

**Proposed development: Full Planning Application for Demolition of existing waste transfer and materials recycling buildings and construction of an energy from waste facility (EFW) with ancillary infrastructure and landscaping**

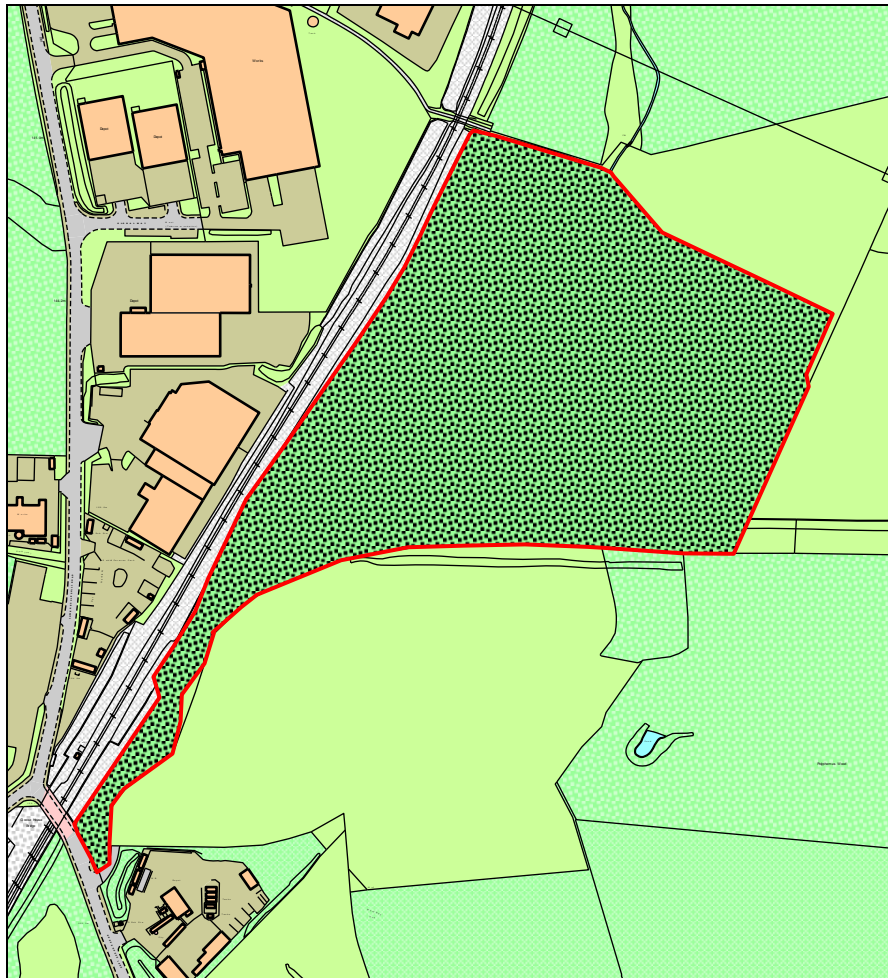
**Site address:**

**Suez Recycling and Recovery UK Ltd  
Lower Eccleshill Road  
Eccleshill  
Darwen  
BB3 0RP**

**Applicant: Mr Kris Furness (Suez)**

**Ward: Darwen East**  
**Councillor: Jane Oates**  
**Councillor: Roy Davies**  
**Councillor: Paul Browne**  
**Ward: West Pennine**  
**Councillor: Colin Rigby**  
**Councillor: Jean Rigby**  
**Councillor: Julie Slater**

---



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – Subject to conditions as set out in paragraph 4.1.**

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

- 2.1 The proposal will deliver an energy from waste (EfW) centre that is designed to process waste and turn it into electricity for export to the local distribution network. The site will process up to 500,000 tonnes of residual waste per annum from Blackburn with Darwen Borough and the wider Lancashire County that would have otherwise gone to landfill. The centre will generate enough sustainable electricity to power over 60,000 homes. The scheme is considered to promote a high quality design and working practises in waste management facilities and is an allocated waste site 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 contributions.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The planning application is submitted following pre-application discussions and a follow-up written appraisal of the merits of the proposal. The main issues are summarised as follows:

- *The need to justify the proposed waste capacity from 330,000 tonnes per year as identified in the adopted Minerals and Waste Local Plan to a maximum 500,000 tonnes per annum.*
- *The need to safeguard neighbouring residential amenity, light pollution, odour and air quality, through submission of targeted reports to assess likely impacts.*
- *The need to demonstrate appropriate access / egress arrangements, to ensure safe and efficient highway movement, through submission of a Transport Assessment and other supplementary reports as deemed necessary. Concern was expressed at the potential conflict/queuing of vehicles at the junction of Goose House Lane/Hollins Grove Street/Lower Eccleshill Road.*
- *The need to provide off-street parking and servicing in accordance with the Council's adopted standards.*
- *The need to provide associated reports on contaminated land and ground conditions*
- *The need to ensure appropriate design standards, in order to reinforce the established character of the locality.*

- *The need to undertake a detailed landscape visual assessment relating to the proposed boiler building and the 90+ metre high stacks.*

- 3.1.2 The application site is located approximately 1.6km north of Darwen Town Centre and 4km south of Blackburn town centre. It is approximately 7ha in size. The site is currently occupied by the applicants (Suez) who operate a waste transfer station (WTS) with segregation and bulking of recyclable materials. The site is currently hard surfaced with four buildings and areas for car parking. Vacant open areas are also present following past demolition with some areas of the site currently used for outdoor storage. Of the four existing buildings on site, one is constructed as a traditional office facility with the remaining three buildings more industrial in nature.
- 3.1.3 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.
- 3.1.4 The immediate area to the west of the site is predominantly industrial in nature with a number of commercial units being located in close proximity to the site such as Crown Paints Polymer Plant located directly to the west, beyond an active rail line bounds the west of the site.
- 3.1.5 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.
- 3.1.6 The site is well served by road but limited public transport links currently exist in close proximity.
- 3.1.7 The site is allocated as an established business and industrial 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 Joint Minerals and Waste Local Plan, supporting waste typed development with capacities of 330,000 tonnes per year.
- 3.1.8 The proposal is 'EIA development' and so the application is accompanied by an Environmental Statement. All necessary information has been provided in the Environmental Statement which has allowed environmental effects to be fully and properly assessed.

## **3.2 Proposed Development**

3.2.1 The proposal seeks full planning permission for the demolition of the existing waste transfer and materials recycling buildings and for the development of the Darwen Energy Recovery Centre (DERC)-an Energy from Waste (EfW) facility with a capacity of approximately 500,000 tonnes per annum (TPA) at Darwen Resource Recovery Park (RRP), Lower Eccleshill Road, Darwen.

3.2.2 The proposed facility would accept Municipal Solid Waste (MSW) and Commercial & Industrial (C&I) materials. The proposed development would comprise the following main elements:

- A tipping hall
- Waste bunker
- Boiler hall
- Flue gas treatment area
- Turbine hall
- IBA Building
- Office and workshop area
- Stacks
- Weighbridges
- Transformer
- Auxiliary cooling
- Gatehouse
- Firefighting tanks
- Pump housing
- Fans
- Waste water pit

3.2.3 The proposed facility is 145m in length by 72m at its widest. The building varies in height from 20m over the tipping hall, up to a maximum of 48m over the boiler house. The stack is 90m above the ground level. The air-cooled condenser (ACC) structure is 60m in length and 30m in width and 25m high. The supporting structure is exposed from ground level up to approximately 13m with perforated wall cladding to ensure air flow. Proposed materials include composite flat panels (Green/Grey), cladding (Anthracite Grey) and steel roller shutters, personal doors (Anthracite/Light Grey).



**Visualisation: Aerial view**

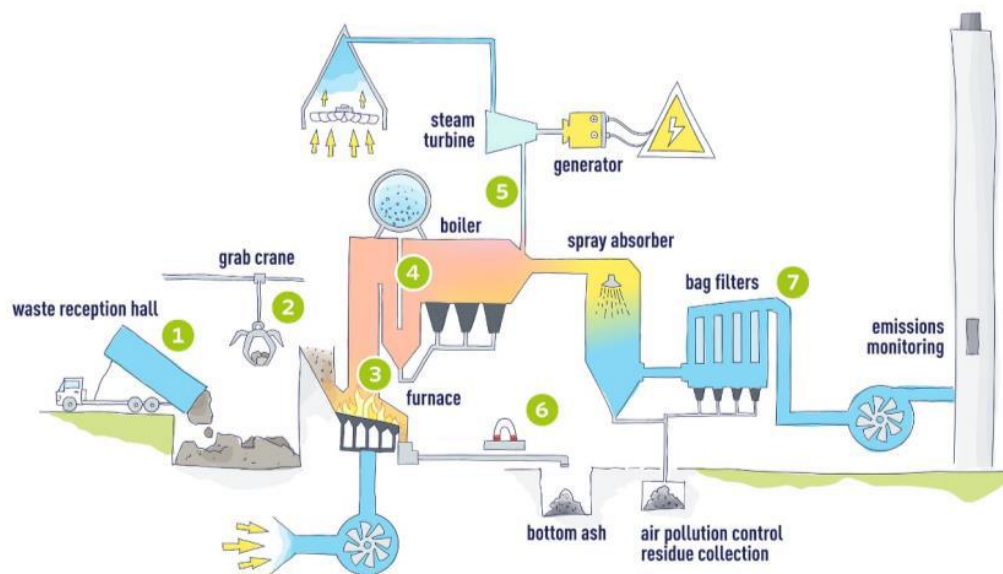
3.2.4 The development will be accessed via the existing site access road. The access junction will be upgraded with more space provided on the north side of the junction to allow two HGVs to comfortably pass each other. The proposed site access arrangements include for a contingency of 7 vehicles to queue for the weighbridges without impacting upon vehicle circulation and movement within the site. Parking spaces are provided for both employees of the EFW, office workers and maintenance contractors. The parking provision for cars is 103 spaces of which 8 are for disabled drivers. An off-line cycleway will be provided along the access road (north side). A draft operational travel plan accompanies application.

3.2.5 A landscaping scheme is also proposed which comprises enhancements and strengthening of the boundary tree belt which provides both visual screening and habitat improvements.

### **3.2.6 Operation**

3.2.7 The Environmental Statement (non-technical summary) accompanying the application sets out a brief diagram of how the EFW will operate, as follows:

# the energy recovery process



- 1 Waste collection vehicles discharge their waste into a bunker where the waste is mixed to ensure an even burn in the furnace. Water sprays and induction fans are used in the reception hall to reduce levels of dust and smell.
- 2 The waste is loaded by crane into a feed hopper, then travels down the feed chute into the furnace.
- 3 Inside the furnace, a mechanical system moves the waste through the furnace where it is dried and burned at temperatures of around 1,000°C.
- 4 Burning waste in the furnace creates hot flue gases which travel through a boiler transferring heat to water that runs through the boiler pipes.
- 5 The hot water creates steam and the steam drives a turbine which then generates electricity.
- 6 Ash created by burning the waste drops into a quench tank, then along a conveyor. Ferrous and non ferrous metals are separated within the ash treatment plant and the remaining product can be used in the construction industry.
- 7 The gases from the burned waste are thoroughly cleaned to neutralise acid gases and remove dioxins and heavy metals. The gases are then passed through a fine fabric filter to capture particles before being released through a chimney, which is continuously monitored.



