

Development Control Committee
Meeting to be held on 16 October 2019

Electoral Division affected:
Heysham

Lancaster City: application number LCC/2019/0021

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

Contact for further information:
Robert Hope, 01772 534159
DevCon@lancashire.gov.uk

Executive Summary

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

The proposed development is subject to environmental impact assessment (EIA) and the application is accompanied by an Environmental Statement and non-technical summary.

Recommendation – Summary

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and subject to the applicant first entering into a Section 106 Agreement for a commuted sum of £145,075 for cycle and footpath provision between Imperial Road and Middleton Road; a commuted sum of £40,000 for ecological enhancement at Heysham Moss Site of Special Scientific Interest, and in relation to off-site surface water drainage provision, that planning permission be **granted** subject to conditions controlling commencement, working programme, construction environmental management plan, building materials, tonnage throughput, reversing alarms, surface water drainage, landscaping, employment and skills, lighting, R1 status, site investigation, groundwater protection, hours of construction working, heat pipes,

highway matters, electric charging points, cycle storage, showers and changing facilities, and decommissioning.

Applicant's Proposal

Planning permission is sought for the development of an energy recovery facility comprising: the erection and operation of an energy from waste building including offices, workshop and visitor/education facilities; air cooled condensers; internal access roads; car, cycle and coach parking; perimeter fencing; electricity substations; weighbridges; weighbridge office; contractors office; water and diesel tanks; lighting; heat pipes; hardstandings; earthworks; landscaping and other ancillary infrastructure.

The main building would be 140m in length and between 55m and 100m wide. The highest section of building would be 49m above ground level. There would be two stacks (chimneys), each with a 2.5m diameter and reaching 90m above ground level.

The main building would include a waste reception hall, waste bunker, boiler hall and process water treatment plant, turbine hall, flue gas treatment facility/material storage silos, and 3 storey education/visitor/staff facilities. The building would be externally clad with varying textured panels with colours ranging from corten steel, to grey and through a range of greens.

The other proposed buildings and structures are as follows:

- Electricity distributor control room measuring 7.2m x 5.6m x 3m high, faced with composite insulated cladding coloured black/grey with merlin grey doors.
- Electricity Distribution Network Operator Open terminal compound measuring 49m x 25m and surrounded by 2.4m high black/grey palisade fencing.
- Weighbridges, and weighbridge/Gatehouse office measuring 14.5m x 4m x sloping roof up to 4.9m high. Materials include corten steel and black/grey cladding and merlin grey coloured aluminium framed glazing.
- Water tank, 12m diameter. 3m below ground, 9m above ground, coloured green
- Air cooled condenser unit mounted on steel framework measuring approximately 62m x 16m x 21m high, faced in sinusoidal cladding panel system or similar and coloured green.
- 2 storey contractor's office measuring 14m x 6.5m x sloping roof up to 7m high. Materials including corten steel cladding panels, black/grey cladding panels and merlin grey coloured aluminium framed glazing.
- Cycle and motorcycle parking, 51 car parking spaces, five of which would have electric charging points and 5 of which would be disability parking spaces
- Landscaping with decorative pond charged by local surface run-off, ephemeral wetland feature and meadow, woodland and wet woodland planting, scrub, rough grassland, hedgerow, meadow grassland and feature planting to main entrance.

- Site boundary 2.4m high paladin mesh fencing.
- 450mm high timber rail fencing at site frontage.
- Heat pipes running from the building to the edge of the site at Imperial Road. The pipes would be insulated and comprise a feed pipe and a return pipe.

The processes included within the energy from waste plant include the following:

- Incoming refuse collection and bulk transport vehicles would enter the facility via the southern access point off Imperial Road. Upon entering the site, vehicles would proceed to the weighbridge after which the vehicles would proceed to the enclosed waste reception / tipping hall.
- Waste would be tipped into a bunker, vehicles would exit the tipping hall and proceed back to the weighbridge before exiting the site.
- The entry and exit door to the tipping hall would be equipped with manually operated 'rapid closing' doors, which would generally be kept closed when delivery of waste is not taking place.
- The facility would be a twin line plant. Cranes would be used to mix and load the waste from the bunker into the feed chutes of the furnaces. Odour and dust in the tipping hall would be controlled by fans located above the waste bunker. These would suck air from waste reception / tipping hall into the furnaces to feed the combustion process and prevent odours and dust escaping from the building.
- The furnaces would employ a "moving grate" which turns and mixes the waste along the surface of the grate to ensure that all waste is exposed to the combustion process.
- Whilst the furnaces are fitted with auxiliary burners, fuelled by fuel oil, these would only be used to start and shut down the plant (typically twice per year) or if temperatures fall below 850°C, which would rarely happen.
- Water used within the boiler is treated to ensure reliable operation using a number of chemicals. These would be stored within a controlled area within the main building.
- Gases generated during the combustion process would be cleaned in the flue gas treatment plant before being released into the atmosphere. The treatment plant works by using a number of filters and chemicals to remove pollutants from the gases.
- Following cleaning, the combustion gases would be released into the atmosphere via two 90m high stacks. Emissions from the stacks would be monitored continuously by an automatic computerised system and reported in accordance with the Environment Agency's requirements for the operation of the facility.
- Two types of solid by-products would be produced from the operation of the facility, bottom ash, which is the material remaining from the combustion of the waste (approximately 20-25% of input waste), and Air Pollution Control residues (approximately 2.5% of input waste), which are produced from the treatment of the gases generated from the combustion of the waste. Each of these would have separate handling and disposal arrangements.
- Bottom ash would be transferred from the bottom of the furnace into a bunker where it would be fed onto a conveyor linked to an enclosed storage area within the main building. Here it would be stored prior to being exported

offsite, to be processed and used in construction projects. Recovered metals would be extracted and stored separately within the building, prior to being taken off site to a suitable permitted recycling facility.

- Air Pollution Control residues would be stored in a silo adjacent to the flue gas treatment facility. Due to the alkaline nature of the residues, they would be classified as hazardous waste and transported off site to a suitably permitted treatment or disposal facility.
- The plant would generate electricity by way of a steam turbine (with a generation capacity of 34MW) driven through the combustion of up to 330,000 tonnes per annum of non-hazardous residual waste. The proposed development would also provide for the construction of a heat connection to the site boundary to allow for the opportunity to export heat off-site. The plant would have the capability of producing of heat in the form of steam or hot water, which could be exported off site subject to an end user being found. The electricity exported from the site would fulfil the electricity requirements of approximately 60,000 homes.
- Low-pressure steam exiting the turbine would be piped to the Air Cooled Condenser where the steam would be circulated around a network of pipes that would run above a series of forced draft fans. The air from the fans would pass over the pipes cooling and condensing the steam into condensate. The condensate would then be recirculated for use in the boiler system. The process of an Air Cooled Condenser system means that there would be no visible plume generated from the cooling process.

The plant would process waste and generate electricity and/or heat on a 24-hour basis. Waste would be imported to the site primarily between the hours of 0700 and 1900 seven days a week including Bank Holidays, except Christmas Day, Boxing Day and New Year's Day. Operation of the facility would be delivered via a staff shift system based on an envisaged pattern of 0630-1830-0630 hours. The site would also be supported by office based administration and management.

The facility would provide employment for approximately 40-45 people with a peak day-time staffing level of approximately 27. The construction of the facility, which would be over a period of approximately 3 years, would provide temporary employment for up to 350 people.

It is anticipated that the operation of the facility would generate approximately 216 Heavy goods vehicle movements per day (108 in and 108 out). Based on the anticipated shift system there could also be in the order of 99 staff/visitor car trips (41 in and 58 out) for the core week day period between 0700 and 1900.

The applicant has stated that should they be successful in securing a contract to manage municipal waste, it is anticipated that the significant majority of waste managed at the site would be municipal waste. Municipal waste is that waste collected and managed by, or on behalf of, local authorities. A lesser proportion of the waste treated at the facility would be commercial and industrial wastes similar in composition to the municipal waste. Should the applicant not be successful in securing a municipal waste contract then they would have to rely on commercial and industrial waste sources.

Description and Location of Site and Surroundings

The site covers an area of approximately 4 hectares of land off Imperial Road that connects with the A683, approximately 1km south east of Heysham with a range of industry and properties in between. Middleton village is located some 300m to the south and includes the nearest residential properties and the Old Roof Tree Inn Grade II Listed building. The Middleton Waste Transfer Station is adjacent to the site at the south along with a sewage pumping station.

The site has a long planning history and during World War II was used as a factory for the production of aviation fuel and ammonium nitrate for use in explosives. The use of the site as a chemical works continued until 1986, mainly for the production of fertilisers. No buildings or structures remain from these former uses. At present, the majority of the site is covered with rough grassland and scrub and a small area of woodland is located at the south-western corner. A 2m high soil based landscape bund runs along the eastern boundary of the site and there are surface water attenuation ponds to the north and south of the site that were constructed for the partially implemented Middleton waste management facility (beyond the site boundary). Middleton Marsh and Middleton Former Refinery Site Biological Heritage Sites are located to the west of the application site. Heysham Moss Site of Special Scientific Interest is located approximately 1km to the north of the application site.

Land to the east is flat and low-lying, and is predominantly agricultural. Heysham South Wind Farm is located in this area and includes three wind turbines with hub heights at 75m and blade tips at 125m. Electricity pylons and electricity substations straddle the A683 to the north.

The port of Heysham is some 1.7km west of the site and to the south of this is Heysham Nuclear Power Station. The power station includes large structures that are up to approximately 70m high and are widely visible from the surrounding area. Between the power stations and the site is an area occupied by a mix of industrial, Heysham Golf Club, and pockets of residential development.

To the south of the Middleton waste transfer station is a large storage building, referred to locally as the 'Toast Rack'. The building is approximately 160m long and 19m high at the ridge.

Approximately 450m south east of the application site is Downy Field farm and farmhouse, which is a Grade II listed property.

The nearest statutory landscape designation to the proposed development is the Forest of Bowland Area of Outstanding Natural Beauty at approximately 8km to the east. The Arnside and Silverdale Area of Outstanding Natural Beauty is located approximately 10km to the north.

The Ashton Memorial, which is a Grade I listed building is located at an elevated position some 6.5km to the north east of the application site in the main urban area of Lancaster.

The site is located approximately 1.5 kilometres from the Lune Estuary Site of Special Scientific Interest and Morecambe Bay Special Protection Area, Special Area of Conservation and Ramsar site.

Background

Scoping opinion

The applicant requested a scoping opinion under the provisions of the Environmental Impact Assessment Regulations 2017 to establish the extent of the information required for the Environmental Statement. Following consultation with statutory bodies and other interested parties, a scoping opinion was issued on 8 November 2018.

Environmental Statement

The proposed development is subject to environmental impact assessment and therefore the application is accompanied by an Environmental Statement and Non-Technical Summary. Additional Environmental Information has also been submitted in accordance with Regulation 25 of the Environmental Impact Assessment Regulations 2017 to supplement the Environmental Statement.

Community involvement

The application is accompanied by information to highlight that the proposed scheme has been through a number of stages of consultation, and direct consultation with local residents. A pre-application public consultation event took place at Heysham Golf Club on 15 and 17 November 2018.

Application site visit

At the Development Control Committee meeting on 19 June 2019, the committee resolved to visit the application site before determining the planning application.

