

Item 4 **09/00738/FULMAJ** **Permit (after referral to GONW)**

Case Officer **Mrs Nicola Hopkins**

Ward **Lostock**

Proposal **Extensions and alterations to pet food manufacturing facility including an automated finished product store (AFPS); upgraded and new extrusion process lines including a sunken mill; raw material storage; odour abatement (a roofed pine bark based biological filter system including venting chimneys, one 30 metres high); waste water treatment; additional capacity of waste recovery and recycling facilities; landscaping including earth excavation and mounding; related infrastructure.**

Location **Golden Acres Ltd Plocks Farm Liverpool Road
BrethertonLeyland**

Applicant **Golden Acres Group Ltd**

**6 letters of objection have been received
Consultation expiry: 7th January 2010
Application expiry: Planning Performance Agreement**

Proposal This application relates to Plocks Farm on Liverpool Road, Bretherton which is occupied by Golden Acres Pet Food Partners. Golden Acres manufacture dry pet food at the site. This planning application relates to development which is needed to meet contemporary environmental legislation whilst at the same time facilitating the expected growth of the business. They involve the erection of new buildings, the installation of new plant and machinery and other operations.

In respect of proposed buildings these include:

- As automated finished product store (which will store the finished products)- 13,507m2 (AFPS)
- A pallet store (storage for pallets)- 450m2
- Recycling building (where waste materials will be sorted)- 648 m2
- Mill/ Raw materials store- 4743m2
- Line D building (blending extension)
- Intake building (for raw materials entering into the production line)- 508m2
- Hot House (building to recover waste heat and recycle into the process)- 282m2
- Extension to engineers store- 192m2
- Fan house and energy centre (including air extraction and a biomass boiler/ chimney)- 1039m2
- Intake building (cover for raw materials entering the production line)- 154m2
- Cleaning building (enclosure for existing washing facility)

In respect of the proposed plant and machinery the proposals include the following items which are located outside the building and associated with the above processes:

- Fat Tank Canopy (cover over existing facility)- 673m2

- Biomass material storage (storage for biomass fuel)- 2186m²
- Biomass filters (to clean odours)- 5420m²
- Extraction corridor (to take air from the production area to the biofilters)- 1761m²
- Water storage tank- 64m²
- Switch room/ transformer- 32m²
- External lagoons for water storage and recycling
- 30m high extraction chimney (for the dispersal of odours if the biofilter installations to not achieve the agreed threshold levels.)
- Five bio filters and wet scrubbers

The proposals set out above are dictated by the pet food production process within the premises. The raw materials enter the buildings at the south and east corner of Plocks Farm moving anti-clockwise through the production lines before reaching the finished product store.

The proposed development spans over 10 years and this is the reason why a 10 year Masterplan has been developed. Due to the length of the lifespan the scheme will be phased as follows:

Phase 1: construction of the fan house, extraction works, the switch room and transformer, three of the odour control bio filters and the surface water storage pond

Phase 2: construction of the 30 metre high chimney (subject to the outcome of testing of the first three bio filters)

Phase 3: two further odour control bio filters to reduce the capacity currently provided by the temporary facility which is on site

Phase 4: Construction of the AFPS and covered link

Phase 5: Construction of bin store for loose materials

Phase 6: Installation of Line E

Phase 7: Construction of IBC Store

The proposed phasing of the development will be secured via the submission of a phasing plan (via condition). A plan is attached to this report which sets out the existing buildings and landscaping and the proposed buildings and landscaping.

Summary

The proposals subject to this planning application are inappropriate development within the Green Belt however as set out within the Conclusion it is considered that very special circumstances exist to justify this Green Belt development. A similar conclusion was reached when the original 10 year Masterplan for this site was considered in 2003.

Background

Plocks Farm was originally an arable farm, but first diversified into the manufacture and distribution of dry extruded animal foods in 1992 using the farms crop production as its basis. Following on from this diversification several planning applications were approved at the site as the business grew.