Schematic of an energy recovery process 1

- 3.2.8 The sources of treated waste fuel have yet to be finalised as they will be subject to the operator agreeing contracts and receiving planning consent. It is envisaged the majority will comprise residual municipal solid waste from Lancashire's Waste Collection Authorities kerbside collections and up to 30,000 tpa of the same waste type sourced from Blackburn with Darwen Council. In addition, up to 45,000 tpa of residual waste could be sourced from local Household Waste Recycling Centres (HWRCs) with the balance comprising residual Commercial & Industrial waste and other third-party wastes
- 3.2.9 Material for processing at the EfW facility would be brought on to the site by HGVs from various locations in the Lancashire region. HGVs would unload within the waste reception/feedstock preparation building, only when the roller shutter doors are closed. HGVs removing recovered materials would operate in a similar way. Other HGVs delivering materials for use in the processing (e.g. chemicals) would un-load in the relevant areas of the site. The facilities are seeking to allow operations 24 hours/day, seven days/week. HGV deliveries will generally take place between the hours of 07:00 – 19:00 Monday to Saturday and at no time on Sundays or on Bank/Public Holidays). At optimal conditions, the plant would operate for approximately 8,000 hours per year.

### **3.2.10 Environmental Permitting**

- 3.2.11 The proposal requires an Environmental Permit (EP), issued by the Environment Agency, 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.
- 3.2.12 Operators must manage and operate activities in accordance with a written environmental management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closure and those drawn to the attention of the operator as a result of complaints.
- 3.2.13 The Agency 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 (CHP).
- 3.2.14 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 Agency conducts regular inspection visits to ensure that facilities are operating in accordance with the permit conditions.



### **3.3 Development Plan**

3.3.1 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.

3.3.2 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).

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

3.3.4 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

3.3.5 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 33 : Health
- Policy 36: Climate Change
- Policy 40: Integrating Green Infrastructure & Ecological Networks with New Development
- Policy 41: Landscape
- Policy 47: The Effect of Development on Public Services



### 3.3.6 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

### 3.3.7 **Other material Planning Considerations**

#### 3.3.8 National Planning Policy Framework (The Framework) (NPPF):

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 7: Ensuring the vitality of town centres
- 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.

#### 3.3.9 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

## 3.4 **Assessment**

3.4.1 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.

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

- Principle
- Traffic & Highway Safety
- Amenity
- Design/Landscape / Visual Impact

- Heritage
- Environment
- Drainage

### **3.4.3 Principle**

3.4.4 The Joint Lancashire Minerals and Waste Local Plan - Core Strategy was adopted in February 2009 and covers a period of time horizon up to 2021. It adopts a vision for waste management which sets out the joint planning authorities ambition 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; and
- 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, and
- 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 the waste activities will be an exemplar of best practices.

3.4.5 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:

3.4.6 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.

3.4.7 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;

3.4.8 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.

3.4.9 Part Two of the Site Allocations and Development Management allocates strategic sites under Policy WM2 for built facilities for waste recycling, sorting and processing. The application site is included in an allocation known as Wolstenholme Bronze/Goosehouse Lane (BWF7) as shown in the plan below:



**Extract from Site Allocation DPD**

3.4.10 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.

3.4.11 Appendix B outlines the waste management facilities which would be appropriate within the Strategic locations identified in Policy WM2 - Large Scale Waste Management Facilities. These 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)

3.4.12 LPP2 Policy 15 'Secondary Employment Areas' outlines 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 provision that an appropriate overall balance of uses continue to be maintained in the area. Given, the intended use and the site is allocated for a waste facility, officers considered this to be a suitable location and therefore compliant with LPP2 Policy 15.

3.4.13 With regards to accepting the principle of development, it is an allocated site for large scale built waste management facilities in the adopted Minerals and Waste Local Plan, supporting waste type development with capacities of 330,000 tonnes per year. It is acknowledged that the proposal intends to deal with a capacity of 500,000 tonnes per annum which is above the threshold identified. However, the review of the Joint Lancashire Minerals and Waste Local Plan (Summer) 2018 identifies that there is a 'need' for waste facilities in the sub-region overall and this has been considered by officers as part of the assessment of this application.

3.4.14 Officers advised the applicant as part of pre-application discussions that a future planning application would be expected to demonstrate the total capacity of all new waste management facilities developed during the plan period at the allocated sites has not been met or why an alternative approach is being sought. Having considered all the supporting information accompanying the application, with particular reference to the Environmental Statement, Planning Statement and Assessment of Waste Capacity and Need in Lancashire prepared by Vitaka, the application is considered to have provided sufficient justification as to why an exception to the policies of the Joint Lancashire Minerals and Waste Local Plan are required for an increase in waste capacity. As such, the principle of the development is considered to

be acceptable subject to compliance with the remainder of development plan policies.

3.4.15 Consequently, the principle of the proposal is considered to compliant with the Development Plan, NPPF and national waste plan policies.

**3.4.16 Accessibility and Transportation**

Policy 10 requires that road safety and the safe, 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.

3.4.17 A Transport Assessment (TA) and Travel Plan has been submitted in support of the application and subsequently reviewed by Capita Highways, the Council Highways Team and Highways England. These documents were revised during the course of the application following comments from both Highways England and the Council's Highways Team.

3.4.18 The TA and addendum present 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. Highways England and the Local Highway Authority have assessed the impact of the development upon their respective networks.

3.4.19 The highways and transport issues, likely to be associated with the development were highlighted as part of the pre-application process for the Suez Darwen Eastern Radial Corridor (DERC) project. Significant off-site highway works were identified as being needed to address the anticipated 300 HGV vehicle movements (two-way) per day with the following highlighted:

- The main consideration being the constrained alignment of the Hollins Grove Street / Lower Eccleshill Road / Goose House Lane junction/bend for increased HGV traffic
- Goose House Lane Bridge (owned by Network Rail) and its unsuitability for additional HGV traffic: alignment constraints and footways protected/limited to 7.5 tonnes
- Increased traffic using the junction and queueing traffic especially in the PM peak period travelling south along Lower Eccleshill Road

3.4.20 As part of the application process, the Council has developed an options assessment in relation to the Hollins Grove Street / Goose House Lane / Hollins Grove Street junction. Further to the options assessment, additional meetings have taken place with the Council's Highways Team and the applicants Transport Consultants reaffirming that any new development in the area which increases traffic generation (and increases heavy traffic movements) would require mitigation works.

3.4.21 The Highways Team's preferred option would address highways concerns and ensure safe manoeuvrability through the junction for HGV movements, effectively minimising the potential for HGV conflicts. The junction

improvement also provides combined benefits for operational capacity and increased safety for all users including pedestrians.

3.4.22 Having been presented evidence to defend the Council's position of the need for off-site highways works at the Grove Street / Lower Eccleshill Road / Goose House Lane junction/bend, the applicant has agreed to a Grampian Planning Condition. The inclusion of a Grampian Condition would see the required works delivered at the expense of the applicant and would negate any severe impacts on the local network as required by the local plan and NPPF. The Council's Highways Team therefore offer no objection to scheme. Final full detailed comments have not yet been received and as such, will be provided by way of an update report.

3.4.23 Highways England

Following submission of the application a holding objection was received from Highways England which highlighted concerns around the potential impact to the M65 and Junction 4 slip road, full details can be found at section 6.6 of this report.

3.4.24 The applicant's transport consultant has sought to address these concerns through an addendum to the accompanying TA. Consequently, Highways England advised there is sufficient information presented within the updated Transport Assessment for the proposed Energy from Waste facility in Darwen to enable the holding recommendation from Highways England to be removed for this particular planning application. Final full detailed comments have not yet been received and as such, will be provided by way of an update report.

3.4.25 Highway improvements

The Local Highways Team and Highways England have acknowledged that the scheme would have an impact on the surrounding network, however both consultees offer no objection, given the impacts can be mitigated by securing highway improvements which in turn will improve flow rates to the surrounding road network and the M65 motorway. A Grampian Planning Condition will be used as the mechanism to secure these measures and will read as follows:

3.4.26 *No development (excluding site preparation and ground work) shall occur until a scheme detailing the proposed Junction improvements/enhancements at Goose House Lane/Lower Eccleshill Road/Hollins Grove Street has been submitted to and approved in writing by the Local Planning Authority. The cost of the approved scheme shall be borne entirely by the developer. The approved scheme shall be implemented fully in accordance with a phasing and construction management plan to be agreed in writing by the Local Planning Authority.*

*REASON: In the interests of the safe, efficient and convenient movement of all highway users in accordance with requirements of Policy 10 of Local Plan and the NPPF 2019.*

3.4.27 Accordingly, on balance, the proposal is considered to be acceptable from a highway safety and efficiency perspective; subject to implementation of the aforementioned measures, to be secured by condition.

**3.4.28 Amenity**

Policy 8 requires 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, pollution, nuisance and the relationship between buildings.

3.4.29 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.

**3.4.30 Position of building**

The facility is 145m in length by 72m at its widest and varies in height from 20m over the tipping hall, up to a maximum of 48m over the boiler house. The stack is 90m above the ground level. The air-cooled condenser (ACC) structure is 60m in length and 30m in width and 25m high. As such, it would result in a substantial building(s) occupying a large area of the site. However, given it's siting in the wider context of the surroundings, appropriate separation between sensitive receptors such as residential properties or nearby commercial uses is achieved; thereby ensuring satisfactory levels of amenity.

**3.4.31 Noise**

A comprehensive survey has been undertaken in respect of background noise readings and potential impact upon residential premises in the locality considered in some detail. Additional monitoring and technical clarification has also been provided at the request Public Protection Colleagues.

**3.4.32 Construction Phase**

The Council's Public Protection Team (PP) note the reports accompanying the Environmental Statement (ES) regards the construction phase as having a significant impact on noise sensitive receptors. Public Protection Officers note that vibration can be largely screened out due to distances involved although it may need referencing in a control scheme when more is known about the construction phase. Officers also note it's unlikely to be a significant impact however, some controls need to be put in place for such a large project. As such, a construction phase noise condition has been recommended. This condition will also require hours of operation to be agreed.