Site visit to an existing facility

On 17 July 2019 planning officers and Development Control Committee members visited the applicant's operational energy from waste facility at Four Ashes, Staffordshire to see the nature and scale of a site comparable to that proposed at Heysham.

Application site planning history

On 30 November 2005 planning permission was granted for the development of a waste technology park comprising mechanical and biological treatment plant for treating residual municipal waste, in-vessel green waste composting plant and recycle handling plant, associated ancillary buildings and landscaping works and creation of a new access road on land at Lancaster West Business Park, Middleton, Heysham (ref. 01/05/0254).

On 13 December 2017 planning permission was granted for a variation to conditions 9, 17 and 19 of planning permission 01/05/0254 relating to highways, noise control, landscape and ecology at Middleton Waste Technology Park, Middleton, Heysham (ref. 01/07/1416). This permission was only partially implemented through the construction of the waste transfer station, yard area and ancillary buildings at the south of the site, and the construction of the new access road (Imperial Road). The northern area of the site remains undeveloped and includes the application area for application ref LCC/2019/0021.

Policy and guidance

National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

Waste Management Plan for England (December 2013)

National Planning Policy for Waste (October 2014)

Energy from waste - a guide to the debate February 2014 (revised edition) (DEFRA)

Our Waste, Our Resources: A Strategy for England (December 2018)

National Policy Statement for Energy (EN-1) 2011

National Policy Statement for Renewable Energy Infrastructure (EN-3) 2011

*Joint Lancashire Minerals and Waste Development Framework Core Strategy
Development Plan Document*

Policy CS7	Managing our Waste as a Resource
Policy CS8	Identifying Capacity for Managing our Waste
Policy CS9	Achieving Sustainable Waste Management

*Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development
Management Policies – Part One*

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals
Policy DM2	Development Management
Policy DM3	Planning Obligations
Policy DM4	Energy from Waste
Policy WM1	Capacity of Waste Management Facilities
Policy WM2	Large Scale Built Waste Management Facilities
Policy SA2	Safeguarding of Land for Access Improvements

Lancaster City Council policies

The adopted development plan policies are as follows:-

Lancaster District Local Plan Saved Policies

Policy EC5 Allocated employment sites

Lancaster City Council Core Strategy (2003-2021) – Adopted July 2008

Policy SC1 Sustainable development
Policy SC5 Achieving quality in design

*Lancaster City Council Development Management Development Plan Document
2011-2031 (Adopted December 2014)*

Policy NPPF1 Presumption in Favour of Sustainable Development
Policy DM15 Proposals involving employment land and premises
Policy DM17 Renewable Energy Generation
Policy DM21 Walking and Cycling
Policy DM22 Vehicle Parking Provision
Policy DM23 Transport Efficiency and Travel Plans
Policy DM27 The Protection and Enhancement of Biodiversity
Policy DM28 Development and Landscape Impact
Policy DM29 Protection of Trees, Hedgerows and Woodland
Policy DM30 Development affecting Listed Buildings
Policy DM32 The Setting of Designated Heritage Assets
Policy DM35 Key Design Principles
Policy DM36 Sustainable Design
Policy DM39 Surface Water Run-Off and Sustainable Drainage
Policy DM48 Community Infrastructure

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

- (i) The Strategic Policies and Land Allocations *Development Plan Document*,
and,
- (ii) (A Review of) The Development Management *Development Plan Document*

The Examination Hearing Sessions commenced on 9 April 2019.

The Strategic Policies and Land Allocations Development Plan Document will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan which comprise the current adopted policies.

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

Given the current stage of both Development Plan Documents, Lancaster City Council consider that significant weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

A Local Plan for Lancaster District 2011-2031 -Employment and Skills Plans – Supplementary Planning Document, August 2018

Lancaster City Council Emerging Strategic Policies and Land Allocations Development Plan Document

Policy EC1	Established Employment Areas
Policy SG13	Heysham Gateway

Consultations

Lancaster City Council – No objection subject to conditions relating to: employment and skills; a construction and environmental management plan; site investigation and remediation; tree protection measures; noise mitigation (where not covered by an Environmental Permit); details of building material finishes (based on the addendum design document), external surfaces and boundary treatments; details of a lighting scheme; details of soft landscaping; details of the proposed cycle / footpath link to Middleton Road; and details of electric vehicle charging points, secure cycle storage, shower and changing facilities.

Middleton Parish Council – No comments received.

Overton Parish Council – No objection.

Heaton-With-Oxcliffe Parish Council – No comments received.

Environment Agency – No objection subject to conditions relating to a remediation strategy and groundwater protection during construction. The development will require an Environmental Permit.

Natural England – No objection. It is considered that there would be no significant adverse impacts on Morecambe Bay and Duddon Estuary Special Area of Conservation and Morecambe Bay Special Protection Area/Ramsar, and that identified impacts on Heysham Moss Site of Special Scientific Interest can be appropriately mitigated with measures secured via planning conditions and obligations as agreed between the applicant and Lancashire Wildlife Trust.

Lead Local Flood Authority – No objection subject to a condition for further details of a sustainable drainage scheme.

LCC Highways Development Control – No objection subject to a commuted sum of £145,075 for the provision of a footway/cycleway connection between Imperial Road and Middleton Road, and conditions relating to highway improvements and visibility splays; construction management, and travel planning.

Historic England – No observations to make.

Public Health England – No observations to make.

County Landscape Service - queries are raised in relation to the methodology of the landscape and visual assessment and characterisation of the existing environmental, which is considered to be more akin to lower lying development bordering the agricultural lowland of the Lune estuary. Nevertheless, it is concluded that the significance of landscape and visual effects to arise from the Energy Recovery Facility would not be of such a level that would render it as unacceptable development subject to conditions relating to details of landscaping, lighting and materials.

Lancashire County Council Ecology Adviser – The applicant has responded to concerns regarding potential impacts to Morecambe Bay and Duddon Estuary SPA / Morecambe Bay Ramsar via the submission of '*Information to inform a Habitats Regulations Assessment*' (IIHRA). This document provides a more detailed evidence base and a more robust justification for concluding that the development will not have a likely significant effect on these designated sites during the construction and operational phases.

Sufficient information has been provided to confirm that the development site itself does not constitute land, which is functionally linked to any European protected habitat site. In addition, the use of land to the east of the proposed development is considered in detail regarding its use as functionally linked land and the potential for impacts to Special Protection Areas (SPA) / Ramsar affiliated birds. It is concluded that the functional link was not considered important for the maintenance of favourable conservation status of qualifying species.

Overall, there is a sufficient enough evidence base within the submitted documents to support a no likely significant effects conclusion without the implementation of mitigation. Natural England have withdrawn an objection based on this further information. A record of a screening assessment on behalf of Lancashire County Council which documents the screening process for the Habitats Regulations Assessment is also provided.

The '*Information to inform a Habitats Regulations Assessment*' also includes updated calculations on background values of nitrogen deposition and further reasoning for reaching no likely significant effects conclusion with regards to impacts to Morecambe Bay and Duddon Estuary Special Area of Conservation/Special Protection Area.

In relation to Heysham Moss Site of Special Scientific Interest, both Natural England and the Wildlife Trust for Lancashire, Manchester & North Merseyside raised an objection to the proposal largely due to concerns of the impacts of nitrogen deposition on the Site of Special Scientific Interest / Nature Reserve. Both parties have since withdrawn their objections to the development based on the applicant's discussions with the Wildlife Trust and the proposals to develop an appropriate mitigation package.

The applicant has supplied evidence of an updated environmental DNA (eDNA) test of the two waterbodies located within the proposed development site from April 2019. The analysis of both waterbodies returned negative results for great crested newts. Therefore, sufficient information has been presented to confirm that great crested newts are not a constraint to the works.

County Archaeology Service – Satisfied that the assessment of effects on heritage assessments has been carried out appropriately and that no specific mitigation is recommended or required. A query is raised regarding the potential need for archaeological assessment associated with temporary construction working that would be subject to permitted development rights and therefore has not been assessed as part of the application.

Health & Safety Executive - The proposed development site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline; therefore at present the Health & Safety Executive does not need to be consulted on any developments on this site.

National Grid Company Plc – No objection.

National Planning Case Work Unit – No comments to make.

United Utilities – No comments received.

The Wildlife Trust for Lancashire, Manchester and North Merseyside - No objection subject to the successful negotiation of a Section 106 agreement relating to mitigation and compensation for impacts on Heysham Moss nature reserve – mostly designated as a Site of Special Scientific Interest but also partly identified as a Local Wildlife Site (“Biological Heritage Site”).

Representations

The application has been advertised in the local newspaper, by site notice, and neighbours have been informed by individual letter. 9 representations have been received. 6 representations including one from a pressure group named UKWIN (UK Without Incineration Network) raise objection on the following summarised grounds:

- Building an incinerator to deal with Lancashire’s residual waste is wholly incompatible with Lancaster City Council’s declaration of a climate emergency and the County Council’s acceptance of becoming carbon neutral by 2030. It sends absolutely the wrong message about waste management. A city and county facing climate emergency does not burn 330,000 tonnes of waste a year. This development is locking the community and the region into continued waste production for decades, with large risks and questionable benefits.
- Energy from waste is not ‘sustainable’, no matter how many times the applicant uses the word. Sustainable waste management means minimising waste, not maintaining a steady stream of it to keep an incineration plant going.

- The Planning Statement says only 50% of the energy can be considered 'renewable', meaning it is biological in nature. Wouldn't this waste be better composted and used than burned?
- There is no convincing detail on how the heat from the incinerator will be utilised. This is what makes Energy from Waste efficient elsewhere. The Planning Statement states "If a viable heat user is identified a heat pipe connection would also be installed that would run from the Energy from Waste facility to Imperial Road" (emphasis added). The use of 40,000MWh of heat energy a year is up in the air.
- Energy from waste could be more acceptable when the energy is actually used as in countries with district heating networks, but Heysham (and most of the UK) totally lacks this. The Heat Plan demonstrates the economic infeasibility of creating a heat network, and that the proposed scheme would not provide 'Good Quality' CHP (Combined Heat and Power). This means that if a major heat user establishes itself in the area, the system may not meet their needs. Good practice dictates building these facilities where there is an existing heat demand to be met.
- The applicant suggests the development is reducing carbon by displacing fossil fuel generation and landfill gas emissions. This is all based on the assumption that all the waste that goes to the incinerator would otherwise go to landfill. Has the applicant assessed the development against increased recycling, mechanical and biological treatment and composting with a small remainder of landfill? The 'sensitivities' in the Carbon Assessment suggest that only minor changes in the effectiveness of landfill gas collection and grid generation displacement (%renewables) could make the development carbon neutral or increase emissions over landfill. Recycling and composting would push this further into the red. Emissions from landfill have been rapidly decreasing – largely due to reductions in waste going to landfill, but also because methane capture technology has improved. The assessment also excludes construction emissions, which would certainly have an impact on the carbon balance of the development.
- The 2013 Minerals and Waste Site Allocation and Development Management Policies (SADMP) states that developments with a capacity of 200,000 tonnes a year will be considered where the capacity of the catchment area has not been exceeded. The 330,000 tonne incinerator clearly exceeds the 200,000 tonne policy, and is more than double the capacity for Lancaster and Morecambe. The applicant seems to think this policy is simultaneously contemporary and not up to-date. Shouldn't the development either comply with the policy or the policy be updated by the council prior to the planning application being determined?
- Veolia are a commercial, for-profit operation and it is not just municipal waste that is intended for the facility. Commercial and industrial waste will form a further feedstock for the incinerator according to the applicant's Planning Statement. This could mean lorries traveling from even further afield to fuel the site.
- The applicant suggests 216 lorry movements a day would be needed which is one lorry every 3 minutes (between 0700 -1900). The facility should be located next to a suitable railway line to drastically reduce the air pollution and emissions.

