape buffer planting that have little relevance in the public realm providing limited visual amenity in the wider landscape by virtue of their geographical position within the site. They are of amenity value in the local landscape. The trees mainly comprise of landscape plantings that are maturing and located around the site's periphery. The southern boundary contains a notable woodland of considerable arboricultural and conservation quality. Many tree groups are located off site and overhanging into site.

13.0 Amenity Value The retention of significant arboricultural assets has been achieved

14.0 Concluding statement 14.1 The proposed scheme was assessed in line with guidance provided in BS 5837:2012 Trees in relation to design demolition and construction – Recommendations with the aim to achieve a harmonious relationship between trees and structures that can be sustained in the long term. 14.2 It is my professional opinion as an arboriculturist that a harmonious balance of retained and removed trees that would be considered acceptable by the LPA significant has been achieved.

Landscape and Visual Appraisal

5.2 Landscape design 5.2.1 The Site and the Proposed Development would be well screened by combinations of surrounding landform, trees, woodland vegetation and other buildings, such that further landscaping in the form of screen planting is unlikely to further reduce landscape and visual effects. Although areas of proposed landscaping were identified in the Environmental Statement, the available areas are very limited and tightly constrained. 5.2.2 Therefore, the approach to landscape design has focused, where possible on the retention of existing vegetation within the Site boundary in accordance with BS 5837: Trees in Relation to Design, Demolition and Construction. In order to achieve this some pruning, undertaken by a qualified tree surgeon, may be required.

The Landscape and Visual Appraisal concludes on page 10A -

Magnitude of Visual Change Key determining criteria Very Low A small or negligible change to the view that may be obliquely viewed and mostly screened and/or appearing in the distant background or viewed at high speed over short periods and capable of being missed by the casual observer.

Conclusions:

I concur with the concluding statement 14.1 in the AIA.

It appears the existing landscaping consisting of a belt of trees will provide adequate screening for the new structures.

I do not consider there would be any detrimental visual impact on the wider landscape with the proposed new structures.

Tree Protection

A method statement for tree protection has not been submitted. The AIA includes Tree Protection Plan - Overview. TR-01 Sheets 1 to 4 Rev V1 for positioning of the fencing, which appears suitable, but does not include the type, standard of fencing.

Recommendations:

A condition to approve for a method statement for tree protection would be appropriate with any approval of the application.

6.5 Ecology

The Ecological Impact Assessment (EclA) has been undertaken by an experienced ecological consultancy whose work is known to the Ecology Unit. The Assessment found the site to support a number of protected species as well habitats with ecological value.

Bats

The surveys undertaken found no evidence of roosting bats on the site. Overall activity levels were found to be low and the main features being used by bats are being retained. It is recommended in the EclA that a sensitive lighting scheme be designed for the site and we would therefore advise that the following condition be attached to any permission, should it be granted:

Prior to use, a "lighting design strategy for biodiversity" for areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for nocturnal species including bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

In addition the Assessment makes recommendation for enhancement measures for bats, including the erection of 25 bat boxes. As no details plans have been submitted for the location of these boxes we would advise that the following condition be attached to any permission:

No development shall take place until an ecological design strategy (EDS) addressing mitigation and enhancement measures been submitted to and approved in writing by the local planning authority.

The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.*
- b) Review of site potential and constraints.*
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.*
- d) Extent and location/area of proposed works on appropriate scale maps and plans.*
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.*
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.*
- g) Persons responsible for implementing the works.*
- h) Details of initial aftercare and long-term maintenance.*
- i) Details for monitoring and remedial measures.*
- j) Details for disposal of any wastes arising from works.*

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Barn Owl

Surveys for barn owls found two locations being used by barn owls including one breeding site. Mitigation measures have been outlined for the loss of these locations, which are acceptable although more detail will be required. We would recommend that these measures be incorporated into the EDS outlined above.