**3.4.33 Operational Phase**

The Information submitted as part of the ES concludes that the operational phase will not have a significant impact upon existing noise sensitive premises in the vicinity. Public Protection Officers reviewed the noise reports and note, the facility will be audible in the locality given significant noise sources associated with the installation, however, due to the separation



distances to residential premises and / or existing background levels of noise then the impact at these locations is predicted to be low. It's also worthy of note the site will be regulated under the A1 Permit and this IPPC regulation covers noise emissions that will be controlled according to the best available technique. Subject to the facility being constructed according to the predicted noise levels then we have objection on noise grounds is offered by Public Protection colleagues.

#### 3.4.34 Lighting

The submitted ES is accompanied by a report entitled "Darwen Energy Recovery Centre - Lighting Impact Assessment", dated 24th April 2019 which seeks to address the issue of lighting installed as part of the development and how this can be mitigated. The report classifies the site as an E3 zone. The term E3 zone is derived from the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011. This is set out in Table 1 which is below:

<b>Table 1 – Environmental Zones</b>			
<b>Zone</b>	<b>Surrounding</b>	<b>Lighting Environment</b>	<b>Examples</b>
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically dark	National Parks, Areas of Outstanding Natural Beauty etc
E2	Rural	Low district brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Small town centres or suburban locations
E4	Urban	High district brightness	Town/city centres with high levels of night-time activity

3.4.35 The Council's Public Protection Team (PP) in part agree but note there could be an argument that the site is part E3 but on the edge of an E2 zone, in particular to the East and North of the site which is rural in character. However, Public Protection Officers are satisfied that this matter is addressed by the introduction of "dark corridors" to the north and east of the site where a tighter standard is applied due to ecological impact. Also noting, there is an additional plan that concludes that vertical luminance levels will be met in accordance with an E3 zone, and levels are well below the E3 zone limits.

3.4.36 However, no contour plots have been provided showing offsite luminance levels as is the LPA preference to show impacts upon adjacent receptors. The exact detail of the site lighting cannot be shown.

3.4.37 Given, the scope of the Lighting Impact Assessment report, the site location and the conclusions that the limits can easily be complied with Public Protection Officers have advised a condition requiring a lighting scheme be agreed to ensure the lighting does not give rise to any unacceptable impacts.

#### 3.4.38 Air quality

The agreed potential air quality effects from the construction and operation of the proposed facility are considered to be:

- Construction effects – potential dust effects from construction activities; emissions from onsite construction plant and potential effects associated with emissions from construction vehicles on the local road network;
- Operational effects (from facility) – potential air quality effects from the thermal treatment stack; potential fugitive emissions, dust, odour and bio-aerosol effects; and
- Operational effects (from traffic) – potential air quality effects from changes in traffic flow characteristics on the local road network associated with the operation of the proposed facility.

#### 3.4.39 Operational Phase Emissions to Air

The proposed development will result in air pollution, which given the nature of the development is to be expected. The accompanying report in the ES considers a range of pollutants and, with the exception of Polycyclic Aromatic Hydrocarbons (PAH), the predicted exposures are below the relevant Environmental Assessment Level by an acceptable margin. This is confined by the Council's Public Protection Team.

3.4.40 The Public Protection Team have advised that “the maximum predicted PAH exposure at a sensitive receptor is just under the Air Quality Standard recommended by the Expert Panel on Air Quality Standards: Polycyclic Aromatic Hydrocarbons (1999). Their recommendation was “intended to reduce any risk to the population of the United Kingdom from exposure to polycyclic aromatic hydrocarbons to one which the Panel believes would be so small as to be undetectable.” The assessment submitted in support of the application does make some worst-case assumptions, so it is a fairly conservative assessment. It is therefore reasonable to conclude that the risk posed by PAH is likely to be so small as to be undetectable.”

3.4.41 The following table identifies the local existing receptors used for the assessment. All human receptors have been modelled at a height of 1.5m, representative of typical head height. For human-health effects, such sensitive receptors are selected where the public is regularly present and likely to be exposed over the averaging period of exposure locations.

Receptor ID	Receptor	Receptor Type	Grid Reference	
			x	y
R1	Lords Close	Residential	389403	424518
R2	Daveyfield Road Industrial Estate	Industrial	389723	424574
Receptor ID	Receptor	Receptor Type	Grid Reference	
			x	y
R3	Roman Road - Farm	Residential	370034	424147
R4	Johnson Road 1	Residential	370302	424031
R5	Johnson Road - Farm	Residential	370531	423838
R6	Manor House Farm	Residential	389998	423678
R7	Roman Road 1	Residential	370046	423330
R8	Ambleside Drive	Residential	389966	423156
R9	Moor Lane	Residential	389671	423236
R10	Knowle Lane	Residential	389502	423422
R11	Goose House Lane Industrial 1	Industrial	389162	423632
R12	Goose House Lane - Caravan/ Travellers Site	Residential	389320	423405
R13	Lower Eccleshill Road - Caravan/ Travellers Site	Residential	389126	423805
R14	Lower Eccleshill Road Industrial 1	Industrial	389208	423933
R15	Lower Eccleshill Road Industrial 2	Industrial	389253	424099
R16	Lower Eccleshill Road Industrial 3	Industrial	389350	424242
R17	BwDC AQMA - No. 3	AQMA	388314	424181
R18	BwDC AQMA - No. 5 - Earcroft	AQMA	389057	422564
R19	BwDC AQMA - No. 6 – Blackamoor	AQMA	389630	425248
R20	Future Receptor - Holden Fold 1	Residential	389297	423540
R21	Future Receptor - Holden Fold 2	Residential	389712	423606
R22	Future Receptor - Holden Fold 3	Residential	389928	423593
R23	Bog Height Road	Residential	388044	424595
R24	Leeward Close	Residential	388626	424665
R25	Lower Eccleshill Road Industrial 4	Industrial	389105	424111
R26	Lower Eccleshill Road - Caravan/ Travellers Site 2	Residential	389099	423802
R27	Darwen Vale High School	School	388063	424468

#### ES: Modelled Sensitive Receptors

3.4.42 In addition, as already noted, the site will be regulated by the EA under an A1 IED / IPPC Permit. This will control emissions from the installation according

to the best available technique with compliance monitoring a legal requirement on an ongoing basis.

3.4.43 Air quality- Vehicular Traffic

Vehicular emissions from traffic generated by the proposed development at selected sensitive receptors have been assessed as part of the ES (Chapter 6 Air Quality). This included modelling for the key traffic-related pollutants (NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>). These receptor locations are identified in the table above (Modelled Sensitive Receptors). Tables 6.23, 6.24 and 6.25 found at chapter 6 (Air Quality) of the ES present the annual-mean NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations predicted at the facades of receptors.

3.4.44 When the emissions from the traffic and the stacks are measured together, the predicted impacts are identified as being 'negligible' at all modelled receptors. This assessment has been considered by the Council's Public Protection Team who offer no objection to how the assessment has arrived at these findings. As such, the impact of vehicular traffic associated with the development is not considered a reason for refusal.

3.4.45 Pre & Post Construction Air quality

Given the large-scale nature of the proposed development a condition on dust control has been recommended. This can be dealt with by the condition also relating to the construction phase control scheme as noted in section 6.4 of this report.

3.4.46 Contaminated land

A phase 1 report has been submitted with the application. This has been reviewed by Public Protection Colleagues who note a site investigation is pending. The phase 1 report identifies the site has an industrial history and will be contaminated in parts. However, the proposed use is not considered particularly sensitive and therefore PP colleagues have recommended using the standard contaminated land condition requiring further details to be submitted and agreed.

3.4.47 Evaluation of amenity impact

The Council's Public Protection Team 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, impact, distribution of a range of key pollutants and the impact on the local environment and receptors.

3.4.48 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.*

3.4.49 As noted above, this activity will require a bespoke installation environmental permit issued by the Environment Agency (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).

3.4.50 Accordingly, on balance, the proposal is considered to be acceptable from an amenity and safety perspective; subject to implementation of the aforementioned measures, to be secured by condition.

**3.4.51 Drainage**

LPP2 Policy 9 requires the incorporation of appropriate drainage measures, in order to demonstrate that there will not be an unacceptable risk of flooding. The NPPF also requires local planning authorities to ensure that flood risk is not increased elsewhere and states that where appropriate, planning applications should be accompanied by a Flood Risk Assessment (FRA).

3.4.52 A Flood Risk Assessment (FRA) submitted in support of the application identifies the site as located within Flood Zone 1 which, according to the Environment Agency data, attributes a less than 0.1% risk of fluvial flooding. Review of the FRA and drainage strategy by the Councils Drainage consultee and United Utilities confirms no objection to the proposal, providing foul and surface drainage measures are appropriately introduced. These requirements will be secured by condition.

**3.4.53 Ecology**

Local Plan Part 2 Policy 9 requires consideration of ecological matters, including protection / mitigation of important habitat. The NPPF also considers the strategic approach that Local Authorities should adopt with regard to the protection, maintenance and enhancement of green infrastructure, priority habitats and ecological networks, and the recovery of priority species. Paragraphs 174 to 176 of the NPPF comprise a number of principles that Local Authorities should apply, including encouraging opportunities to incorporate biodiversity in and around developments; provision for refusal of planning applications if significant harm cannot be avoided, mitigated or compensated for.

3.4.54 A desk study has been undertaken to identify the presence of designated sites and protected species in the area. In addition, a number of surveys have been undertaken, including a Phase 1 habitat survey and surveys for breeding birds, bats, badgers, reptiles and amphibians.

3.4.55 The application site lies immediately adjacent to Eccleshill Old Iron Works Biological Heritage Site (BHS). The ES identifies potential impacts on this site from construction works. Mitigation measures have been therefore been proposed to minimize any impacts.

3.4.56 The Council's Ecologists (GMEU) have peer reviewed the relevant section of the ES and set out a number of conditions to ensure ecological measures, including protection / mitigation of important habitat are secured in accordance with best practise guidance. Full details of the GMEU response can be found at section 6.7 of this report. On balance, this is an acceptable approach, and accordingly conditions are recommended for this, together with other mitigation set out in the ES to be carried out.

3.4.57 **Design / Landscape/Visual 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 NPPF 2019 also requires high quality design noting "The creation of high-quality 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."

3.4.58 The application 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 with due regard to the site's allocation for development in the adopted Local Plan Part 2 and the adopted Minerals and Waste Local Plan.

3.4.59 A Design and Access Statement accompanies this planning application, which describes the design evolution of the proposed development, taking into consideration the site's constraints as well as the relationship between the heavily industrialised nature of the site and its surroundings to the west, , as well as the none developed areas to north, east and south. The design further acknowledges the comments made by the public as part of consultation events held in both Blackburn and Darwen prior to submission of the application.

3.4.60 The Environmental Statement (ES) accompanying the planning application includes a 'Landscape and Visual' chapter and an associated Landscape and Visual Impact Assessment which together consider the impacts of the proposed development on the character of the landscape and on visual amenity in general at key receptors, or viewpoints. The purpose of the ES is to consider and provide a clear understanding of the main and likely significant effects of the project upon the environment – with the Landscape and Visual impact Assessment (LVIA) associated with the proposed development forming a key part of the ES.