- The applicant suggests the incinerator is a 'flexible' solution to Lancashire's waste problem yet the proposed 24/7 operation would suggest otherwise. What if household waste composition changes in the next decade, can we expect continuous lorry deliveries from elsewhere in the world to provide fuel for the site? Europe's incinerators receive waste from the UK to keep the heat pumping and perhaps the trade will reverse.
- The Planning Statement states "the facility would have a design life of around 40 years although in reality many elements of the plant would last beyond this period. For the avoidance of doubt planning permission is being sought for a permanent development and therefore as elements of the facility require repair/refurbishment/replacement this would be carried out." The proposal therefore locks the country into an unsustainable form of waste management.
- Safety is clearly a concern of the public with any waste management facility, particularly incinerators. Whilst modern incinerators are no doubt better than historical predecessors, emissions measures and controls are very much based on what can be measured rather than any total certainty on what is safe for communities around these facilities.
- Building an incinerator in Heysham will lead to higher carbon emissions, continuing levels of poor recycling, reuse and composting whilst risking air quality through emissions and increased heavy traffic. The County Council appears to have written off the Waste Technology Parks. This decision should be revisited to consider the climate impact of re-establishing the parks versus this incinerator proposal.
- The alternatives are cheaper and better for the environment especially given the current climate change crisis. Incineration depresses recycling and disincentivises councils and businesses.
- There is no mention by the applicant of promoting sustainable transport to the new site. This contravenes Lancaster City Council's Policy DM 20 (Sept 2015) which states: "Proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport", and Section 9 of the National Planning Policy Framework (June 2018), which states that "Transport Issues should be considered from the earliest stages of plan-making and development proposals" and that "Planning policies should provide for high quality walking and cycling networks". The word 'network' should be noted. The applicant's transport assessment only looks at cycling along Imperial Way – ignoring the fact that cyclists would need to use the A683 bypass road just to get to Imperial Way. A good-quality cycle lane, separated from the A683 bypass road by a decent margin, leading to this facility should be the least that is demanded to mitigate the impact of the extra traffic – both staff vehicles and frequent HGVs – that this facility will generate.
- The applicant asks decision-makers to place great weight on the climate credentials of their proposed facility. Whilst there is agreement with the applicant's statement that: "*Climate change is something we must all address*" and that: "*the development of waste facilities should be seen as a potential opportunity to reduce carbon emissions and our carbon footprint*", UKWIN's (UK Without Incineration Network) evidence demonstrates that the proposed facility would not in fact reduce carbon emissions when compared to sending the same waste to landfill.

- UKWIN (UK Without Incineration Network) objects to this proposal on the grounds of its adverse climate change impacts. UKWIN believes that the applicant's Carbon Assessment is seriously flawed with respect to its handling of biogenic carbon sequestration.
- UKWIN also challenges the Global Warming Potential (GWP) figure that the applicant applied to methane, and the Grid Displacement Factor that the applicant applied to the Grid Offset, on the grounds that these figures are inconsistent with Government guidelines. This means that the actual carbon impact of the proposal justifies refusal of the planning application in line with local and national planning policies, guidelines and objectives, and indeed the UK's legal obligations.
- The proposal would operate against attempts to reduce waste generation.
- Transport associated with the development would generate carbon emissions and cause air pollution.
- Residual pollutants from the operation of the facility could potentially harm the citizens of Lancaster and surrounding district.
- The building would be vast and extremely ugly. It will be an ugly blot on the landscape that currently has few buildings nearby and will be too large to be screened in anyway. It is appreciated that planning officers have worked with Veolia's architects to ameliorate the visual impact but the result would still be extremely unpleasant.
- It is recognised that the incinerator would bring benefits to Lancaster District; there would be increased employment and the energy recovered could be of potential benefit to the development of industry in the area. It is also recognised that the use of landfill for disposing of waste should be ended as soon as possible. However, it is felt that given the capacity and size of this proposed incinerator the disbenefits to the citizens of Lancaster District greatly outweigh the benefits.
- The management of solid residues from the facility raises pollution issues and some of this would need to be landfilled or reprocessed as aggregate.
- The energy recovery facility could be classified as 'other recovery' under the waste hierarchy but this would curb enthusiasm for waste prevention, re-use and recycling.
- As the availability of residual waste declines there will be more competition for waste to burn and this raises economic issues.
- Other environmentally sound alternatives should be looked at.
- The facility would not produce that much electricity when compared with other renewable sources.

One representation offers support on the following grounds:

- The issue of how climate change is addressed or what some describe as the "climate emergency" are wide and varied and cannot be dealt with without a suite of measures that show a real practical roadmap to move toward a carbon neutral Lancashire. The members of the Development Control Committee will be aware of the huge challenges of disposal and recycling of waste. Wishing these issues away with a list of aspirations that refer to a world we would like to live in is a recipe for failure.

- It is recognised that there is the need for an economy that provides jobs that contribute to that effort.
- This facility will provide sustainable energy provision for 60,000 homes, will include an educational facility which will enable the next generation to understand the importance of tackling climate change and the practical measures that are needed to tackle it.
- This facility is also set to be provided by a market leader in this sector with a track record of success and provision of facilities that meet the highest standards. They are well versed in the operational challenges of such a facility including transfer of waste and of course the need for transport management.

One representation offers support for the proposal in stating that it would appear to be a positive addition to the plans for the area as a whole and as a part of that community the investment into the area is welcome. However, it is considered that off-site highway improvement proposals should extend further than a footpath and cycle link from Imperial Road to Middleton by extending Imperial Road through to Middleton Road.

It is appreciated that the applicant should not be expected to fund these improvements but it is something that the Council should be looking to progress rather than limiting its ambitions to a cycleway. This would be of great benefit to the industrial estates with access being much improved. Of more importance is that it would take the HGV traffic away from the bridge over the railway line adjacent to Heysham Golf Club. It is assumed that the Council are aware of the dangers associated with regard to that bridge which was built at a time when traffic levels were substantially lower. It is assumed that the bridge will have been assessed by both the Council and Network Rail but irrespective of that, the bridge is dangerous to pedestrians and cyclists. There is no footpath and limited visibility for traffic approaching and here have been various incidents of near misses when golf club members are walking to the Club, the majority of which are junior members.

Whilst there have been no serious injuries to date, it is felt that that is down to good luck and there will at some stage be a serious incident. As such, the Council is asked to secure the full improvement of the route through to Middleton Road via a section106 agreement. This would be an opportune time to improve the access to the industrial estates, which are an important part of the Council's vision of an Energy Coast.

One representation enquires whether the development would make provision for the joining of Imperial Road and Middleton Road. Reference is made to a Lancaster City Council Heysham Gateway Draft Development Brief January 2017, which identifies examples of what the Heysham Gateway area may look like. This includes completion of Imperial Road so that it joins Middleton Road which would reduce congestion at the roundabout at Middleton Road and Trumacar Lane, would provide an alternative route if Middleton Road is flooded and in an emergency situation, if Trumacar Lane or Middleton Road between the roundabout and Middleton Business Park was blocked, would provide a much needed access / exit for Heysham power station, the Harbour and local businesses and residents.

Advice

Introduction

The proposal is to treat 330,000 tonnes of residual non-hazardous waste per year through an energy recovery facility. The facility would have an electricity generating capacity of 34 Megawatts per year (with 30 Megawatts for exporting and 4 Megawatts retained for the running of the site); and would provide heat that could potentially be extracted for use by local heat users. The facility would manage residual waste, which is that waste that remains after practicable measures have been taken to remove material that is suitable for re-use or recycling.

Principle of development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework sets out the Government's planning policies and is a material consideration in planning decisions.

The proposed development spans three key areas of government policy which seek to direct the management of waste up the waste hierarchy, promote the decentralisation of energy production, and use fuels and energy sources other than primary won fossil fuels. Along with the National Planning Policy Framework there is the Waste Management Plan for England (December 2013), National Planning Policy for Waste (October 2014), and Our Waste, Our Resources: A Strategy for England (December 2018). In terms of energy policy, the National Policy Statement for Energy (EN-1) 2011 and the National Policy Statement for Renewable Energy Infrastructure (EN-3) 2011 contain relevant policy guidance.

National Planning Policy for Waste sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. A key part of this is to drive waste management up the waste hierarchy, this principle being derived from the Waste Framework Directive, which is the European Union legislation that governs waste management. The waste hierarchy sets out the following order of preference in waste prevention and management legislation and policy: a) prevention; b) preparing for re-use; c) recycling; d) other recovery, (for example energy recovery); and e) disposal as the least preferable option.

Paragraph 154 of the National Planning Policy Framework states that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The National Planning Policy Framework defines renewable and low carbon energy as including energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

The National Planning Policy for Waste refers to the Waste Management Plan for England in which the Government supports efficient energy recovery from residual waste to deliver environmental benefits, reduce carbon impact and provide economic opportunities. The National Planning Policy for Waste sets out the national planning policies for waste development and should be read in conjunction with the National Planning Policy Framework. It sets out the Government's continuing ambition to work towards a more sustainable and efficient approach to resource use and management including by driving waste up the hierarchy and minimising waste. This includes helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment and recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal.

The National Planning Policy for Waste sets out specific considerations to be taken into account in determining planning applications. These include only expecting applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date local plan; and ensuring that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located. Additionally, Waste Planning Authorities should not concern themselves with the control of processes, which are a matter for the pollution control authorities. It should be assumed that the relevant pollution control regime will be properly applied and enforced. It is also recognised that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant.

A Government document entitled '*Energy from waste - A guide to the debate February 2014*' (revised edition) provides useful background commentary on the subject and is helpful in exploring some of the main issues. The key points are as follows:

- Residual waste usually involves waste that is a mixture of different things. Part of residual waste will come from things made from oil like plastics, and part from things that were recently growing and are biodegradable such as food, paper, wood etc. It is only the energy generated from the recently grown materials that can be considered renewable. Energy from residual waste is therefore a partially renewable energy source, sometimes referred to as a low carbon energy source.
- There is often concern that energy from waste discourages greater recycling counter to the Government's goal to move waste up the hierarchy. However, throughout Europe there are examples where energy from waste coexists with high recycling, ultimately delivering low landfill.
- It is stressed that councils have a duty to cooperate to ensure that waste needs across their respective areas are handled properly and appropriately. They need to have regard for the proximity principle, which requires all waste for disposal and mixed municipal waste (i.e. waste from households) to be recovered in one of the nearest appropriate facilities. However, this principle must not be over-interpreted. It does not require using the absolute closest facility to the exclusion of all other considerations. There is nothing in

legislation or the proximity principle that says accepting waste from another council, city or region is undesirable and indeed in many cases it may be the best economic and environmental solution and/or be the outcome most consistent with the proximity principle.