A major application approved in 2003 (9/03/00528/FULMAJ) provided a Masterplan for the site and at the time of the application the applicants advised that they considered there to be scope over the next 10 years to increase the output to 60,000 tonnes per annum, entailing an increase in the workforce to 220 people, employed in 4 shifts, to maintain production 7 days a

week. The 2003 application approved an extension to buildings to form a produce store, tractor store, administrative and staff office accommodation, raw materials store, new entrance control, landscaping and waste water treatment area. The Council recognised that the business was an industrial one (Class B2) but of a highly specialist nature which is inextricably linked to agriculture outset. This application was considered inappropriate development in the Green Belt by definition. However the Council were satisfied that there were very special circumstances to justify permitting it. It was referred to the Government Office for the North West as a departure case, but the Secretary of State did not call the application in and so permission was granted.

A minor proposal for a waste water treatment area was approved by an application in 2003 (9/03/00528/FULMAJ) although it was not implemented as it was found that the site proposed was unsuitable due to ground conditions. A further application was submitted and approved in 2005 (05/01170/FUL) proposing the relocation of the waste water treatment plant to an alternative position at a site immediately south of Plocks Farm, just outside the site of the previous application.

Planning permission was granted in October 2007 (07/00843/FUL) for a sprinkler water storage tank and pump house. A further planning application was submitted and approved in August 2008 (08/00364/FUL) for the temporary installation of fan house, three activated carbon filters and flue at the site. The carbon filters and flue were required to control odours from the factory and waste water treatment works by helping to ventilate the factory whilst ensuring that odorous air is less likely to escape without abatement. The approval is for a five year period only.

Other Planning History

94/00969/FUL- Extension to existing building housing Extrusion Plant to accommodate Bio Filter Plant. Approved March 1995

94/00968/FUL- Erection of General Purpose Agricultural Building. Approved March 1995

95/00279/FUL- Alteration of existing roofline to accommodate mixing bin. Approved June 1995

96/00044/FUL- Widening of the existing driveway and improvements to the access. Approved May 1996

96/00320/FUL- Extension of existing mill building over existing yard area incorporating raising of roof height. Approved August 1996

99/00132/FUL- Demolition of outbuildings, construction of bin storage building together with canteen shower block, garage, stables and stores. Approved July 1999

03/00390/SCREEN- Screening report into whether an Environmental Impact Assessment (EIA) is required for a proposed development. EIA not required

09/00078/SCE- EIA Screening Opinion for Plocks Farm, Liverpool Road, Bretherton. EIA required

09/00236/SCOPE- Scoping Opinion for the Environmental Impact Assessment at Plock farm, Liverpool Road, Bretherton.

Planning Policy

PPS1: Delivering Sustainable Development
PPS1: Planning and Climate Change - Supplement to Planning Policy Statement 1
PPS 4: Planning for Sustainable Economic Growth
PPS 7: Sustainable Development in Rural Areas
PPS 9: Biodiversity and Geological Conservation
PPS 10: Planning for Sustainable Waste Management
PPS 22: Renewable Energy
PPS 23: Planning and Pollution Control
PPS 25: Development and Flood Risk
PPG2: Green Belt
PPG13: Transport
PPG15-Planning and the Historic Environment
PPG 16: Archaeology and Planning
PPG 24: Planning and Noise

North West Regional Spatial Strategy (RSS):

Policy DP1- Spatial Principles

Policy DP4- Make the best use of existing resources and infrastructure

Policy DP5- Manage Travel demand, reduce the need to travel and increase accessibility

Policy DP7- Promote Environmental Quality

Policy DP8- Mainstreaming Rural Issues

Policy DP9- Reduce Emissions and Adapt to Climate Change

Policy RDF2- Rural Areas

Policy RDF4- Green Belts

Policy EM11- Waste Management Principles

Policy EM16- Energy Conservation and Efficiency

Policy EM17- Renewable Energy

Policy W1- Strengthening the Regional Economy

Policy CLCR1- Central Lancashire City Region Priorities

Adopted Chorley Borough Local Plan Review:

GN4- Settlement Policy- Other Rural Settlements

DC1- Development in the Green Belt

EP2- County Heritage Sites and Local Nature Reserves

EP4- Species Protection

EP6- Agricultural Land

EP9- Trees and Woodland

EP10- Landscape Assessment

EP18- Surface Water Run-Off

EP20- Noise

EP21- Air Pollution

EP21A- Light Pollution

EP22- Energy Conservation

EM3- Farm Diversification

EM4- Protection of Employment Sites in Rural Settlements

EM5- Extensions to Rural Enterprises

TR4- Highway Development Control Criteria

Design Guidance SPG

Local Development Framework:

Sustainable Resources DPD

Sustainable Resources SPD

Policy SR1- Incorporating Sustainable Resources in New Development

- Applicant's Case** The applicant has set out the following points which are the Businesses objectives for the proposed development:
1. To improve the amenity of the neighbourhood, by minimising odours to meet the requirements of the Environmental Permit by incorporating Best Available Techniques, and to continue the planting of woodland to improve the visual appearance
 2. To improve the efficiency of the business so as to remain competitive in the world market place
 3. To plan for the future to ensure all customers, suppliers and employees can have certainty as to what it holds and the local community know what to expect
 4. To improve the sustainability of the business, by introducing renewable energy, by conserving and reusing water, together with minimising energy losses and maximising heat recovery
 5. To enhance the biodiversity of the site by supporting existing and developing new habitats.

Representations **Tarleton Parish Council** (in nearby West Lancashire Borough) object to the application as it will impact on the visual amenity of the main settlement of Tarleton

6 letters of objection have been received from local residents raising the following comments:

- Factory size has increased- ruined views
- Offensive odours omitted
- Increase in noise
- Light pollution
- Impact on highway safety along Liverpool Road and increased traffic
- Chimney would be an eyesore- landscaping would not disguise
- Proposals may increase night time activities and noise impacts
- Increase pollution
- Not enough screening
- Further industrial expansion into the Green Belt

Consultations **United Utilities** have no objection to the proposals subject to various conditions/ informatives

Council's Conservation Officer initially had concerns in respect of the impact on the setting of nearby Listed Buildings and Bretherton Conservation Area however following the receipt of further information he is satisfied that views from the conservation area and Listed Buildings will be almost entirely unchanged.

Lancashire County Council (Archaeology) have requested a condition in respect of archaeological work and investigation

The Council's Architectural Design and Crime Reduction Advisor has no comments to make

Natural England have raised no objection to the proposals

The Environment Agency has no objection subject to conditions and has made recommendations on various aspects including flooding, odour, noise and ecology

The Council's Arboricultural Officer has no objection to the proposals and has suggested a condition in respect of tree root protection

Lancashire County Council (Ecology) have no objection subject to some conditions.

Lancashire County Council (Highways and Environmental Management) have no objection

West Lancashire Borough Council has raised concerns about the proposed development, on the basis that it would impact upon the openness and visual amenity of the Green Belt

Head of Leisure & Neighbourhoods (People and Places) has no objection subject to conditions concerning noise

Assessment

Following an enquiry from the Applicant during pre-application discussions it was confirmed that a full Environmental Impact Assessment (EIA) would be required to accompany the planning application. This was on the basis of the nature and scale of the proposed development and the development is potentially environmentally sensitive. An EIA has been submitted as part of the planning application and each of the various chapters and issues, including noise and odours, will be addressed within this report.

Purpose of the Development

This application has been submitted primarily because the Company, The Golden Acres Group, are required to meet changed legislative requirements. These include The Pollution Prevention and Control Regulations 2000 which requires the Company to operate under an Environmental Permit with the Environment Agency, The Climate Change Act (which requires an 80% reduction in greenhouse gas emissions by 2050), The Climate Change Levy and the Landfill Regulations 2002.