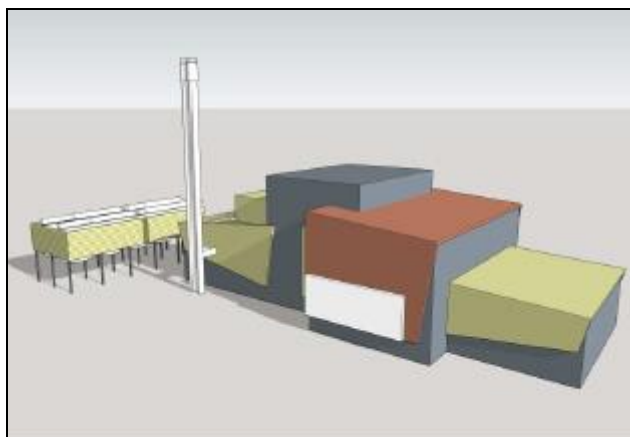
3.4.61 The agreed methodology adopted, enabled:

- Identification the character and features of the landscape;
- Consideration of the character changes that would result following implementation of the project; and
- Identification of the potential visual effects arising as a result of the project

3.4.62 To help achieve this, the ES confirms that the developer will adopt the following landscape design strategy and proposals:

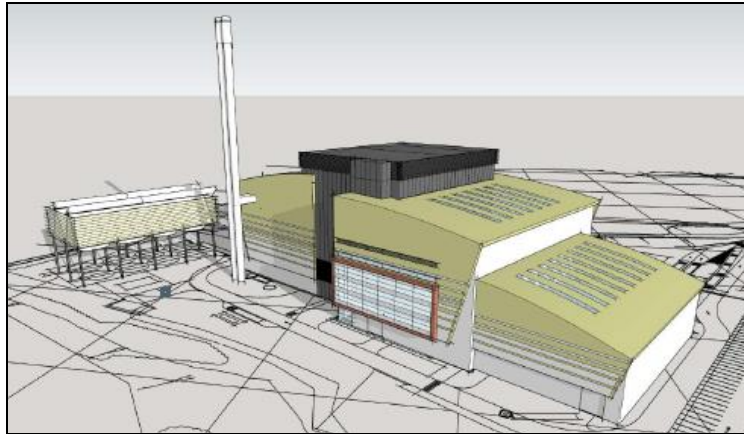
- To retain boundary vegetation, including existing substantial woodland along the southern boundary and tree belt adjoining the western boundary would be retained.
- To create a strong network of green infrastructure across the project site;
- Areas of new planting and trees used to reinforce the existing more established boundary vegetation;
- Further planting areas that are designed to screen the lower-lying parts of the project; and
- An overall improvement in amenity value and habitat improvements;
- Commitment to prepare a full lighting strategy - submitted to the local planning authority for agreement prior to the project becoming operational;
- Protection of existing trees and landscape during construction in accordance with British Standard 5837: 2012 (BSI, 2012) Trees in Relation to Construction;
- A five-year management/ establishment period for the proposed landscape planting

3.4.63 Building design



**Early Concept Image**





**Final Design**

- 3.4.64 The proposed facility is 145m in length by 72m at its widest. The building varies in height from 20m over the tipping hall, up to a maximum of 48m over the boiler house. The stack is 90m above the ground level. The air-cooled condenser (ACC) structure is 60m in length and 30m in width and 25m high. The supporting structure is exposed from ground level up to approximately 13m with perforated wall cladding to ensure air flow. Proposed materials include composite flat panels (Green/Grey), cladding (Anthracite Grey) and steel roller shutters, personal doors (Anthracite/Light Grey).
- 3.4.65 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. The building design has also evolved in response to the outcomes of public consultation leading to a more curved roof form on the main building mass.
- 3.4.66 Having identified the necessity for such a large building within the site, the key consideration of the design has been to minimise its visual impact. The developer has sought to do this through a more curved roof form on the main building mass and use of “a simple and attractive pallet of materials, in line with the scale of the building and surrounding buildings”, using different colours of cladding to break up its overall mass. The resulting design ties the building to the site locally and reflects both the adjacent topography and the general area in which it is situated. A condition requiring material samples has been recommended to ensure the design reflects the submitted information.
- 3.4.67 The lighting strategy for the scheme seeks to minimise light spill and sky glow resulting from both the internal and external lighting of the proposed facility.
- 3.4.68 A landscaping scheme has also been devised that seeks to protect and enchain views by retaining as much natural vegetation along the site boundary of the site as possible, thus softening the visual impact of the proposed development.

#### 3.4.69 Landscape and Visual Impact Assessment

Within the ES, the existing baseline landscape character has been assessed, as well as the impact of the development during construction, upon completion and after 15 years of operation of the facility, to the landscape. For the purposes of the Landscape and Visual Impact Assessment (LVIA) within the ES, a study area was identified with a radius of 10 kilometres from the centre of the application site; landscape character and views have been assessed within this study area.

3.4.70 For clarity, a 20 km radius study area was originally adopted for the LVIA assessment, due to the height of the stack climbing to 90m above ground level. The reduction in study area was made following judgement and review of the initial material presented, which resulted in some viewpoints being discounted from further consideration. The eliminated viewpoints included the long-range views of the project, where distance, intervening topography (and other landscape elements) reduced the potential for impacts at these locations.

3.4.71 The Council review of the Landscape and Visual Impact Assessment, Chapter 12 of the Environmental Statement (ES) by Capita, on behalf of the Council – has been based on the submission documents, and a site inspection. Full details can be found at the LVIA consultation response of this report section 6.13 The findings of the LVIA conclude, the site itself, is located in an area that does not exhibit many positive landscape characteristics; it is considered to have Low sensitivity to the type of development proposed. Overall, the introduction of another industrial building into the urban fringe would cause a Low/Medium magnitude of change to the character of the local area. The site falls within Local Character Area: LCA 6a: Calder Valley) identified in the Lancashire Landscape Character Assessment (2000), which is part of the wider LCT 6 Industrial Foothills and Valleys, where, due to existing levels of development - of this type and scale- this would result in Minor Adverse significance of effect in Year 1; with the Minor Adverse impact persisting beyond the 15year landscape management period, due to the prominence and scale of the proposed project.

3.4.72 These conclusions on the significance of impacts on views are agreed. The landscape in this area (and related views) has been, and will continue to be, influenced by the industrial/commercial operations at the industrial estate, and the proposal would not significantly add to or change this. Although parts of the development would be sizeable (notably the main building and stacks), these would be seen in the context of other existing substantial buildings and the wider urban form of Darwen, and the stacks in isolation are relatively slender structures within the wider views. With the use of appropriate materials for the buildings and additional landscaping, an acceptable situation would be achieved; likewise, the use of modern lighting techniques would lessen the impacts of the intended 24 hour operation. Overall, it is accepted that the effects on landscape and visual amenity would be acceptable.

3.4.73 Overall, it is considered that as a consequence of the application site being allocated employment land and lying within a landscape of medium sensitivity

characterised by elements of built industrial form, and in view of at least some localised screening provided by woodland belts and hedgerows giving fragmented views from the east and north, that the proposed development can be accommodated without significant landscape or visual harm. In a number of views (notably from higher ground, including the escarpment to the east) the site is visible, but as these views are panoramic and, in some cases, at a distance, and as the industrialised form of the site is now part of the landscape in any event, it is not considered that detriment would be caused to the landscape and the views as a consequence of what is proposed. The greater impact on views from the close-by by footpath would not in isolation amount to a sustainable reason for refusing planning permission.

#### **3.4.74 Heritage Assets**

3.4.75 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.

3.4.76 Local Plan Part 2 Policy 39 (Heritage) of the Core Strategy states that Development with the potential to affect any designated or non-designated heritage asset, either directly or indirectly including by reference to their setting, will be required to sustain or enhance the significance of the asset; subject to a number of requirements.

3.4.77 Paragraph 193 of the NPPF 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.

3.4.78 Paragraph 195 states that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that, in particular, the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Paragraph 197 continues that the effect of an application on the significance of a non-designated heritage asset should be taken into account and a balanced judgment made.

3.4.79 Historic England defines significance as "the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting". Setting is defined in the NPPF as "the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its

surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.

3.4.80 The ES includes a chapter relating to heritage. It identifies no designated heritage assets on the application site, which is agreed. Three non-designated heritage assets are within the project site: the site of the former Post-Medieval Darwen and Mostyn Iron Works (MLA9539); a clay pit depicted on the 1849 Ordnance Survey map (MLA20374); the former line of the Lancashire and Yorkshire Railway's Hoddleston branch (MLA2078). 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.

3.4.81 In relation to the listed buildings the ES finds 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. The ES concludes ‘no harm’ to ‘minor adverse’ effects only, this is agreed.

3.4.82 The ES assessment of cumulative effects on designated assets is as follows as follows:

“No potential cumulative or synergistic effects have been identified. As no impacts to the setting of any heritage assets outside of the site have been identified and any sub-surface archaeological remains within the site can only be subject to direct physical impacts, there is no potential for cumulative or synergistic effects.”

With regards 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.

3.4.83 To conclude, it follows that there are no grounds for refusing planning permission for heritage reasons.

#### 3.4.84 Summary

This report assesses the Full Planning Application for Demolition of existing waste transfer and materials recycling buildings and construction of an energy from waste facility (EFW) with ancillary infrastructure and landscaping. 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 working practises in waste management facilities and is an allocated waste site 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 contributions.

## **4 RECOMMENDATION**

### **4.1 Approve – subject to conditions which relate to the following below matters :**

- 3 year implementation period
- Approved plans and drawings
- Grampian Planning Condition Highways (S278) (refer to 3.4.26)
- Retention of 2x Birch Trees unless replacements agreed
- Submission of construction phase a lighting scheme
- Standard contamination conditions requiring details to be submitted
- Unexpected contamination
- Submission of a Construction Management Plan
- Hours of construction shall be restricted to the following times:  
8am to 6pm Monday to Friday; 9am to 1pm on Saturday; and not all on Sundays or Bank Holidays
- Submission of coal mining risk report
- Materials sample to be provided and agreed
- Submission of Construction Environmental Management Plan (CEMP)
- No removal of or works to any hedgerows, trees or shrubs or works to or demolition of buildings or structures with Ecologist assessment first having taken place, unless alternative scheme agreed
- Treatment plan for eradication of invasive Himalayan Balsam to be submitted
- Landscape and Ecological Management Plan (LEMP) to be submitted
- Surface Water Drainage Scheme to be submitted
- Foul and surface water shall be drained on separate systems.
- Scheme for cycle and PTW spaces to be submitted
- Visibility splays to remain unobstructed and not exceeding a height above 1 metre
- No part of the development permitted brought into use until the access, turning area and parking spaces have been completed in accordance with plans
- The un-loading, storage and re-loading of waste materials shall take place inside the approved buildings only
- The total tonnage of waste material delivered to the site shall not exceed 500,000 tonnes in any twelve month period.
- A record of the quantity (in tonnes) of waste materials delivered to the site and all the waste-derived products despatched from the site shall be maintained by the operator of the site and made available to the

local planning authority upon request. All records shall be kept for at least 36 months.