- The Government sees a long term role for energy from waste both as a waste management tool and as a source of energy. This long term role needs to be based on energy from waste that at least constitutes recovery not disposal. This should therefore be a key consideration for both new and existing projects. To be classed as recovery, energy from waste facilities must meet the requirements set out in the Waste Framework Directive, for example through attainment of R1 status.
- Fossil fuel based residual wastes, e.g. plastics that cannot be recycled, do not decompose in the same way as biogenic material in landfill. For these waste streams conventional energy from waste will almost always deliver a negative carbon balance compared to landfill. However, they represent a potential resource that in line with the hierarchy should ideally be recovered not disposed of. Advanced processing into energy sources that deliver lifecycle benefits compared to use of raw materials offer a potentially sustainable way to do this.
- The potential for energy from waste to consume materials, which could otherwise be managed higher up in the waste hierarchy is a legitimate concern. This applies to prevention and reuse but is most commonly identified in relation to recycling. This is not a fundamental issue arising from energy from waste as a process, but rather as a result of opportunities not being taken to separate and remove materials from residual waste. Provided the right action is taken to ensure separation and pre-treatment options are optimised, it is a risk that can be effectively addressed. Energy from waste can and should support, not compete, with effective recycling.

National Policy Statement for Energy (EN-1) 2011 – although principally relating to nationally significant infrastructure projects, recognises that there is a pressing national need to move away from out-dated fossil fuel based generation and develop forms of renewable energy generation. National Policy Statement for Renewable Energy Infrastructure (EN-3) 2011, which is designed to be read in conjunction with EN-1, recognises that the recovery of energy from the combustion of waste, where in accordance with the waste hierarchy, will play an increasingly important role in meeting the UK's energy needs.

In terms of strategic development plan policy, the site is located within the Lancaster West Business Park, which is allocated for employment purposes under both the adopted and emerging Local Plan.

Policy WM2 of the Joint Lancashire Minerals and Waste Local Plan sets out that large scale-built waste management facilities including energy from waste (thermal treatment) will be supported on identified sites subject to the total capacity of all new waste management facilities within the catchment not exceeding the need within the catchment, as set out within the policy. The proposed development would be

located on an allocated site within the Lancaster/Morecambe Catchment Area, which at the time that the Joint Lancashire Minerals and Waste Local Plan was prepared was calculated to need an additional 160,000tpa waste management capacity through the plan period to 2021. However, this policy specifically excludes the need for municipal waste capacity because at the time, Blackpool Council and Lancashire County Council secured a long term private finance initiative backed contract to recycle, recover and dispose of all waste collected within their administrative boundaries. Under that contract, planning permission was granted for four major strategic municipal waste management facilities at Leyland, Thornton, Middleton and Huncoat with a number of supporting waste transfer stations. This contract is no longer in place but municipal waste continues to be managed via the Leyland and Thornton sites. Blackburn with Darwen was not part of this private finance initiative.

More recently, the nature of the treatment processes carried out at these facilities has changed, and Policy MW2 should be considered in light of this. There has been a drive towards reducing the amount of Lancashire municipal waste going to landfill by processing residual waste to produce refuse derived fuel at the County Council's existing waste technology parks at Leyland and Thornton. These sites were initially established for the sorting and bulking up of recyclable waste, and mechanical biological treatment of residual waste. However, the mechanical biological treatment process is now less cost effective than producing refuse derived fuel so refuse derived fuel is now produced instead through the sorting and shredding of residual waste. This element of the total waste is currently exported to energy from waste facilities in Runcorn. Furthermore, the Thornton site also reintroduced a biological treatment process approximately 2 years ago. However, rather than composting the waste as was originally envisaged, the process is now simply used to drive off moisture to significantly reduce the weight of the waste saving landfill costs.

Looking at available data, approximately 886,000 tonnes of commercial, household and industrial waste arising in Lancashire in 2017 was sent to non-hazardous landfill both within and outside of Lancashire. In the same year, approximately 74,000 tonnes of waste arising in Lancashire was incinerated both within and outside of Lancashire, and the UK. (2017 Incinerator Waste Returns, Environment Agency data). This waste was categorised as 'Refuse Derived Fuel' and 'other wastes from mechanical treatment of waste'. However, not all incinerators are required to report inputs so this figure is not necessarily complete. The applicant has scrutinized the available data further within their Need Assessment and suggests that some 418,566 tonnes of the total landfilled waste, was of a nature suitable for management within an energy recovery facility.

In relation only to municipal (household) waste, (excluding Blackpool and Blackburn with Darwen), figures indicate that around 576,000 tonnes of such waste was produced in Lancashire in 2017/2018. This includes residual waste, dry recyclables collected from households, and waste deposited at household waste recycling centres. Approximately 285,000 tonnes of this waste was deposited at Whinney Hill Landfill site. Approximately 242,000 tonnes was reused, recycled or composted and some 46,000 tonnes was recovered as Refuse Derived Fuel. More recently the figure for recovery has increased to 100-150,000 tonnes.

The applicant indicates that the proposed development has been scaled to be economically viable, to take account of the uncertainties over predicted waste arisings (particularly from commercial and industrial sources), and to potentially provide treatment for residual municipal waste. As can be seen from the above, there is a significant volume of potentially available residual waste in the Lancashire area alone that could be redirected to energy recovery. It should be noted that depending on contracts and/or economic viability waste could also be sourced from outside Lancashire. This doesn't mean that the proposed development would not be complying with the European Waste Framework Directive regarding the proximity principle, which requires all waste to be recovered in one of the nearest appropriate facilities, because it does not require using the absolute closest facility to the exclusion of all other considerations. It is acceptable to take waste from other regions particularly if this represents a better environmental solution.

It should be noted that planning permission has recently been granted for a similar energy recovery facility in the Blackburn with Darwen administrative area (reference number 10/19/0495). Similarly, a planning application has been received for an energy recovery facility at Redscar Industrial Estate in Preston (reference number. LCC/2019/0029). However, it must be understood that in determining planning applications, National Planning Policy for Waste makes it clear that waste planning authorities should only consider the extent to which the capacity of existing operational facilities would satisfy any identified need.

In terms of compliance with Policy WM2 it can therefore be summarised that the proposed development would be located on an allocated site that already has planning permission for waste management facilities. The facility could provide an option for the management of commercial/industrial waste within the region and also for municipal waste depending on the outcome of future contractual arrangements.

Policy WM2 refers to a catchment need for additional waste management capacity for the plan period up to 2021, excluding Lancashire County Council's municipal waste management needs. In consideration of more up to date figures regarding the availability of commercial and industrial waste that could be diverted away from landfill as referred to above, the need for alternative management options for residual municipal waste, and given that national policy recognises that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant, the proposal should be supported in this respect.

Policy DM4 of the Joint Lancashire Minerals and Waste Local Plan concerns energy from waste. The policy specifies that all developments that include processes capable of recovering energy from waste 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. The primary aim of the proposed development is to recover energy from residual waste and the potential energy efficiency of the operation of the facility can be assessed through the Environment Agency R1 accreditation scheme. This would consent the operation as a recovery operation (rather than a disposal activity) if it achieves R1 status. To ensure that the proposed development would genuinely be designed as a recovery facility and thereby allow for the management of waste at a higher level in the waste hierarchy than landfill, it

is recommended that a condition be imposed requiring R1 status to be demonstrated prior to the commencement of development.

Concerns have been raised that the proposed development would discourage recycling or waste prevention. However, the primary means of encouraging recycling and waste prevention is through fiscal measures and economic drivers that aim to promote the management of waste further up the waste hierarchy and provide opportunities to do so. This includes for example: landfill tax; plastic bag charges; statutory recycling targets; waste minimisation initiatives; and legislative controls on waste management. The recent Government Policy Paper 'Our Waste – Our Resources' provides an important indication of the future direction of waste policy and sets out further ways in which the Government intends to reduce waste and to increase recycling such as improving the separation of materials from residual waste at source. There are also materials where there is currently no technology or market for recycling to be viable. It is considered that the development of energy from waste facilities does not necessarily prevent such measures from being implemented to secure further increases in waste prevention, reuse or recycling.

Alternatives

The Environmental Impact Assessment Regulations place no specific obligation on an applicant to study alternatives, but simply to describe them in the manner specified. In this instance the applicant has not considered alternative site locations as the proposed site is potentially commercially available; undeveloped; set within an existing industrial park allocated for waste management uses; is proximate to a secured grid connection; and has a good means and standard of access suitable for heavy goods vehicle traffic.

However, the applicant has considered alternative technologies and design solutions as part of the environmental impact assessment process. In terms of alternative technology choice, the applicant primarily compared advanced thermal treatment (e.g. pyrolysis, gasification and autoclave) and direct combustion. The applicant selected a standalone direct waste combustion process using a moving grate, twin line solution. This would have the ability to export electricity, heat or a combination of both, which could provide a credible and proven solution, capable of meeting environmental standards and being delivered both financially and technically by the private sector.

The applicant also evaluated alternative design solutions including site layout and building design. The shape of the site and the nature of the process undertaken at the facility dictated the basic site layout along with other factors such as the presence of the nearby receptors; location of the existing waste transfer station facility; transport access onto the site; and, noise and visual impacts. Additionally, various architectural techniques have been considered to mitigate the visual presence of the building including different roof forms and building envelopes, fragmentation of building components and use of different colours and materials.

Employment

The operation of the facility would provide employment for approximately 40-45 people with a peak day-time staffing level of approximately 27. The construction of the facility would provide temporary employment for up to 350 people, which would be a significant economic benefit for the area. Lancaster City Council has identified that the proposed development is of a scale that would be expected to produce an employment and skills plan to ensure that opportunities are made available locally through the construction phase of the development. This would be in accordance with Policy DM48 of the Lancaster City Council Development Management Development Plan Document 2011-2031. Accompanying guidance is set out in an Employment and Skills Plans Supplementary Planning Document. The applicant is amenable to a condition requiring the submission of an employment and skills plan and this is recommended accordingly.

Site Design and Layout

The design of the proposed development has a major bearing on how successfully it can be integrated into the landscape. The National Planning Policy Framework (paragraphs 124 - 132) has a chapter on achieving well-designed places and notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

Policy DM35 of the Lancaster City Council Development Management Development Plan Document sets out key design principles and states that new development should: contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palate of materials, separation distances, orientation and scale; and should ensure that there is no significant detrimental impact to amenity.

The applicant has submitted a design evolution document to accompany the planning application. The document seeks to explain the key design decisions that have been made to enable interested parties to understand the logic of the design for which planning permission is sought. The design process has utilised 3D design modelling in combination with local viewpoint assessment. Building configuration has been assessed in terms of site operation considerations, site layout constraints, and impact on the surrounding environment.

The report highlights that the design has a number of key drivers that contribute to the final version. These are fragmentation, variation in façade to suit orientation and viewpoints, and the selection of materials, colours and use of texture. It is recognised that energy from waste buildings are very large structures and cannot be easily concealed. Through the design review an east-west orientation has been selected as the optimum design with the lower end of the building mass presented to the public facing Imperial Road frontage. Separate access points off Imperial Road would be provided for waste vehicles and staff/visitors.