Amphibians and reptiles

No great crested newts were found on the site but other amphibian species were including palmate newt and common toad. A low population of common lizard is present on the site. Measure to prevent harm to these species during construction will be required and we would therefore recommend that these be included with a Construction Environmental Management Plan for biodiversity and the following condition be attached to any permission.

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity)

has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

The Assessment also recommends enhancement measures for these species which should be included the EDS outlined above.

Nesting birds

The site supports habitats that is likely to be used by nesting birds. Therefore any clearance of vegetation or demolition of buildings that may be used by nesting birds should avoid the main bird breeding season (March to August inclusive) and this requirement should be included within the CEMP.

Badgers

While evidence of badgers was found on site, the badgers should not be directed impacted by the proposals. However because badgers are highly mobile species a pre-commencement survey is recommend by the Assessment and this requirement should be included within the CEMP, as should general precautions to prevent mammals being harmed during construction.

Invasive species

Several invasive species were found on the site. We would therefore recommend that the following condition be attached to any permission:

Prior to the commencement of development (including demolition, ground works, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed, Himalayan balsam and Rhododendron on site. The measures shall be carried out strictly in accordance with the approved scheme.

Biodiversity Net Gain (BNG)

As previously stated the proposals will result in a net loss for biodiversity for which no compensation has been proposed.

In terms of the information submitted on BNG, the metric divides the habitats into parcels, as is expected, but does not include any maps to identify these parcels. This will make it harder track the long term outcomes for these parcels. In addition the condition assessments do not appear to have been included, which are required.

Some enhancements have been proposed with the site including for grassland. These measures include the use of a grassland seed mix, Emorsgate EM1, which includes the species Salad burnet. This species occurs on calcareous grasslands and should only be included in areas that support the correct substrate.

The EclA states that the management of retained habitats will be achieved through a Landscape And Ecological Management Plan (LEMP), secured by condition. We would therefore advise that the following condition be attached to any permission:

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- g) Details of the body or organization responsible for implementation of the plan.*
- h) Ongoing monitoring and remedial measures.*

The LEMP shall also include details of the legal and funding mechanism{s} by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

As previously discussed details of off-site measure to achieve net gain are still required.

Addendum, in response to BNG query – ie can the requirement be conditioned:

Case Officer: Please can you review comments below from the applicant's agent, in response to yours? They relate to the BNG position and the absence of a drainage strategy (SuDS) which may impact the BNG outcome. Under the circumstances, what would your view be on the suggested condition approach, as an alternative to pre-determination?

I recommended the condition for the Ecological Design Strategy for on-site enhancements such as bat boxes as no detailed locations had been provided, so there wasn't anything firm to hang a condition on.

If you are confident that there is somewhere the BNG can be delivered then a condition would be acceptable.

6.6 The Coal Authority

On the basis of the recommendations made in the Coal Mining Risk Assessment (April 2019, prepared by RPS Consulting Services Ltd), the Coal Authority is now able to withdraw its objection subject to a planning condition to ensure the investigation of the coal mining legacy features within the site and the implementation of any necessary remedial measures.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of RPS Consulting Services Ltd that coalmining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

Accordingly, the Coal Authority recommends the imposition of the following conditions:

1. *No development shall commence until;*

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

6.7 United Utilities

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

We request the following drainage conditions are attached to any subsequent approval to reflect the above approach:

Condition 1 – Surface water

No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Management and Maintenance of Sustainable Drainage Systems

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the below a useful example:

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and

maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

6.8 Environment Agency

The use of the proposed development site as a waste treatment site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located near to a surface watercourse, and located upon a secondary aquifer A.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are

complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons

To ensure that the development does not contribute to and is not put at unacceptable risk from, or adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

To prevent deterioration of a water quality element to a lower status class in the underlying aquifer and the nearby water course.

Contaminated land – advice to applicant

We have reviewed the phase 1 desk study by WSP submitted with the application, Doc Ref. 808475-WOOD-RP-OC-00001_P02.2, dated October 2022.