- Within 3 months of any plant having become first operational a noise assessment shall be carried out by an independent consultant to confirm compliance with the noise predictions set out in the Environmental Statement and supplementary information.
- Heavy Goods Vehicle (HGV) deliveries to and removals from the site of waste materials shall be limited to the following times:  
Monday to Friday: 07:00 to 19:00  
Saturdays: 07:00 to 19:00

## **5 PLANNING HISTORY**

- 10/15/1149 - Variation of condition no.8 re app. Ref. 10/11/0930 to extend the operational hours of the facility. 9/11/2015 Approved
- 10/13/0767 - Variation of condition no. 8 re app. ref. 10/11/0930 to extend the operational hours of the facility. 22/11/2013 Approved
- 10/11/0930 - Change of use with external building works of two existing buildings to a Materials Recycling Facility 29/02/2012 Approved
- 10/15/1150 - Variation of condition 10 on planning application
- 10/12/0558 - to extend the operational hours of the facility. 09/11/2015 Approved 10/12/0558 Construction of Waste Transfer Station with Refuse Derived Fuel Facility, staff welfare and offices and associated infrastructure 24/10/2012 Approved
- 10/11/0608 - Prior notification for demolition of industrial buildings 09/11/2015 Approved
- 10/11/0805 - Installation of new ventilation condensers to supply cooling to ground and first floors 12/10/2011 Approved
- 10/10/0732 - Change of use from B2 (General Industry) to B1 (Offices) – certificate of lawfulness
- 10/06/1122 - Installation of a 60 metre high anemometry mast to measure the wind speed and direction at approximately 40, 50 and 60m above ground level
- 19/02/2007- Approved 10/00/0790 Additional inks manufacturing facility 05/12/2000 Approved

## **6 CONSULTATIONS**

### **6.1 Arboricultural Officer (Urban Green)**

No objection offered.

### **6.2 Drainage Section**

We have no objections to the proposals but require the following condition

Condition

The applicant is required to resubmit the Flood Risk Assessment and drainage strategy to comply with Standard 5 of the Sustainable Drainage Technical Standards March 2015, whereby run off volume for the 1 in 100

year event must be constrained to a value as close as is reasonably practicable to the greenfield run off volume for the same event  
Reason: To comply with current best practice in reducing the risk of flooding

### 6.3 **Environmental Agency**

We have reviewed the Contaminated Land Risk Assessment, Phase 1: Geo-Environmental Risk Assessment for Darwen Energy Recovery Centre (DERC), Darwen, Lancashire, produced by rps, (report number RCEI68589-002R), dated April 2019. We have reviewed this report in terms of the risk to controlled waters and would like to make the following comments;

The previous use of the proposed development site as a waste recycling and recovery centre, metal works, including a fuel tank and landfilling 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 upon a Secondary A aquifer.

#### Environment Agency position

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 178 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 170 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. The Phase 1: Geo-Environmental Risk Assessment submitted satisfies part 1 of the below condition.

Further detailed information will be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

#### **Condition**

Prior to each phase of development approved by this planning permission no development 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 components:

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, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

To protect the underlying Secondary A aquifer.

### **Condition**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

### **Reasons**

To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

To protect the underlying Secondary A aquifer.

### **Condition**

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

## **Reason**

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

### **6.4 Public Protection**

*There are a number of environmental protection considerations with a project of this nature.*

*Comments are made under separate headings for clarity and conditions are recommended where necessary.*

*These comments are made supplementary to previous comments following the receipt of additional technical information on odour, air quality and acoustics.*

*In summary, based on the information submitted by the developers and their consultants we have no objections to the proposed development. Subject to a number of conditions being attached to the permission.*

#### **Light**

*The report entitled "Darwen Energy Recovery Centre - Lighting Impact Assessment" by RPS, dated 24<sup>th</sup> April 2019 addresses the issue of light and how this can be mitigated.*

*The report classifies the site as an E3 zone. I largely agree with this although there could be an argument that the site is part E3 but on the edge of an E2 zone, in particular to the East and North of the site which is rural in character.*

*This matter is addressed by the introduction of "dark corridors" to the north and east of the site where a tighter standard is applied due to ecological impact.*

*There is an additional plan that concludes that vertical luminance levels will be met in accordance with an E3 zone, the levels are well below the E3 zone limits.*

*There are no contour plots provided showing offsite luminance levels as is our normal preference to show impacts upon adj receptors. The exact detail of the site lighting will not yet be available.*

*However, given the scope of the report, the site location and the conclusions that the limits can easily be complied with I am comfortable applying a condition requiring that a lighting scheme be agreed at a later date.*

### Condition – Lighting

*Prior to the completion of the construction phase a lighting scheme shall be submitted for approval by the local planning authority. The scheme shall make reference to on and offsite light levels and demonstrate that the lighting associated with the development will comply with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light.*

*Prior to the commencement of the approved use the agreed scheme shall be implemented and thereafter retained.*

### Reason

*To protect existing residents in the area from a loss of amenity from light intrusion / glare.*

### Odour

*Further to the amended risk assessment and technical note dated the 26<sup>th</sup> July 2019 we are satisfied that odour will not be a significant risk from the development.*

*In addition, the site will be governed by an EA A1 Environmental Permit that will seek to control odour using the best available technique.*

### Contaminated Land

*A phase 1 report has been submitted with the application. This has been accepted and comments made. A site investigation is pending.*

*The site has an industrial history and will be contaminated in parts, however, the proposed use is not particularly sensitive and therefore we are happy for this matter to be conditioned using the normal contaminated land condition.*

### Noise and Vibration

*A comprehensive survey has been undertaken in respect of background noise readings and potential impact upon residential premises in the locality considered in some detail. Additional monitoring and technical clarification has also been provided at our request.*

### Operational Phase

*The assessment undertaken to date concludes that the operational phase will not have a significant impact upon existing noise sensitive premises in the vicinity.*

*The facility will obviously be audible in the locality as there are some significant noise sources associated with the installation, however, due to the*

*separation distances to residential premises and / or existing background levels of noise then the impact at these locations is predicted to be low.*

*In addition, the site will be regulated under the A1 Permit and this IPPC regulation covers noise emissions that will be controlled according to the best available technique.*

*Providing the installation is constructed according to the predicted noise levels then we have no objection on noise grounds.*

### Construction Phase

*The report discounts the construction phase as having a significant impact on noise sensitive receptors. I agree that vibration can be largely screened out due to distances involved although it may need referencing in a control scheme when more is known about the construction phase.*

*Whilst I largely agree that there is unlikely to be a significant impact some controls need to be put in place for such a large project. Construction phase noise can easily be conditioned. The following conditions can be included.*

*I am not going to impose a blanket hours' restriction on the basis that such a large project may need out of hours working. Given the location this may be possible without significant disturbance being created. Hours of operation can be included and agreed as part of any construction noise / dust management plan.*

*Such a scheme can agree all of the necessary detail prior to commencement when specific details become clear. Including, hours of operation, methods of construction according to BS 5228, noise monitoring plan, resident liaison etc.*

### Construction Phase – Condition

#### **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.*

### Air Quality

*Dust from the construction phase can be dealt with by the condition also relating to the construction phase control scheme.*

### Operational Phase Emissions to Air

*The proposed development will produce air pollution, which is to be expected. The assessment considers a range of pollutants and, with the exception of Polycyclic Aromatic Hydrocarbons (PAH), the predicted exposures are below the relevant Environmental Assessment Level by an acceptable margin.*

*The maximum predicted PAH exposure at a sensitive receptor is just under the Air Quality Standard recommended by the Expert Panel on Air Quality Standards: Polycyclic Aromatic Hydrocarbons (1999). Their recommendation was "intended to reduce any risk to the population of the United Kingdom from exposure to polycyclic aromatic hydrocarbons to one which the Panel believes would be so small as to be undetectable." The assessment submitted in support of the application does make some worst case assumptions, so it is a fairly conservative assessment. It is therefore reasonable to conclude that the risk posed by PAH is likely to be so small as to be undetectable.*

*In addition, as already noted, the site will be regulated by the EA under an A1 IED / IPPC Permit. This will control emissions from the installation according to the best available technique with compliance monitoring a legal requirement on an ongoing basis.*

#### 6.5 **Local Highways Authority**

The proposal received is for Demolition of existing waste transfer and materials recycling buildings and construction of an energy from waste facility (EFW) with ancillary infrastructure and landscaping

##### **Parking**

In accordance with the adopted parking standards, based on a B1 office use, and measured against the floorarea of 1533/l car space per 35sqm would equate to an allowance of 43.8 car parking spaces. The provision being made available is far in excess of this number, having reviewed the comments made by our transport consultant when reviewing the TA, the issue of justification for the spaces is offered. There is however the issue of providing parking for conference use, please provide further clarification.

The layout in terms of space of car parking bays and manoeuvring areas is deemed acceptable. 8 disabled bays are being proposed, which are sited close to the entrance of the building, this is also acceptable

However there is no mention of the cycle and PTW spaces, which also need to be provided near the entrance covered and secure. (Details of lockers and showers were discussed at the pre-app meeting), the Please request further details in support.

##### **Access**

Vehicular access into and out of the site is presented via the existing access from Goose House Lane The submission alludes to the fact that the access is to be widened, yet no firm details of this together with tracking to support this assumption is provided. Please seek further details.

This will no doubt need to be secured through a Grampian condition for off-site highway works

Sightlines are not offered at the site access, these should be provided, to ensure that the optimum visibility is achievable, this may require cutting back of planting and shrubs.

The internal road is winding and would benefit with being straightened to support the larger vehicles traversing through.

I would suggest if possible, moving the access further away from the junction of Goose House Lane, as this would assist in support the movement of vehicle into and out of their site.

Pedestrian access is proposed from the highway into the site or leading up to the office unit.

### **Servicing**

A tracking of their internal layout has been carried; this is satisfactory, as previously mentioned tracking should include the junction with Goose House Lane in both directions.

### **Transport Statement**

This has been reviewed; the document is attached to this assessment.

There are a number of areas that require further work.

To summarise the impact upon the network is significant, and would exacerbate the operational capacity at the junction of Hollins Grove Street/Goose House Lane junction. The improvements are necessary as a result of the movements generated by this development. For information, I attach a feasibility study that was carried out by the authority to assess the nature of improvements; the conclusion offers our preferred option being the signalisation of the junction with short lanes.

In order to support the application we deem it necessary for mitigation measures in the form a signalised junction at Hollins Grove Street/Goose House Lane to be undertaken through a Section 278 agreement.