A variety of roof options were considered in relation to the chosen form and orientation. A flat roof option was considered by the applicant to be the most appropriate solution in comparison with a curved option that would increase building volume and create greater presence in the landscape. The core design philosophy

was to seek to break down the overall massing of the buildings to reduce the perceived scale and facilitate a more comfortable integration within the landscape.

One of the component parts of the main building façade would be corten steel cladding. This product weathers naturally over time with colour varying from brown to tan. Elsewhere there would be a mixture of textured lighter tone composite, sinusoidal and vertical profile cladding and glazing systems. Much discussion has taken place regarding the building design, in particular on colour to ensure that the building would be integrated into the landscape in the most effective way. The most recent iterations have brought forward a range of green colours and darker shades, which are considered to provide the best all round solution bearing in mind close views and more distant aspects. Submitted visualisations demonstrate that the development would be seen from more distant and elevated views including from the Ashton Memorial in Lancaster and also Areas of Outstanding Natural Beauty, but that this would be in the context of other large structures and the built up area around Heysham such as the existing power station and numerous electricity pylons and wind turbines in this area. The design and indicative choice of materials are considered acceptable and this view is also supported by Lancaster City Council. A condition is recommended for further details of the final selection of building materials to be submitted prior to construction.

At present, the majority of the site is covered with rough grassland and scrub with a small area of woodland located at the south-western corner. The majority of the built development would sit centrally within the site and landscaping would be around the periphery. This would include a decorative pond charged by local surface run-off, an ephemeral wetland feature and meadow, woodland and wet woodland planting, scrub, rough grassland, hedgerow, meadow grassland and feature planting to the main entrance. The indicative landscape scheme is considered acceptable subject to a condition requiring further details of planting mixes, cultivation methods, establishment of habitats, and general maintenance and management of the landscaping while the facility is operational.

The applicant has submitted an indicative lighting scheme and provided a lighting assessment to demonstrate that a lighting scheme could be compliant with applicable guidance relating to illuminance and light spill. The site would be operational 24 hours a day and lighting would be required inside the building and for the external car park and site access roads. There would be no lights on the chimney stacks.

An acceptable lighting scheme could be achieved through the use of lighting with minimal to zero direct contribution to upward light by careful aiming and positioning of lighting heads; the use of optimal optics for their specific location and orientation; optimisation of mounting heights; the adoption of the lowest intensity LED modules practicable; and minimising the task illuminance level. The applicant has demonstrated that it is likely that an acceptable lighting could be achieved. However, final details of the lighting arrangement and lighting manufacturer are only likely to be confirmed through subsequent contractual arrangements. Therefore, it is considered appropriate that should permission be granted, a condition be imposed for further details of the chosen lighting arrangement and corresponding lighting assessment to be submitted

Landscape and Visual Impact

In determining planning applications paragraph 127 of the National Planning Policy Framework requires the decision maker to ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting while not preventing appropriate innovation or change. Developments should function well and be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Policy 28 of the Lancaster City Council Development Management Development Plan Document 2011-2031 states that outside of protected landscapes the council will support development which is in scale and keeping with the landscape character and which is appropriate to its surroundings in terms of siting, design, materials, external appearance and landscaping. Consideration will be given to both the individual and cumulative impacts of a proposal.

The applicant has provided an assessment of the likely significant landscape and visual effects of the proposed development. Visually, the proposed development would typically be seen in the context of existing structures including wind turbines, electricity pylons, the Heysham Nuclear Power Station, and more locally, other industrial buildings and very large electricity substations. These existing features are typically prominent in views and would often be more prominent. Consequently, even though the proposed development would comprise a large building and tall stacks, this would not be particularly incongruous and the visual effects should not be viewed as negative. The development would function well and the final design and selection of materials could provide local interest particularly to site visitors. An objection has been raised on the grounds that the building would be extremely ugly and would be inappropriate in the landscape. However, this view is not shared and on the contrary it is considered that the proposal complies with local and national policy.

Transport matters

Paragraph 108 of the National Planning Policy Framework states that planning applications should be assessed to ensure that appropriate opportunities have been taken to promote sustainable transport; safe and suitable access to the site can be achieved for all users; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 makes it clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The applicant has undertaken a transport assessment to evaluate the impact of the proposed development on the performance of the local highway network. The site is accessed off Imperial Road, which is a private road currently owned by Lancashire County Council. Imperial Road is a cul-de-sac at present, connecting to the A683 Bay Gateway Road to the north at a roundabout. The A683 represents the principal route connecting the Port of Heysham to the strategic road network at junction 34 of

the M6 via the recently constructed Bay Gateway. Currently no vehicle connection is available to the south from Imperial Road towards Middleton Road and Middleton Business Park.

A baseline assessment indicates that during the AM peak (0730 – 0830) on the A683 corridor, the two way flow on the A683 is typically 1459 vehicles per hour. HGVs represent some 12% of total traffic. Traffic on Imperial Road is negligible at peak times with around 17 vehicles (two –way).

During the operational phase of the development it is estimated that there would be approximately 216 HGV movements per day. HGV waste deliveries would typically be between 0700-1900 hours and largely between Monday and Friday but occasionally at other times. Operations of this nature do not ordinarily generate substantial levels of HGV demand during the traditional weekday AM and PM 'rush hour' peak periods and therefore waste deliveries are likely to be spread across the day time period. Based on the anticipated shift system there could also be in the order of 99 staff/visitor car trips (41 in and 58 out) for the core week day period between 0700 and 1900.

During construction operations, HGV traffic would be likely to be lower than during the operational phase with estimates of around 40-50 HGV deliveries per day while staffing levels could be up to 350. However, it is unlikely that that such maximum combined traffic episodes would be common. Nevertheless, to demonstrate a commitment to travel management initiatives, the applicant is agreeable to a planning condition requiring a travel plan within a construction environmental management plan.

The assessment has concluded that there would be negligible traffic related effects given that traffic would access the site along the A683, which has been designed to provide a strategic highway link for traffic from the M6 to the Heysham Gateway area. Furthermore, Imperial Road was specifically designed and constructed to provide a direct link from the A683 to a previously approved large scale waste management facility on and adjacent to the application site. Given the nature of the adjacent highway network, there are no particular issues in relation to local highway capacity and vehicular access off the strategic highway network.

At a site specific level, Lancashire County Council Highways Development Control have made a number of recommendations in relation to extending highway visibility splays, and altering a pedestrian refuge and access design on Imperial Road to improve overall highway safety. The applicant has provided revised drawings to illustrate this and a condition is recommended for further details and implementation.

Lancashire County Council Highways Development Control raised concerns about the construction of heat off-take pipes under Imperial Road and the potential implications for ongoing road maintenance should Imperial Road become a through road to Middleton Road and ultimately be adopted as public highway. The applicant has sought to demonstrate that heat pipes are commonplace within the highway. Nevertheless, to allow consideration of the nature and location of heat pipes in the future in relation to potential heat users and highway adoption issues, the applicant has revised submitted drawings to illustrate that the heat pipes would only be

provided to the main site boundary as part of this planning application. A condition is recommended to make this requirement clear.

The nearest bus stops to the site are located on Middleton Road but then there is no formal connection to Imperial Road for pedestrians or cyclists. As such, it is proposed that a link would be created for cycling and walking which would provide a safer route than the A683 and would likely encourage people to walk, cycle or use public transport where possible. The scheme would be undertaken by Lancashire County Council as landowner but the applicant has agreed to pay for the cost of the design and construction of the scheme and this would be incorporated into a planning obligation under section 106 of the Town and Country Planning Act 1990. Lancashire County Council's Development Control Highways team have provided an estimate of the cost of the scheme at £145,075. The requirement is considered to be reasonable, necessary and relevant in relation to the proposed development in terms of promoting travel opportunities that don't rely on the car and therefore meets the tests in paragraph 56 of the National Planning Policy Framework. Another representation suggests that further cycle links should be provided via the A683. However, it is considered that the proposed link to Middleton Road provides the most appropriate link to the site from the nearby populated areas of Middleton and Heysham.

Representations have been submitted suggesting that there is a need to extend Imperial Road all the way to Middleton Road to improve transport connections to the industrial estates to the west of Middleton Road and to reduce the highway safety /accessibility issues on Middleton Road. Policy SA2 of the Joint Lancashire Minerals and Waste Local Plan refers to the safeguarding of land for access improvements and this includes a new junction at Middleton Road to link with Lancaster West Business Park (Imperial Road). Meanwhile, Policy SG13 of the Lancaster City Council Emerging Strategic Policies and Land Allocations Development Plan Document in referring to the Heysham Gateway has a vision of seeking to promote improvements to the local transport network including Imperial Road, and improvements to sustainable transport linkages to the surrounding areas of Heysham, Middleton and White Lund.

The applicant has demonstrated suitability of vehicular access to the application site via the existing Imperial Road and therefore it would be unreasonable to require the applicant to fund a full road connection and new junction. That being the case, funding for the completion of Imperial Road would have to be secured by other means. The development would not prejudice the ability to provide the link in the future should suitable funding be identified and therefore does not conflict with Policy SA2.

The Transport Assessment includes reference to promoting measures to encourage sustainable travel and also includes an interim travel plan. The applicant proposes to include electric vehicle charging points, covered and secure cycle parking, staff showers and changing, and a staff kitchen. The travel plan would look at initiatives to encourage walking and cycling, public transport use and car sharing. A condition is recommended in relation to further details of a site specific travel plan and for its review.

Lancashire County Council Development Control Highways have suggested that the applicant should provide a sum of £6000 through a planning obligation towards travel plan support. However, it is considered that this not something that could be required through a planning obligation as it would not be required to make the development acceptable in planning terms and therefore does not meet the tests for planning conditions in paragraph 56 of the National Planning Policy Framework. The site operator could take up the offer outside the planning process should they desire.

Air Quality and Climate Change

The applicant has provided an assessment of the effects of the proposed development on air quality. From a construction perspective there is the potential for dust generation but mitigation measures could be employed to minimise the likelihood of any unacceptable impact. This aspect could be incorporated into a recommended condition relating to a construction environmental management plan as referred to elsewhere in the report.

During the operational phase of the development, impacts on air quality could arise from emissions from the two proposed stacks, odour emissions from waste and from road vehicles. The applicant has undertaken detailed dispersion modelling of emissions, using a number of conservative assumptions to demonstrate that there would be no unacceptable effect on the local environment including Morecambe Bay Special Area of Conservation and Special Protection Area and other supporting habitats. A potential small magnitude effect was predicted on the raised bog habitat at Heysham Moss Site of Special Scientific Interest, which is examined further in the *ecology and nature conservation* section of this report.

In relation to road traffic the increase in vehicle numbers would be at levels that would not cause a significant change in roadside pollutant levels. Furthermore, the applicant has carried out a human health risk assessment to determine the long term impact of pollutants which can accumulate within the body. This has shown that the impact of emissions on human health would be negligible and not significant.

The National Planning Policy for Waste advises that waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies and that that they should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Paragraph 183 of the National Planning Policy Framework reinforces the latter assertion by stating that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.

An Environmental Permit would be required for the facility and it would have to operate in compliance with prescribed emission limits, and noise and odour controls. The permit would also specify the waste types that could be accepted.