We agree with the recommendations given in the desk study for this development, which on Page B42 states that:

Given the absence of reliable current ground investigation data with respect to potential contamination, it is recommended that a ground investigation is undertaken including sampling of the pond on site and nearby surface water streams (where practicable). A site-wide investigation is recommended given the multiple sources of potential contaminants present both on and surrounding the site.

Environmental Permit – advice to applicant

We note that the applicant has stated that due to the proposed development being in its design phase, the proposed odour abatement plan has not been finalised. As a result, we cannot at this stage provide any comment on the effectiveness of the odour abatement systems that may be required at the site. The EIA correctly acknowledges that the Environment Agency requires odour abatement to meet BAT (Best Available Techniques) and for the company to follow H4 (the Environment Agency Odour Guidance).

We also note that the proposal indicates the use of pits for waste. The company will need to demonstrate that the pits can be completely emptied of all wastes and liquids.

An environmental permit will be required for the operation of the site, and we recommend that the applicant engages with the Environment Agency in permit pre-application advice at the earliest opportunity.

6.9 National Highways

Council's Reference: 10/22/1006.

Location: Suez Recycling & Recovery Park, Lower Eccleshill Road, Darwen, BB3 0RP.

Proposal: Demolition of existing waste management operations, relocation of the waste transfer station and materials recycling facility and erection of anaerobic digestion facility.

National Highways Ref: 96633.

Referring to the consultation on a planning application dated 4th November 2022 referenced above, in the vicinity of the M65 motorway that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- a) offer no objection.

Highways Act Section 175B is / is not relevant to this application.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence

6.10 Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

6.11 LCC Archaeology

The proposed development site contains the former site of Darwen and Mostyn Iron Works, and part of the former Hoddleston branch of the Lancashire and Yorkshire Railway, opened in 1876, both recorded as non-designated heritage assets on the Lancashire County Historic Environment Record, PRN9539 & PRN2078 respectively.

The 2019 Environmental Statement, that accompanied planning application 10/19/0495, has been submitted again. The chapter titled Cultural Heritage, states that "there is potential for substantial archaeological remains relating to the Darwen and Mostyn Iron Works to be present on the project site.", and goes on to propose a scheme of staged post-permission works in section 9.43.

The Historic Environment Team is of the opinion that the site does retain some level of local archaeological significance, one that could be adequately mitigated by the works proposed in section 9.43.

The Historic Environment Team would therefore advise that, should the Local Planning Authority be minded to grant planning permission, the necessary archaeological investigation of the site, i.e. that outlined in section 9.43 of the Environmental Statement, along with the appropriate reporting of those works and archiving of the results, be secured by means of the following condition:

Condition: No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a phased programme of archaeological investigation, recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, as well as the proper reporting of that work and archiving of the project.

6.12 Lancashire Constabulary

Thank you for consulting the Lancashire Constabulary Designing Out Crime team in respect of the above application.

In order to prevent crime and disorder and to keep people safe and feeling safe, crime prevention strategies should be integrated into the design as early as possible to allow crime prevention strategies and a layered approach to security to be effectively integrated into the final scheme. Making minor changes to the design or layout of the development now means it is less attractive to potential intruders and can reduce harm and the fear of crime for users of the buildings, visitors, and the overall community.

We would strongly advocate that this development be designed and constructed to Secured By Design security standards, using the SBD 'Commercial 2015' Design Guide specifications for the proposed development. Further details about Secured By Design, including application forms and security specifications can be found at www.securedbydesign.com.

Independent academic research shows that SBD certified schemes experience less burglary, criminal damage, and vehicle crime.

6.13 Network Rail

No response offered.

6.14 Public consultation

161 letters were posted to the local community on 4th November 2022. Site notices were also displayed and a press notice was published on 28th November 2022. No comments were received.

7.0 CONTACT OFFICER: Nick Blackledge – [Principal Planner].

8.0 DATE PREPARED: 2nd February 2023