To conclude, we would in principle offer our support to the application, subject to the above matters being addressed satisfactorily

### **Other**

Construction and demolition method statement would be required to support the development – no details are received, please request information or condition for submission.

Matters also to be considered are:

- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
- Any old entrances no longer required will require closing and formally reinstating back to full footway.

- Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway
- Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authorities office on Tel: 01254 273838 to undertake a condition survey.

To conclude, we would in principle offer our support to the application, subject to the above matters being addressed satisfactorily

**Please note:** Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the local highway authority officer Simon Littler on Mob: 07766 578007  
Please attach standards conditions/Informatives: Highways 1, 2, 3, 5, 6, 7, 8, 9, 90, 10, 11, 13, 14, 15 and 17

#### 6.6 **Highways England**

The applicant, SUEZ, seeks to deliver an Energy from Waste (EfW) facility with a capacity of up to 500,000 Tonnes Per Annum (TPA). The existing site, run by SUEZ, currently operates as a Waste Transfer Station (WTS) as well as materials recycling operations which have conditions in place to handle 50,000 TPA and 35,000 TPA respectively. The existing site also currently accommodates an office building which acts a regional office for SUEZ which typically has 55 staff on-site per day which can increase to 65 staff if all employees are present. The office building also has conference and meeting room facilities to accommodate approximately 100 people.

The Transport Assessment (TA) prepared by RPS sets out that the EfW facility will be operational 24/7 but that HGV movements will only be between the hours of 07:00 and 19:00 Monday to Sunday excluding bank holidays, and further states that these HGV movements are the same as the existing facility on the site.

No pre-application discussions took place between the applicant and Highways England prior to submission of the planning application. The TA has not referenced key guidance and policy documentation pertinent to Highways England and the SRN; namely DfT Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development' or The Strategic Road Network: Planning for the future (2015) guidance document.

#### **Highways England Comment on Transport Assessment**

Section 5 of the TA sets out the committed development sites and cumulative development sites that have been included within the assessments. The inclusion of site allocations set out within the Blackburn with Darwen Local Plan is considered to be appropriate. The TA has also included a site that currently has a live planning application awaiting determination, Land at Greenbank Terrace and Milking Lane (Ref: 10/18/1149) as a cumulative development.



#### Committed Development :

It's unclear from information set out in the TA whether the local planning authority has commented on the appropriateness of the list of committed development sites and cumulative development sites set out within the TA. We therefore seek confirmation from RPS that these committed development sites were agreed with Blackburn with Darwen Council as the Local Planning Authority.

Trip generation associated with the committed developments included within the assessment are presented alongside the 2026 baseline traffic flows. Clarification is needed as to why this year has been chosen, as this doesn't accord with the requirements of Circular 02/2013, where the traffic impacts of proposals must be set out at opening year and at ten years after submission of the planning application (i.e. at 2029) – we therefore ask that the analysis is prepared for the 2029 scenario.

The TA has also included allocated development sites, as set out in the Blackburn with Darwen Borough Council Local Plan, associated with delivery of the Darwen East Development Corridor which are projected to enable the development of 1,154 dwellings and 11.7ha of employment land located between south Darwen and M65 Junction 4. The cumulative development traffic impact at M65 Junction 4 in 2026 is set out below.

Time Period	M65 Junction 4 Westbound		M65 Junction 4 Eastbound	
	2026 Baseline	Cumulative Traffic	2026 Baseline	Cumulative Traffic
AM Peak Hour	7122	129	6504	113
PM Peak Hour	7597	95	6876	102

#### Development Traffic Generation:

Manual Classified Survey (MCC) was undertaken at M65 Junction 4 over a 12-hour period between 07:00 and 19:00 on Tuesday 11th December 2018. Highways England note that the surveys were not undertaken in a neutral month which may affect the accuracy and validity of the results presented. Further information should be provided such as queue length surveys and from site observations to further supplement the MCC undertaken at M65 Junction 4 and this information should be taken from a neutral period.

Trip generation, in terms of daily HGV movements relating to waste, has been calculated through the summation of tonnages (and therefore associated HGV movements) for ten sites which are set out in the TA. We observe that some of these sites, with the exception of two unnamed third-party sites, operate as kerbside waste collection, household waste recycling as well as industrial and commercial waste facilities. The HGV movements generated for each of the ten sites are observed to be directly dependent upon the vehicle type / load

size which is served by the particular site. For example, two sites that are included (which are both named Lancashire HWRC) have a categorised tonnage of 20,000 each yet however have differing vehicle type / load sizes of 6 and 18 respectively. Obviously, it will take more trips to distribute the waste 'fuel' needs of the facility by using lower load capacity vehicles. Conversely, whilst higher load capacity would result in lower trips, the larger size of the vehicle takes up greater carriageway queuing space on a motorway slip road.

Consequently, these sampled sites generate throughout 278 working days per annum 24 and 8 daily HGV movements. Highways England is unable to comment on the appropriateness of the selected sites as no further information is set out regarding the catchment area for HGV movements and nature of operations for each site.

On this point, the TA seeks to view the waste delivery traffic impact of the proposed facility in terms of the difference over and above that of the existing waste transfer operation. Whilst that is ordinarily a reasonable approach, it implies that the additional waste deliveries needed to power the facility are of the same type and from the origin and return destination as those already.

It is recommended that further justification is provided for this methodology, and how the vehicle types / load size associated with the sites selected compare to the proposed development. For example, one would expect the waste 'fuel' demand of the facility to be specific (i.e. large volumes of specific types of waste delivered in regular loads), which would therefore be likely to be sourced from further afield and from perhaps other facilities where the waste is pre-treated. By implication, this would suggest deliveries almost all arriving via the M65 and Junction 4 – the catchment area (and therefore route) of all the expected deliveries of waste therefore needs to be clarified. In addition to this, no mention is made of the volume and route of traffic leaving the site transporting by-products of the waste-burning process, such as ash deposits – this too should be clarified.

Notwithstanding the above comment regarding the calculation of development generated trips, we have compared the total daily two-way trips for the existing and proposed operation, along with the net change between the two (which are considered as 'new' trips in the TA). This is presented in the table below:

Time Period	Existing operation			Proposed operation			Net change (estimated)*		
	HGVs	Staff cars (including office)	Total Two-Way Trips	HGVs	Staff cars (not including office)	Total Two-Way Trips	HGVs	Staff cars*	Total Two-Way Trips
Weekday	133	67	200	292	48	342	161	19	142
Saturday	75	54	129	149	48	197	74	-6	68
Sunday	58	48	106	0	48	48	0	0	-58

\*The TA does not clearly define the number of staff currently working within the office building that is currently located on the site. Therefore, staff cars generated by the proposed development do not include existing trips generated by the existing office which has therefore resulted in a negative net change of staff cars. To properly calculate the net change of staff cars, RPS should set out the breakdown of staff trips for the existing waste operations and office building.

Although the TA has set out the distribution of staff and HGV movements across the day, it does not set out the number of total trips generated during the identified peak hours. The TA should be updated to set out the total trips generated by the site during the identified peak periods.

The development will generate a noticeable increase in HGVs travelling to and from the junction via Paul Rink Way. The TA has set out the traffic impact at M65 Junction 4 in terms of percentage impacts which is not considered to be appropriate in the instance of high-volume links such as motorway junctions as it may underrepresent the highway impact of development. Indeed, more information is needed about the distribution of waste delivery and return trips each day – are these concentrated outside of peak times over the 12-hour window for deliveries each day, or are they evenly spaced throughout this period (the latter scenario would seem less likely)?

We therefore recommend that a representative analysis for how waste delivery and return trips are generated based in actual operating evidence from a comparable existing operating energy from waste facility. An evidenced movement pattern is therefore needed that the facility is to operate by.

Highways England is aware that significant queueing occurs on the M65 Westbound exit-slip road and on Paul Rink Way during the AM period it must be said, which the proposals could therefore affect.

The TA does not include a full breakdown of the PIA data per annum across the time period and that no screenshot has been included within the document from Crashmap. Highways England notes that the PIA study area has not included the full geographic area of M65 Junction 4. If the full area of the junction had been included, 13 further incidents would have been reported within the TA – of which all are recorded as being slight.

The Draft Travel Plan includes positive initiatives such as the provision of cycle spaces and showers as well as the implementation of a car-sharing scheme for employees. A large proportion of initiatives are primarily aimed at the provision of information, which may not necessarily correspond with a noticeable change in modal split. The document does not propose targets for modal split changes as these are dependent upon the outcome of baseline travel surveys once the site is in use.

Highways England Conclusion & Formal Recommendation In light of our comments above, further information is needed before Highways England is able to provide a final view on this application.

Comment received on the 5<sup>th</sup> August 2019:

In summary, there is sufficient information presented within the updated Transport Assessment produced by RPS for the proposed Energy from Waste facility in Darwen to enable the holding recommendation from Highways England to be removed for this particular planning application.

Notwithstanding, there is still a possible concern relating to the baseline operational performance of M65 Junction 4 which should be clearly set out within any future transport work undertaken at the junction. Further detail regarding this will be set out within an official response to the additional technical information supplied by RPS. This will be reported to Members in the Update Report.

6.7 GMEU Ecology

Biological Heritage Sites:

The application site lies immediately adjacent to Eccleshill Old Iron Works BHS. The ES identifies that there may be some impacts on this site from constructions works (e.g. dust emissions). Mitigation measures have been therefore been proposed to minimize any impacts, to be incorporated into a Construction Environmental Management Plan. To ensure the mitigation measures are fully adopted we would advise that the following condition (BS 42020:2013) be attached to any permission, should it be granted:

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.

#### Bats

No evidence of bat roosts were found during surveys on the site and only low levels of bat activity were recorded. Following good practice methods, it is proposed to carry out pre-construction survey for bats (as outlined in paragraph 8.194) and use appropriate lighting to limit disturbance to foraging/commuting bats. These measures should be included in the CEMP for Biodiversity.

#### Amphibians

No great crested newts have been found on site, although other amphibian species are present. As the existing water body on the site is being retained and enhanced there should be no long term impact on these species. Measures have been outlined to protect amphibians during construction and again these should be incorporated into the CEMP for Biodiversity.

#### Reptiles

A single common lizard was recorded on site and measures have been outlined to protect reptiles during construction. Again these should be incorporated into the CEMP for Biodiversity.

#### Barn Owl

Barn owls have nested and roosting in some of the buildings on site in the past and owl boxes are also present. Pre-construction surveys have been proposed for the relevant buildings together with measures to limit disturbance to the owls during construction (paragraphs 8.025-8.206). Again these should be incorporated into the CEMP.

#### Nesting birds

Habitats present on site are suitable for use by nesting birds. As all wild birds, their nest and eggs are protected under the Wildlife and Countryside Act 1981 (as amended) we would recommend that the following condition be attached to any permission:

No removal of or works to any hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and buildings for active birds' nests immediately before the vegetation and building is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Alternatively this requirement could be included within the CEMP.