The incineration process is tightly regulated and controlled by the Industrial Emissions Directive and the Environmental Permitting Regulations. The facility

would have to meet or go beyond and improve on the strict emission limit level controls by reflecting modern best practice standards so that human health and the environment would be protected. The Environment Agency closely regulate the operation of energy from waste plants through the application of conditions and requirements imposed on Environmental Permits to ensure that operations do not lead to harm to the environment and human health.

An environmental permit would be monitored in accordance with the conditions set out within it. If the Environment Agency is of the view that the proposal could not operate within the emissions limits, then it would not issue a permit and the plant would be unable to operate. If the Environment Agency granted a permit and subsequently found out through its monitoring process that the plant was operating with emissions above prescribed limits, then it would revoke the permit and the plant's operation would cease until the matter had been resolved.

In order to meet the strict controls, the gases from the facility would undergo a number of clean-up stages before being released into the atmosphere. This would include controlling the quality of combustion thereby reducing emissions of some pollutants and also removing acid gases (hydrogen chloride, sulphur dioxide), nitrogen oxides, dioxins, and filtering out particulates and particle-bound pollutants such as many heavy metals. Taking into account these factors and the location of the site, it is considered that the development is acceptable in relation to local air pollution and human health considerations.

The Environmental Permit would not include limits on carbon dioxide emissions as this gas is considered to have no local impact. The Environmental Permitting Regulations do not consider climate change.

National Planning Practice Guidance to the National Planning Policy Framework raises the question of how the challenges of climate change can be addressed through Local Plans in line with the statutory duty on climate change and ambition in the Climate Change Act 2008. Of relevance, it identifies opportunities for emission reduction by, providing opportunities for renewable and low carbon energy technologies and providing opportunities for decentralised energy and heating.

Residual waste typically contains many items that will have come from biological sources and the carbon stored within them is known as biogenic carbon. Other items that will be present such as plastics are manufactured using fossil fuels such as oil and the carbon embedded in them is known as fossil carbon. Biogenic carbon is also termed short cycle carbon because it was only recently absorbed in growing matter. On the other hand, fossil carbon was absorbed millions of years ago and would be newly released to the atmosphere if combusted. Such waste if landfilled releases carbon at a much slower rate than if it is disposed of by incineration. Therefore, the extent to which the energy produced by the proposed facility could be classed as renewable would depend on the proportion of biogenic material in the residual waste stream that would be treated.

Managing mixed waste by either combustion in an energy from waste plant or deposit in a landfill will release gases to the atmosphere. Whether energy from waste produces a lower volume of greenhouse gases than landfill is a complex subject with

many variables. UKWIN in their representation to this application have sought to provide evidence to demonstrate that the proposed facility would not in fact reduce carbon emissions when compared to sending the same waste to landfill and therefore they object to this proposal on the grounds of its adverse climate change impacts.

The assessment of climate change impacts of the proposal compared to landfill is not easy to conclude as many of the factors involved cannot be confirmed at the planning application stage as the precise nature and proximity of the feedstock cannot be ascertained. Likewise, every landfill site has unique operating conditions, which change over time. The proportion and type of biogenic waste is key with high biogenic content making energy from waste inherently better and landfill inherently worse. Secondly, the more efficient the energy from waste plant is at turning waste into energy, the greater the carbon offset from conventional power generation.

The proposed facility would produce electricity that could be fed into the grid and this would be relatively straightforward given the proximity of local infrastructure. In order to maximise the efficiency of the plant, it is also necessary to utilise the heat that would be produced. However, the use of heat energy is dependent upon heat customers being found. No customers have been confirmed but that is not unusual at this stage of the overall planning process. A lack of heat customers would mean that the site would operate in the less efficient electricity-only mode but given the location of the site adjacent to undeveloped land allocated for industrial and storage purposes, there appears to be a reasonable chance that a heat customer could emerge. The facility could supply steam or hot water, or be used to drive absorption chillers, thereby providing cooling.

There are no planning policies to seek to specifically limit greenhouse gases from individual development proposals of this nature in relation to climate change. The key focus of overarching policy is to provide opportunities for holistic change by promoting a move away from landfill, promoting the decentralization of energy production and reducing the reliance on primary won fossil fuels such as oil, coal and gas. With this in mind it is considered that there are no grounds for refusal in relation to climate change matters.

Overall, it is considered at the applicant has satisfactorily demonstrated that the proposed development would have no likely significant impacts on air quality subject the mitigation controls that would be built into the process and would be controlled through an Environmental Permit. The Environment Agency, Public Health England and Lancaster City Council have raised no objection in this respect. The latter requesting conditions in relation to construction management, electric vehicle charging points, and measures to support transport options other than the car through cycle/footway provision, and cycle storage/changing facilities, which are all considered reasonable and necessary to make the proposed development acceptable.

Noise control

Paragraph 180 of the National Planning Policy Framework states that decisions should ensure that new development is appropriate for its location taking into

account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. New development should mitigate and reduce to a minimum the potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The applicant has provided an assessment of noise and vibration in relation to the construction and operational phases of the proposed development. Relevant and appropriate noise and vibration guidance and standards have been used to determine the impact.

The applicant states that during the construction period best practical means would be employed to control noise and vibration generation, in accordance with appropriate British standards. Measures taken may include restriction on operating hours, sensible routing of equipment to site and careful choice of piling rigs to minimise noise. Measures to control noise and vibration would be defined within a Construction Environmental Management Plan, which would be operated throughout the construction phase.

A condition is recommended for further details of the Construction Environmental Management Plan and this would also include matters relating to dust, parking arrangements, and drainage. A further precautionary measure is recommended by way of a condition to control the majority of construction working operations to the typical working day, with assessment and control of working outside typical hours covered in combination with the Construction Environmental Management Plan. Subject to the recommended conditions it is considered that it would be unlikely that construction activities would have any detrimental impact on neighbouring landowners or local residents given the industrial nature of the area and the separation from sensitive receptors.

The control of noise through the operation of the facility would be a matter for the Environmental Permit as with air quality. Nevertheless, the applicant has satisfactorily demonstrated that with appropriate mitigation measures including noise control within fans, building cladding, door closures, and louvres, the resultant sound levels would remain within appropriate guidance and standards. The energy from waste facility would operate continuously but waste deliveries would typically be made between the hours of 7am to 7pm daily. As the site is located directly off the strategic highway network on an existing and allocated business park and there are no residential properties in close proximity to the site access, it is unnecessary to restrict the hours of vehicle deliveries by condition. Lancaster City Council and the Environment Agency have raised no objection in respect of noise issues. The City Council identify a number of noise impacts which would not be covered by a Permit, which it is considered would fall within the proposed construction environmental management plan.

Ecology and nature conservation

Paragraph 175 of the National Planning Policy Framework advises that when determining planning applications, local planning authorities should apply a number

of principles. Of relevance, if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Secondly, development on land within or outside a Site of Special Scientific Interest, which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest. Thirdly, opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Paragraph 177 of the National Planning Policy Framework advises that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a European protected habitat site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitat site.

The applicant has undertaken an ecology and nature conservation assessment, which includes ecological survey data to investigate the likely significant effects on habitats and species. Dispersion and deposition modelling undertaken as part of the air quality assessment has been used to examine the effects on sensitive ecological receptors in a wider context, including the nearby European conservation sites.

The assessment concludes that there are no significant ecology features within the site itself and therefore no predicted impacts related to site development. However, in view of the proximity of European protected wildlife sites (Morecambe Bay and Duddon Estuary Special Protection Area) to the site, a screening assessment has been undertaken under the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) to confirm that a significant effect on the European protected sites would not be likely and therefore there would be no requirement to undertake a full habitats regulations assessment. The County Council's Ecology advisor and Natural England are in agreement with the applicant's conclusions.

It should be noted that in April 2018, the Court of Justice of the European Union made a judgment in a significant case referred to as 'People over Wind'. The judgment sought to clarify that when making screening decisions for the purposes of deciding whether a full habitats regulations assessment is required, competent authorities cannot take into account mitigation measures. As a result, a competent authority may only take account of mitigation measures intended to avoid or reduce the harmful effects of a plan or project as part of an appropriate assessment itself.

This is a departure from the approach established by domestic case law, which had previously permitted mitigation measures to be taken into account at the screening stage. However, Government Planning Practice Guidance explains that features that are integral to the design or physical characteristics of the project and are the product of other considerations, irrespective of any nature conservation issues, may be considered at the screening stage. In relation to this application, the primary

driver for the design of the proposed development would be emissions regulations that would be applicable at any location and are therefore integral to the design of the development.

Elsewhere, modelling indicates that there could be a small magnitude increase in nitrogen and acid deposition and ammonia levels at Heysham Moss Site of Special Scientific Interest when utilising worst case meteorological data notwithstanding that a major contributor locally is from existing road traffic. However, the applicant's modelled process contributions are not predicted to have a measurable effect on the Site of Special Scientific Interest, or hinder its return to a favourable condition. Nevertheless, mitigation for the potentially small magnitude increase in nitrogen loading and biodiversity net gain measures have been proposed in consultation with the Wildlife Trust for Lancashire, Manchester & North Merseyside and Natural England. The Wildlife Trust has produced a document that describes the Heysham Moss site and explains the proposed management strategy to seek to improve its condition.

The Wildlife Trust advises that Heysham Moss is one of Lancashire's few remaining fragments of lowland raised mire. Part of the 21.34ha site is designated as a Site of Special Scientific Interest (SSSI) for its raised bog habitat and surrounding wet woodland, and supports populations of the Large Heath Butterfly and the locally rare White Beaked Sedge. Whilst still supporting some areas of relatively intact bog vegetation (and associated species) other parts of the site have suffered significantly from the effects of drainage. Bracken, Purple moor grass and scrub have invaded parts of the site and helped to accelerate the drying out of the site. The Wildlife Trust currently manage the entire site as a nature reserve and have been working for a number of years to restore the central core back to a fully functioning lowland raised bog.

The Wildlife Trust has identified further opportunities to extend the area of bog habitat. Part of the peat on the western edge is currently overlain with mineral soils, possibly spread on the edge of the bog during construction of the railway line that runs along the edge of the site. There is however good potential to restore this back to bog, increasing the area by around 17% and offering additional hydrological support to the central dome. In summary, the proposed work would aim to assist with the restoration of the core area of the bog through the establishment of a range of key Sphagnum species and extend the area of bog habitat through the restoration of an area of degraded peat on the western side of the site. The Wildlife Trust has estimated a cost of £40,000, which the applicant is willing to fund. It is suggested that the work, if successful, could have a significant positive effect on the Site of Special Scientific Interest. Subject to the proposed agreement, neither the Wildlife Trust for Lancashire, Manchester & North Merseyside nor Natural England raise objection to the proposed energy recovery facility. It is considered that proposed mitigation and biodiversity net gain measures could be secured by way of a planning obligation under the provisions of s.106 of the Town and Country Planning Act 1990 and would satisfy the tests of paragraph 56 of the National Planning Policy Framework.

Water Management

Paragraph 163 of the National Planning Policy Framework states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the Lead Local Flood Authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.

Planning Practice Guidance accompanying the National Planning Policy Framework promotes the employment of sustainable drainage systems that are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable. Firstly, into the ground (infiltration); secondly, to a surface water body then to a surface water sewer, highway drain, or another drainage system and finally to a combined sewer. Particular types of sustainable drainage systems may not be practicable in all locations.