### Invasive Species

The invasive Himalayan balsam is present on the site. We would therefore recommend that the following condition be attached to any permission to ensure appropriate control measures are in place:

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 Himalayan balsam on site. The measures shall be carried out strictly in accordance with the approved scheme.

### Habitats

From the plans it appears that the majority of the semi-natural habitats present on site will be retained. Measures have been outlined for habitat enhancement and creation works, including a five year establishment phase and a long term habitat management plan. As the landscape masterplan is only illustrative full landscaping plans should be provided prior to works commencing on site. Long term management of these habitats will also be required. We would recommend that this be achieved through a Landscape and Ecological Management Plan (LEMP) and 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 the occupation 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.

## 6.8 **Lancashire Constabulary**

Recommended crime prevention measures incorporated into the development. To be attached as informatives.

6.9 **Network Rail**

No objection in principle however, the proposal includes works which may impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

The applicant / developer should liaise directly with Asset Protection to set up the BAPA

6.10 **Public Rights of Way Officer**

There is a public right of way running next to the proposed demolition and construction site which shouldn't be affected by the works. Please Add Highways 11 to try and avoid any materials being deposited on the footpath.

6.11 **United Utilities**

No objections, subject to submission of a surface water drainage scheme and foul and surface water to be drained separately; by condition.

6.12 **Coal Authority**

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment (April 2019, prepared by RPS Consulting Services Ltd); that a mine entry potentially located within the site and shallow mine workings pose a risk to both public safety and ground stability. Consequently, further intrusive site investigation works should be undertaken in order to establish the exact situation regarding them.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the mine entry to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

The condition should also ensure that any remedial works identified by the site investigation to consolidate any shallow mine workings are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

\* The undertaking of appropriate schemes of intrusive site investigations for both the mine entry and the shallow workings;



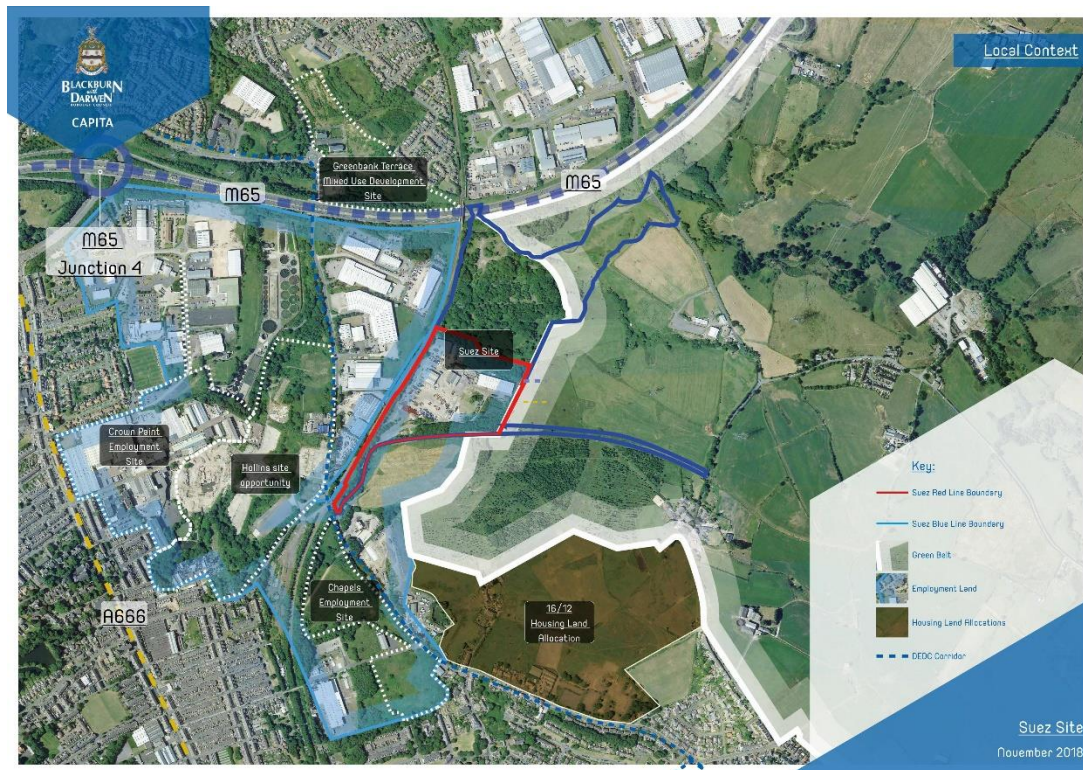
- \* The submission of a report of findings arising from the intrusive site investigations;
- \* The submission of a scheme of remedial works for approval; and
- \* Implementation of those remedial works.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

## 6.13 **Landscape and Visual Impact Assessment Officer (Capita)**

### **Site & Project Overview**

The site location is shown on Figure 1, which also shows the site's relationship to the Hollins Road employment area (site of a former Paper Mill Site and home to Crown Paints – one of the area's key employers) and the Holden Fold site, which is allocated for housing development (ref 16/12) in the Local Plan 2015, where potential impacts from the proposed development need to be considered in detail.



*Figure 1: Application Site (Red) shown in context identifying Hollins Mill site and the Holden Fold Site allocated for housing*

The project site comprises 7.22 hectares (ha) and is located within the north-eastern extent of the town of Darwen. The site is owned by SUEZ Recycling and Recovery UK Ltd (SUEZ) and in current use as a Waste Transfer Station (WTS) with bulking and segregation of recyclable materials and the SUEZ Regional Offices.

The site is bounded by existing primarily native, intact boundary vegetation to the north and south, with partially fragmented boundaries to the east and west.



## **LVIA Overview**

The LVIA assessment was undertaken using a robust and reliable methodology, with suitably experienced consultants undertaking the field work and desk top analysis.

The methodology used, is in line with best practice (see ES: 12-2) following guidance on landscape and visual impact assessment (LVIA) as described in the following documents:

- Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (GLVIA3) (Landscape Institute and Institute of Environmental Management & Assessment, 2013);
- Landscape Character Assessment Guidance for England and Scotland (The Countryside Agency and Scottish Natural Heritage, 2002); and
- An Approach to Landscape Character Assessment (Natural England, 2014).

The methodology adopted, enabled:

- Identification the character and features of the landscape;
- Consideration of the character changes that would result following implementation of the project; and
- Identification of the potential visual effects arising as a result of the project

The field surveys and desktop research, was supplemented by further engagement with the LPA and Capita (who were appointed to support the Council, providing subject expertise).

The Landscape character assessments were defined at a variety of scales with reference to substantial amounts of existing published information that is readily available at national, county and district levels (See ES: Figure 12.4a).

A computer-generated ZTV model was run and mapped to establish a theoretical zone of where the project would be visible from. A 20 km radius study area was originally adopted for the LVIA assessment, due to the height of the stack climbing to 90m above ground level. The preliminary evidence was presented for consultation with BwDC's Landscape Consultant (Capita), to arrive at a reduced 10 km radius for final assessment purposes.

The reduction in study area was made following judgement and review of the initial material presented by RPS, which resulted in some viewpoints being discounted from further consideration. The eliminated viewpoints included the long-range views of the project, where distance, intervening topography (and other landscape elements) reduced the potential for impacts at these locations.

Additional viewpoints were also included into the final assessment (using the 10km boundary). The ES also confirms that the impacts and benefits of locating the stack at different points within the site were considered during the LVIA field work and this work informed the overall design (ES: Page 12-3).

The LVIA assessed the potential impacts of the proposed development on views from the housing land allocated in the Local Plan and in close proximity to the site. This included views from the former Moorland School Site/ Holden Fold (16/12) which is allocated in the local plan (See ES: 12.83). Viewpoint 3 of the assessment is assumed to represent views from this future residential allocation, which is considered to be of high sensitivity to visual impacts with up to 315 residential units earmarked at the scheme at Holden Fold to the south-east of the site.

The visual assessment, and associated field work, was carried out during winter 2018/9 when deciduous trees were not in leaf. Further professional judgement was made by the applicant's experts, regarding the summer situation.

The visual assessment is based on analysis of views towards the project site and includes viewpoints in sensitive locations from which the development would be most visible, not all public viewpoints from which the development would potentially be seen have been included in the assessment. Where impacts to residential and other private views (e.g. commercial occupiers) are noted these have necessarily been estimated

**The assessment of effects assumes that measures will be undertaken, as part of the project to reduce or avoid significant adverse landscape and visual effects with any layout or design commitments to be employed by the applicant clearly noted in the ES and shown in the Design and Access statements / planning application submission documents.**

To help achieve this, the ES confirms that the sponsors will adopt the following landscape design strategy and proposals:

- To retain boundary vegetation, including existing substantial woodland along the southern boundary and tree belt adjoining the western boundary would be retained.
- To create a strong network of green infrastructure across the project site;
- Areas of new planting and trees used to reinforce the existing more established boundary vegetation;
- Further planting areas that are designed to screen the lower-lying parts of the project; and
- An overall improvement in amenity value and habitat improvements;
- Commitment to prepare a full lighting strategy - submitted to the local planning authority for agreement prior to the project becoming operational;
- Protection of existing trees and landscape during construction in accordance with British Standard 5837: 2012 (BSI, 2012) Trees in Relation to Construction;

- A five-year management/ establishment period for the proposed landscape planting

The LVIA has assessed the cumulative effects (after considering other developments under construction (including: permitted applications not yet implemented, submitted applications not yet determined, projects on the local planning authority planning register; and proposals identified in existing and emerging planning documents etc.

### **Summary of Effects**

As noted in the ES, the site itself, is located in an area that does not exhibit many positive landscape characteristics; it is considered to have Low sensitivity to the type of development proposed.

Overall, the introduction of another industrial building into the urban fringe would cause a Low/Medium magnitude of change to the character of the local area (Note: the site falls within Local Character Area: LCA 6a: Calder Valley) where, due to existing levels of development - of this type and scale- this would result in Minor Adverse significance of effect in Year 1 ; with the Minor Adverse impact persisting beyond the 15year landscape management period, due to the prominence and scale of the proposed project.