Policy DM39 of the Lancaster City Council Development Management Development Plan Document refers to surface water run-off and sustainable drainage and advises that new major development must incorporate a sustainable drainage system.

The application includes a Flood Risk Assessment and a preliminary drainage strategy. The Flood Risk Assessment confirms that there are no watercourses within the site and there is a low/negligible risk of flooding from fluvial, tidal and artificial sources. The wider area is served by a complex network of field drainage ditches.

The site already benefits from a surface water management scheme that was constructed as part of the development approved under permission 01/07/1416, now partially occupied by a waste transfer station. There is an existing network of sub surface drains that direct surface water to an attenuation pond immediately south of the application site. From there flows are directed north to a second man-made holding pond, which then drains into a ditch to the north-east. The existing waste transfer station currently directs surface water flow into this system.

Initially, there was some uncertainty regarding the underlying drainage arrangement at the site. However, it would appear that the system is operational and would be suitable in principle for the energy recovery facility. The drainage system within the site would have to be redesigned and reconstructed along with the other building and engineering works and the capacity of the scheme would have to be reviewed. Both attenuation ponds fall outside the planning application boundary, which means that the applicant would have to enter into a planning obligation to demonstrate that they would have sufficient control and use of the ponds through the duration of the development. The Lead Local Flood Authority have raised no objection subject to a condition for further details of the surface water drainage scheme, and planning obligation as necessary. The condition and planning obligation are recommended accordingly.

The management of surface water flows and containment of potentially contaminated water through the construction phase could be satisfactorily dealt with

through the Construction Environmental Management Plan, which as referred to elsewhere would provide for a raft of measures to seek to control the environmental effects of construction working. Foul water would be directed to existing United Utilities foul sewer.

Ground Investigation

The applicant has provided a report relating to a ground investigation at the site. This outlines the soil, geology and hydrogeology conditions at the site and considers the likely significant potential effects on identified human health, controlled waters, ecological receptors and the built environment.

Due to the site history as a chemical works and fuel manufacturing facility there is a potential for contamination to be present. All former buildings and structures at the site have been demolished and remedial works were undertaken in 2006 as part of the partial redevelopment of the site for the previously approved County Council waste management facility. The applicant advises that subsequent site investigations, including one undertaken in 2018, have found no evidence of residual chemical contamination at the site. However, some traces of asbestos have been identified, having been left on the site after demolition of former structures.

A further detailed site investigation would be required prior to construction works commencing to verify previous investigations and the Environment Agency have recommended a condition be imposed for this requirement. A condition is also recommended in relation to protection of groundwater resources during piling operations. Both conditions are considered to be reasonable and necessary.

Cultural Heritage and Archaeology

Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a statutory duty for the decision maker in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This statutory duty needs to be given considerable importance and weight in the decision making process.

Paragraph 193 of the National Planning Policy Framework requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation irrespective of the level of harm judged to be caused.

Paragraph 196 of the National Planning Policy Framework requires 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 including, where appropriate, securing its optimum viable use.

The applicant's visual impact assessment includes tables setting out the sensitivity of a heritage asset to changes in its setting, the magnitude of change anticipated, and the level of effect of the change. It also includes a table describing factors that influence the magnitude of change. The County Council's specialist advisor for archaeology has noted that the assessment appears to have been appropriately undertaken and arrives at reasonable conclusions.

The County Council's Specialist Advisor for archaeology has noted that the two listed buildings at Downey Field Farm are (at closest approach) some 460m from the application boundary and 530m from the closest part of the main proposed building. They are also 369 and 392m from the existing warehouse and waste transfer station buildings respectively, which will be included in most views from/of the listed buildings. The closest of the two reactor containment buildings at Heysham Power Station, which lies on the same view line from the listed buildings, is approximately 2.7km away. Both Downey Field Farm buildings were first listed in May 1968 and the associated descriptions are brief, intended to enable the location and identification of the structures rather than to provide a comprehensive picture of their important heritage features. Nevertheless, their exteriors do not appear to be particularly distinguished architecturally. It is notable that the listing occurred when the adjacent industrial sites were in operation.

Assessing the sensitivity of the site to change, it would not seem possible to assign the Downey Field listed buildings more than a 'Medium' sensitivity and an argument could be made to classify it as 'Low'. For robustness, a 'Medium' level of sensitivity (as assigned in the Environmental Statement) is considered reasonable.

Assessing the magnitude of change in setting, it does not appear that the magnitude of change could be assessed as 'High' as it does not appear to fulfil the criteria provided. An assessment of 'Medium' could however be considered, on the grounds that there is a *'Notable, but not major, imposition within a Cultural Landscape'*. Assessment of the proposed development as a 'major imposition' would not seem appropriate, given the extant industrial structures adjacent to the development site and the former existence of the ammonia plant here. The other criteria within the 'Medium' change category do not appear to be satisfied. The level of change required for an assessment of 'Low' (as assigned in the Environmental Statement) are certainly fulfilled. For robustness, a 'Medium' level of change should be applied. Using these two factors, the level of effect on the setting of the Downey Field listed buildings would be Minor to Moderate, rather than Minor as noted in the Environmental Statement.

Following the reasoning then set out in the Environmental Statement, there then arises the question of whether this Minor to Moderate effect would result in 'substantial' or 'less than substantial' harm. The Environmental Statement concludes that there would be 'less than substantial harm', but this uses an effect of 'Minor'. If that effect is increased from 'Minor to Moderate' as discussed above, it would still appear difficult to state that the proposed development would result in a major impact on setting. As such, it would appear that the high test required for this effect to be considered 'substantial' has not been reached and that less than substantial harm will be caused. However, it is necessary for this effect to be balanced against

the public benefit of the proposed development. In doing so, it is considered that the public benefit by way of the positive contribution the development would make in terms of providing a waste management and energy solution along with site regeneration and employment opportunities would clearly outweigh the minor to moderate harm caused to the setting of the listed buildings.

Elsewhere, it is recognised that the proposed development would be visible from substantial distances including elevated areas such as Williamson Park and the Ashton Memorial, and Areas of Outstanding Natural Beauty but it would be viewed as a distant structure in combination with other tall and large structures within the low lying landscape and would therefore not be significant. Likewise, it is considered that there would be no harm to the setting of the Old Roof Tree Inn Grade II listed building as this is disconnected to the south of the site beyond Middleton Business Park and behind a group of trees and a banking. Historic England raise no objection.

Cumulative Impacts

Each application should be considered on its own merits. However, there may be occasions, when other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. In this instance, there does not appear to be any existing or approved development or in combination effects arising on the site that could give rise to significant effects on the environment.

Decommissioning

The proposed development would include a very large building and stacks along with technically specific plant, machinery and equipment. This arrangement would not be particularly adaptable for future site development should the use as an energy recovery facility cease. On this basis, a planning condition is recommended requiring that the facility would be removed from the site in the event of a continuous 3 year period of non-operation.

Human Rights

Article 1 of the 1st Protocol and Article 8 of the Human Rights Act 1998 refers to protection of amenity and property.

Rights under Article 1 of the 1st Protocol concern the protection of property and state that everyone is entitled to the enjoyment of possessions and that no one should be deprived of possessions except in the public interest.

Article 8 provides that everyone has the right to respect for family and private life. Interference in this Right can only be justified where it is in accordance with the law and is necessary in a democratic society for the economic wellbeing of the country or for the protection of the rights and freedoms of others.

In terms of this site, the construction and operation of a new energy recovery facility could have the potential to affect landowners/land users in the vicinity of the site.

However, it is considered that the mitigation measures within the proposal and the imposition of planning conditions would not result in the infringement of any Human Rights identified under these articles.

Overall Conclusion

The application is for an energy recovery facility on a site allocated for waste management that already has planning permission for such a use. A recommended condition requires the scheme to demonstrate that it would achieve and operate to R1 standards thereby meeting the required standards to be treated as a recovery facility. On this basis, the proposal would provide an opportunity to move the management of waste up the waste hierarchy, potentially diverting a substantial volume of residual non-hazardous waste from landfill. It is anticipated that a significant proportion of the electricity and potentially heat that would be generated by the development would be classed as renewable and would contribute to non-fossil fuel, decentralised energy production. The principle of the development is acceptable, it would represent an appropriate use of the application site and would comply with national and local policy that promotes the management of waste up the waste hierarchy away from landfill, promotes the decentralisation of energy production, and the use of fuels and energy sources other than primary won fossil fuels.

The proposal does include a very large structure that would be visible within the landscape from both local and more distant elevated viewpoints. However, given the context of existing industrial structures and energy related development, it is considered that the development would not be incongruous. Furthermore, local views would be restricted from many locations given the low lying nature of the site and areas of trees and hedges. The treatment of the external finish of the buildings has evolved through the determination process to ensure that the development would be integrated into the landscape in the most effective way such that there would be no significant landscape or visual impacts.

The facility would require an environmental permit to operate and it is for the Environment Agency to regulate the combustion process and emissions in the interests of preventing pollution and protecting public health. On this basis it should be assumed that there are unlikely to be any unacceptable adverse impacts on the environment, neighbouring occupiers of land or local residents in terms of noise, air quality, odour or water. Outside permitting controls, recommended conditions, particularly relating to drainage, lighting, ground investigation and construction working should ensure there are no unacceptable environmental effects.

It is considered that there would be no unacceptable adverse impacts on the highway network and measures have been recommended to contribute towards sustainable means of transport.

Potential ecology and nature conservation issues have been fully investigated and scrutinised by Lancashire County Council's ecology advisor, Natural England and The Wildlife Trust for Lancashire, Manchester & North Merseyside. It is agreed that it is unlikely that there would be any significant impact on any protected habitat sites or protected species. There could be a small magnitude increase in nitrogen and

acid deposition and ammonia levels at Heysham Moss Site of Special Scientific Interest but this is not predicted to have a measurable effect on the Site of Special Scientific Interest, or hinder its return to a favourable condition.

Overall, it is considered that subject to the applicant first entering into a Section 106 Agreement as recommended and subject to the recommended conditions, the proposed development would comply with relevant national planning policy and the development plan as a whole.

Recommendation

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and subject to the applicant first entering into a Section 106 Agreement for a commuted sum of £145,075 for cycle and footpath provision between Imperial Road and Middleton Road; a commuted sum of £40,000 for ecological enhancement at Heysham Moss Site of Special Scientific Interest, and in relation to off-site surface water drainage provision, that planning permission be **granted** subject to the following conditions:

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following:
 - a) Submitted Plans and documents

Drawing numbers:

2309-01-01, rev A - Statutory Plan

18011_PL201, rev I - Proposed Ground Floor Site Plan

18011_PL202, rev F - Proposed Roof Site Plan

18011_PL203 - Proposed Zoned Floor Plans

18011_PL204, rev E - Proposed Elevations - Sheet 1

18011_PL205, rev E - Proposed Elevations - Sheet 2

18011_PL206, rev E - Proposed Site Elevations - Sheet 1

18011_PL207, rev E - Proposed Site Elevations - Sheet 2

18011_PL208, rev F - Proposed Sections A-A & B-B

18011_PL209, rev F - Proposed Sections C-C & D-D

18011_PL210, rev C - Proposed ACC

18011_PL211, rev B - Proposed External DNO Compound

18011_PL212, rev A - Proposed Gatehouse

18011_PL213, rev D - Proposed Fencing and Gating Plan

18011_PL220 - Heat Pipe Trench
18011_PL221, rev A - Proposed Contractor's Office
2309-01-02 - Landscape proposals
2309-01-D01 - Visibility Splays and Proposed Site Access Improvements

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy SC5 Lancaster City Council Core Strategy (2003-2021) and Policies DM27, DM28, DM29, DM32, DM35, DM36 and DM39 of the Lancaster City Council Development Management Development Plan Document 2011-2031.

Design and Construction of the Development

3. No development shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the County Planning Authority. The CEMP shall include details of the following:
 - a) Arrangements for the parking, turning, loading and unloading of vehicles during the period of construction.
 - b) Control of noise from construction operations in relation to residential and ecological receptors, and neighbouring businesses.
 - c) Control of Vibration from the site.
 - d) Control of dust from the site.
 - e) Control of mud (including wheel cleaning arrangements) to ensure no mud leaves the site.
 - f) Drainage control measures including oil interceptors and bunds.
 - g) Travel Plan for construction staff.
 - h) Artificial site illumination (including proposed hours of use).
 - i) Protection of trees and vegetation to be retained.
 - j) Precautionary measures for the protection of wildlife features that may be encountered on site.
 - k) Management of construction waste.

The Construction Environmental Management Plan shall be implemented in accordance with the approved details and applied throughout the construction phase of the development.

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of local amenity, and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One.

4. Notwithstanding the details shown on the approved plans, no external cladding or finishes to any building or structure shall be applied until details of the building materials (including colour and finish based on the conclusions of the 'Design Evolution Document Addendum Document (cladding design)',

dated 2019-07-30) to be used for the external elevations and the roof of all buildings, have been submitted to and approved in writing by the County Planning Authority. Thereafter, only those materials approved by the County Planning Authority shall be used.

Reason: to safeguard the visual amenity of the area and mitigate impacts to heritage assets and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy SC5 Lancaster City Council Core Strategy (2003-2021) and Policies DM35 and DM36 of the Lancaster City Council Development Management Development Plan Document 2011-2031.

5. No development shall commence until details of a surface water sustainable drainage scheme has been submitted to and approved in writing by the County planning authority. The details shall include:
 - a) Final sustainable drainage layout plan appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels at AOD with adjacent ground levels.
 - b) The drainage scheme shall demonstrate that the surface water runoff and volume shall not exceed the pre-development runoff rate. A runoff rate of Q_{bar} calculated at 2.7 litres per second litres per hectare shall not be exceeded. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - c) Sustainable drainage flow calculations (1 in 1, 1 in 30 and 1 in 100 + climate change).
 - d) A plan identifying areas contributing to the drainage network.
 - e) Measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.
 - f) A plan to show overland flow routes and flood water exceedance routes and flood extents.
 - g) Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development.

The scheme shall be implemented in accordance with the approved details prior to the commencement of the operational phase of the development. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reasons: To ensure that the final drainage designs are appropriate following detailed design investigation, to ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development, to reduce the flood risk to the development as a result of inadequate maintenance and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy SC5 Lancaster City Council Core Strategy (2003-2021) and Policies DM35, DM36 and DM39 of the Lancaster City Council Development Management Development Plan Document 2011-2031.

6. Within 12 months of the commencement of development, a landscaping and habitat establishment and management plan for the site, in general accordance with drawing no. 2309-01-02 - 'Landscape proposals', shall be submitted to the County Planning Authority for approval in writing.

The submitted details shall include:

- a) The nature and depth of any soil making materials.
- b) The design, construction and planting of waterbodies.
- c) Native tree/shrub planting and seed specification.
- d) Detail of habitat establishment (including seasonal timing), management, monitoring, and review and reporting methods.
- e) Details of hard surfacing materials including car parking areas and vehicle manoeuvring areas.
- f) Details of the type, number and location of bird and bat boxes.
- g) The ongoing maintenance and management of the landscaping and habitats at the site while the energy recovery facility remains operational.

Thereafter, the approved landscaping and habitat establishment and management plan shall be implemented within the first available planting season (the period between 31 October in any one year and 31 March in the following year) following the commencement of the full operation of the facility. Car parking and vehicle manoeuvring areas shall be marked out in accordance with the approved plan prior to the commencement of the full operation of the facility.

Reason: To ensure satisfactory landscaping and surfacing of the site, to provide biodiversity interests and mitigation, and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, Policy SC5 Lancaster City Council Core Strategy (2003-2021) and Policies DM27, DM28, DM35, and DM36 of the Lancaster City Council Development Management Development Plan Document 2011-2031.

7. No development shall commence until an Employment and Skills Plan has been submitted to and approved in writing by the County Planning Authority. The ESP shall include targets in accordance with the benchmarks in Lancaster City Council's Employment and Skills Plan SPD for construction career advice events, employment, training and apprenticeships during demolition / site clearance, construction and fit-out phases of development; a method statement setting out how and when the above targets will be achieved, and details of arrangements for monitoring and evaluating the Employment and Skills Plan.

The approved Employment Skills Plan shall be adhered to throughout the construction phase of the development.

Reason: To support local employment and comply with Policy DM48 of the Lancaster City Council Development Management D Development Plan Document 2011-2031.

8. No lighting columns or lights (excluding lighting for construction development) shall be erected or fitted on site until details have been submitted to and approved in writing by the County Planning Authority. The details shall include the following:
- a) Location, type and intensity of lights
 - b) Types of masking or baffle at head
 - c) Type, height and colour of lighting columns
 - d) Number and size of lighting units per column
 - e) Light levels at the site and at nearby properties.
 - f) Control of the times of illumination of the lighting.
 - g) Assessment of light levels in relation to appropriate guidance as set out in the submitted Environmental Statement Lighting Assessment to demonstrate that there would be no unacceptable impact.

The lighting at the site shall only be provided in accordance with the approved details throughout the duration of the development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One.

9. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by the County Planning Authority. The strategy shall include the following components:
- a). A site investigation scheme, based on the desk top study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - b). The results of the site investigation and the detailed risk assessment referred to in (a) 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.
 - c). 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 (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Reason: to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution and to comply

with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One

10. No more than 330,000 tonnes of non-hazardous waste shall be delivered to the energy recovery facility in any one calendar year. The site operator shall maintain a record of the tonnage of waste delivered to site per day and the record shall be made available to the County Planning Authority upon written request. A report of the total tonnage of waste imported to the site in every successive calendar year shall be provided to the County Planning Authority within one month of year end.

Reason: To ensure that the development is representative of that granted permission and to comply with Policy WM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies – Part One.

11. Other than operations specifically assessed and agreed through the CEMP required by Condition 3, all construction working, importation of construction materials or removal of construction waste materials off-site shall only take place between 07.30 – 18.00 Monday to Friday and 08.00 – 17.00 on Saturdays and not at any time on Sundays, public or bank holidays.

Reason: As a precautionary measure to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One.

12. All mobile plant/vehicles retained on site to be used in connection with the construction phase of the development shall be fitted with broadband/non-audible reversing systems, which shall be employed at all times during the operation of the mobile plant/vehicles.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One

13. No development shall commence until details confirming verification that the facility has achieved Stage R1 Status through Design Stage Certification from the Environment Agency, have been submitted to and approved in writing by the County Planning Authority.

The facility shall thereafter be configured and operated in accordance with these approved details.

Reason: To seek to ensure that the development contributes towards the movement of waste up the waste hierarchy and to comply with Policies CS7, CS8 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document.

14. No development shall commence until a risk assessment for the design of the foundations to ensure the protection of the quality of groundwater resources has been submitted to, and approved in writing by, the County Planning Authority. The risk assessment shall identify the risk of pollution to groundwater, and any exacerbation of that risk from intrusive penetrative piling and foundation techniques. It shall outline an options appraisal for the proposed techniques and any proposed avoidance techniques or mitigation measures to protect groundwater quality.

Reason: To protect the quality of groundwater and prevent unnecessary volumetric loss and /or mixing of groundwater quality released from the underlying aquifer causing detriment to the quality of water resources, and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One

15. The heat pipes shall be constructed in accordance with the details shown on drawing number 18011_PL220 - 'Heat Pipe Trench' and shall extend no further than the edge of the site as shown on drawing number 18011_PL201, rev I - 'Proposed Ground Floor Site Plan'.

Reason: to reserve consideration of the potential future alignment of the heat pipe within Imperial Road and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One.

Highway Matters

16. No development shall commence until details of site access construction and works for highway improvement as shown on drawing number 2309-01-D01 - 'Visibility Splays and Proposed Site Access Improvements' have been submitted to and approved in writing by the County Planning Authority.

Thereafter, the site access construction and works for highway improvement shall be carried out in accordance with the approved details prior to the commencement of the operational phase of the development.

Reason: In order to satisfy the County Planning Authority that the final details of the highway works are acceptable before work commences on site, for highway safety and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One.

17. During the operational phase of the development there shall be no vegetation or other structures over 1m height above road level within the approved visibility splays shown on drawing number 2309-01-D01 - Visibility Splays and Proposed Site Access Improvements.

Reason: For highway safety and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One.

18. Within 12 months of the commencement of operation of the development hereby approved, a staff and visitor Travel Plan shall be submitted to the County Planning Authority for approval in writing. The Travel Plan shall describe the means by which visitors and staff shall be encouraged to travel to the site by means other than the private car (and shall be based on Interim travel plan reference number APB/2309-TP01a provided as Appendix TA7 of the Transport Assessment). The Plan as approved shall be monitored and reviewed on an annual basis while the site is operational, and a copy of that annual review shall be submitted to the County Planning Authority within 3 months of the completion of the annual review.

Reason: To seek to promote alternative means of transport and to comply with Policy DM23 of the Lancaster City Council Development Management Development Plan Document 2011-2031.

19. Within 12 months of the commencement of development, details of electric vehicle charging points, cycle storage, showers and changing facilities shall be submitted to and the County Planning Authority for approval in writing. The location of the electric vehicle charging points and cycle storage shall be as shown on drawing number 18011_PL201, rev I - 'Proposed Ground Floor Site Plan'.

The development shall be carried out in accordance with the approved details prior to the commencement of the operational phase of the development.

Reason: To promote alternative means of accessing the site and to comply with Policy DM21 of the Lancaster City Council Development Management Development Plan Document 2011-2031.

Site Restoration

20. Following a continuous 3 year period of no energy from waste operations taking place at the site, all buildings, chimney stacks, associated plant, machinery, waste and processed materials shall be removed from the site.

Reason: To ensure the timely removal of the development should it no longer be required and so as not to compromise any future development of the site, and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One.

Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, Community Services at County Hall, Preston PR1 0LD, in the first instance, to ascertain the details of such an agreement and the information to be provided.

Traffic Regulation Orders, diversions of Public Rights of Way, Stopping Up of existing highway, changes to public transport scheduling/routeing and other activities require separate statutory consultation processes beyond the planning application process. The applicant will be obliged to meet all the costs associated with these of works and ensure that any works which rely upon them do not commence until all legal processes have been satisfactorily completed.

**Local Government (Access to Information) Act 1985
List of Background Papers**

None

Reason for Inclusion in Part II, if appropriate

Not applicable