Further commentary is provided in the table below:

Visual Effects: Temporary Construction & Operational Phases		
Effects	ES Evidenced Conclusions	LA Comments
General	Predicted effects on visual receptors are noted in the LVIA as being similar/ equal to those predicted under the assessment of Operational Effects – but temporary (as opposed to long term and permanent).	Assessment of potential visual effects is accepted:
Long Distance Views	<p><i>None to Negligible Adverse</i></p> <ul style="list-style-type: none"> <li>• Change barely noticeable when seen in the context of ex. industrial settings of Darwen</li> </ul>	<p>Assessment of potential visual effects is accepted:</p> <p>Slight increase to the ZTV due to the fact that the construction cranes are higher than 90 m stack but there is unlikely to be any further increase in the potential for any of the construction activity to be visible due to the local topography, which will serve to hide the project site.</p>
Medium Distance Views	<p><i>Negligible Adverse to Moderate Adverse</i></p> <ul style="list-style-type: none"> <li>• When viewed from Vp9: Jubilee Tower (a receptor of high sensitivity) visual effect determined as Minor Adverse at year 1 + Yr15</li> </ul>	
Close Range Views	<p><b>Significant Effect</b></p> <p><i>Major Adverse</i></p> <ul style="list-style-type: none"> <li>• Vp2: Polyphemus Wood, where project creates a dominant new foreground feature obstructing views to the hills (beyond the</li> </ul>	<p><b>Significant Effect</b></p> <p>VP2: Scale of building in foreground dominates views &amp; detracts from quality of long distance views across and over the ex .landscape</p> <p>VP5, Roman Road: <b>High Sensitivity</b></p>

	industry) <ul style="list-style-type: none"> <li>VP4:PROW (Eccleshill/ 12)</li> </ul> <i>Moderate Adverse Effect at</i> <ul style="list-style-type: none"> <li>VP5: Roman Road</li> </ul>	<b>receptor</b> The development impacts shown at VP5 are representative of the views observed by walkers using the adopted footpath at Roman Road, which is used to access and enjoy the more rural, quieter landscape beyond the motorway corridor. Such observers have high sensitivity to visual change. <b>A further potential Significant effect</b>
	<b>Moderate reducing to Minor adverse at year 15)</b> Vp3: Public right of Way (Holden Fold) a receptor with High Sensitivity to change	<b>Moderate Adverse Effect at:</b> Vp3: High stack will be visible, which breaks the skyline as a noticeable change. Proposed planting at Year15 does not lessen this impact with the predicted at Yr1 retained

Visual Effects: Temporary Construction & Operational Phases		
Effects	ES Evidenced Conclusions	LA Comments
General	Predicted effects on visual receptors are noted in the LVIA as being similar/ equal to those predicted under the assessment of Operational Effects – but temporary (as opposed to long term and permanent).	Assessment of potential visual effects is accepted:
Long Distance Views	<i>None to Negligible Adverse</i> <ul style="list-style-type: none"> <li>Change barely noticeable when seen in the context of ex. industrial settings of Darwen</li> </ul>	Assessment of potential visual effects is accepted: Slight increase to the ZTV due to the fact that the construction cranes are higher than 90 m stack but there is unlikely to be any further increase in the potential for any of the construction activity to be visible due to the local topography, which will serve to hide the project site.
Medium Distance Views	<i>Negligible Adverse to Moderate Adverse</i> <ul style="list-style-type: none"> <li>When viewed from Vp9: Jubilee Tower (a receptor of high sensitivity) visual effect determined as Minor Adverse at year 1 + Yr15</li> </ul>	
Close Range Views	<b>Significant Effect</b> <i>Major Adverse</i> <ul style="list-style-type: none"> <li>Vp2: Polyphemus Wood, where project creates a dominant new foreground feature obstructing views to the hills (beyond the</li> </ul>	<b>Significant Effect</b> VP2: Scale of building in foreground dominates views & detracts from quality of long distance views across and over the ex .landscape VP5, Roman Road: <b>High Sensitivity</b>

	industry) <ul style="list-style-type: none"> <li>VP4:PROW (Eccleshill/ 12)</li> </ul> <i>Moderate Adverse Effect at</i> <ul style="list-style-type: none"> <li>VP5: Roman Road</li> </ul>	<b>receptor</b> The development impacts shown at VP5 are representative of the views observed by walkers using the adopted footpath at Roman Road, which is used to access and enjoy the more rural, quieter landscape beyond the motorway corridor. Such observers have high sensitivity to visual change. <b>A further potential Significant effect</b>
	<b>Moderate reducing to Minor adverse at year 15)</b> Vp3: Public right of Way (Holden Fold) a receptor with High Sensitivity to change	<b>Moderate Adverse Effect at:</b> Vp3: High stack will be visible, which breaks the skyline as a noticeable change. Proposed planting at Year15 does not lessen this impact with the predicted at Yr1 retained

6.14 **Environmental Services**

No comments received

6.15 **Growth Team**

No comments received

6.16 **Ministry of Defence**

No comments received

6.17 **Civil Aviation Authority**

No comments received

6.18 **Eccleshill Parish Council**

No comments received

6.19 Public consultation has taken place with 73 letters posted to neighbouring addresses, a press notice published and display of fifteen site notices. In response, 5 letters of objection and 1 letter of support have been received which are shown within summary of representations below. The comments and issues received have been addressed within the report.

7 **CONTACT OFFICER: Alec Hickey, Senior Planner – Development Management/ Gavin Prescott, Planning Manager (Development Management)**

8 **DATE PREPARED: 6<sup>th</sup> August 2019**

## 9 SUMMARY OF REPRESENTATIONS

### Obj – Cllr John Slater – Rec 24.5.19

Hi

I wish to please note all that I wish to place my objection to this at this stage I am not happy with the environmental standards and the traffic impact on my residents and so there can be no misunderstanding I wish you to send a receipt of this.

Kind Regards

John

---

### Obj – Cllr Denise Gee – Rec 24.5.19

Good afternoon

Please note my objection to this application due to the traffic implications and the inappropriate commercial intention.

Regards

Cllr Denise Gee

---

### Obj – Alison Hall – 34 Hollin Grove Street, Darwen – Rec 4.6.19

Dear Councillors,

I would like to raise the following objections to the proposed energy recovery site in Darwen, reference number 10/19/0495:-

The objections are based on the noise, pollution and congestion created by 133 diesel lorries per day going into the site, and 133 returning. This was the figure given by Suez at the public consultation.

1. Suez quotes the Environment Agency in relation to emissions of particulates from waste recovery plants. They do not include the particulates emitted by all those diesel lorries.
2. Emissions from these lorries will be particularly bad, as they have to climb a long, steep hill to reach the site, and have to negotiate an awkward bend at the railway bridge. This fact has not been made clear in Suez' promotional material, which describes it as being on Lower Eccleshill Road. It is actually on Goosehouse Lane.
3. The plans include an approach road within the site, to prevent lorries from queuing on the road. Multiple lorries waiting on that approach road will also be standing and emitting fumes.
4. The Hollins Grove area is already subjected to noise, air pollution and congestion from the A666. It has recently got worse on Hollins Grove Street due to tailbacks from the new traffic lights. Residents cannot open their windows without filling their houses with traffic fumes. All those diesel lorries going to the Suez site would significantly add to this.

5. Constant noise from the lorries would be yet another stress, impacting on the quality of life for local residents.

Darwen is already a cramped, congested town. Please don't let it get even worse.

---

Obj – Mr and Mrs Warburton – 1 Eccleshill Cottages, Eccleshil – Rec 26.5.19

Dear sir/madam,

We live at Eccleshill cottages on Roman road BB3 3PL and we are becoming increasingly concerned about the increase in the volume of traffic and the amount of HGV's that use Roman Rd. We feel there has been a marked increase in traffic over the last couple of months resulting in an increase in noise levels as well as speeding. We reverse onto our drive and due to the 40 mile speed limit, which many drivers do not adhere to, we are finding it increasingly risky to access our property. The road is quite narrow, with a sharp bend and the increased number of lorries often means that the HGV's cannot pass each other easily resulting in sudden braking. Due to this increase there has also been an increase of litter in the area also.

We are very concerned about the effect of the proposed recycle centre at lower Eccleshill which could potentially increase the amount of HGV traffic on Roman Rd as it is used as a cut through and alternative route, probably because of the 40 mile speed limit and lack of speed cameras on this stretch. The road is becoming increasingly busy due to the building of houses and new industry in the area and we are concerned that this application will add further traffic resulting in increased litter, increased noise pollution, difficulty in accessing our home due to reversing onto the drive in heavy traffic all of which will have a negative impact on house prices in the area, an increase in pollution and an impact on safety.

Regards

Mr & Mrs Warburton

---

Obj – Richard Prest – Lea Hough and Co on behalf of Holden Fold/Moorland School Residential Housing Association – Rec 17.6.19

Dear Sirs

I'm submitting the following observations on behalf of a number of stakeholders of the Holden Fold/Moorland School residential housing allocation Reference Number 16/12 Blackburn with Darwen Local Plan.

Whilst appreciating that this proposed new facility in part replaces an existing recycling facility, the scale and mass of the proposal is a cause for concern, in particular the height of the principal boiler hall (48 metres above ground level) and the height of the exhaust stack – 90 metres above ground level.

Clearly the issue is not so much the increase in floor area but the increase in building volume which is out of all proportion to the existing facility.

Another important concern is the increase in vehicle movements – the design and access statement refers to the importation of 500,000 tonnes of waste per annum which on the basis of 20 ton vehicles is 25,000 vehicle movements in to the facility per annum and presumably a similar number of vehicles leaving the site with the by-products.

The principle concern here is the inadequacy of the existing road bridge over the Blackburn to Darwen railway line – Goose House Bridge at the junction of Goose House Lane, Lower Eccleshill Road and Hollins Grove Street.

This bridge is on the direct route between M65 junction 4 Earcroft and the proposed energy recovery centre.

The poor alignment of roads over this bridge dictates that HGV's travelling in opposite directions cannot negotiate the bridge at the same time and with the Authority's desire to direct traffic from the east side of Darwen via the Darwen Easterly distributor road onto Goose House Lane and Lower Eccleshill Road at the north westerly end of Ivinson Road, there are real concerns over the capacity of this bridge.

If minded to approve, the development of the energy recovery centre ought to at least contribute to essential local highway infrastructure improvements.

I trust that these issues will be taken into account in the consideration of the application.

Yours sincerely

Richard Prest

---

Additional Comments Richard Prest – Rec 19.6.19

Dear Sirs

In addition to the comments already submitted on behalf of a number of stakeholders of the Holden Fold/Moorland School residential housing allocation, that in addition to the visual and traffic implications of the development, future residents of Holden Fold are likely to be anxious about emissions from the new plant.

It would be reassuring to know that emissions will be benign – it is important to ensure that unneighbourly developments do not prejudice the ability to deliver much needed new housing on this allocated site.

Yours sincerely

Richard Prest

---

Support – Suzanne Halliwell – Rec 4.7.19

With reference to the planning application number 10/19/0495 I write in support of the application for the following reasons:



1. It is in the right location and it will be good to see the site remain as a key employment site for the area
2. The investment is needed in our town, creating jobs and opportunities for future generations
3. It will reduce the borough's reliance on landfill thus reducing our environmental footprint.

I do urge the council however to consider appropriate traffic management be put in place and a full environmental impact assessment made. I also urge the council to apply the appropriate S106 agreements to ensure investment is felt in the borough not just by Suez.

Yours faithfully

Suzanne Halliwell

---