The Company also wishes to meet the requirements of its customers and the expectations of the community in which it is located. As such Golden Acres have undertaken a review of its operations and created a second 10 year Masterplan which this application seeks to secure permission for.

The immediate requirement is to provide the machinery to enable significant efficiency and productivity improvements whilst complying with changing environmental legislation and reducing the impact on the neighbours.

Previous permission

As set out above the key planning permission was granted in 2003 for the previous masterplan. Although some of the proposals permitted in 2003 have been constructed an administration building, tractor store, link building and mill/ raw materials store have yet to be constructed. The first three buildings can still be constructed under the 2003 approval and are not affected by the proposals subject to this application. The attached plan indicates which they are (they are hatched in purple). The approved mill/ raw materials store (building 22) is located on the site of a larger store subject to this application. A larger store is required to enable raw products to be unloaded within the building. Approval of this

application will ensure that the originally approved store cannot be constructed.

Green Belt

The site is located within an area designated as Green Belt. Within the Green Belt development will only be permitted if it falls to be considered appropriate development or where very special circumstances can be demonstrated which outweigh the harm the development will have on the openness and character of the Green Belt.

Although the premises were originally a farm buildings' complex and thus an agricultural use, they have long established as an industrial use albeit restricted by condition because of its affiliation to agriculture and approved as a farm diversification project. The proposed expansion of the business, remains, by definition, 'inappropriate' development within the Green Belt. This being the case the proposal is deemed to be, harmful and as such very special circumstances must be demonstrated for the proposed development to justify the grant of planning permission.

The Applicant and his advisers have accepted that the development is inappropriate in the Green Belt. The case being set out (similar to the case set out within the 2003 application) is that other material planning considerations exist to outweigh the harm the development will have and very special circumstances exist to outweigh this harm. The other material planning considerations are addressed comprehensively within this report.

Sustainable Development in Rural Areas and Sustainable Economic Growth- Planning Policy Statement 4

Planning Policy Statement 4 was published by the Government on 29th December 2009 and replaces PPG4, PPG5 PPS6, part of PPS7 and part of PPG13. This document is particularly relevant to this site as it sets out the Government's planning policies for economic development. The Government's objective is sustainable economic growth by improving economic performance in various areas including rural areas.

Policy EC6 of PPS4 relates to economic development in rural areas. The Policy requires local planning authorities to ensure the countryside is protected and to strictly control economic development in the open countryside. However the Policy also states that local authorities should support diversification for business purposes that are consistent in their scale and environmental impact within their rural location. Policy EC10 relates to determining planning applications for economic development and states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.

Policy EC11 is also applicable as the development within the Green Belt is a departure from the Local Plan. This Policy states that local authorities should take full account of any longer term benefits, as well as the costs, of development, such as job creation or improved productivity including any wider benefits to national, regional and local economies.

The Government recognises that rural areas make a valuable contribution to the local economy. The business is located between the A59 and the River Douglas and is well screened; the majority of the site is not visible from the A59. As set out within the rest of this report it is not considered that the proposals will have an adverse environmental impact. The juxtaposition of the proposed development with the existing complex and the visually confined nature of the site ensure that the proposals are of an acceptable scale. It is also worth noting that the constrained nature of the site ensures that further expansion over and above the current proposals is limited.

The proposed development:

- will limit CO2 emissions, in accordance with climate change considerations,
- will result in a reduction in trip generation by commercial vehicles,
- has been carefully designed to take into account the character of the area
- Incorporates landscape and habitat enhancement proposals.

The business is long established on the site and makes a valuable contribution to both the local and national economy. The proposals will enable the business to continue to operate competitively within the market. The site is not in a location where urban transport sustainability is unrealistic, the premises are on the A59 and close to settlements, ensuring that a variety of transport modes (including good bus services passing the site) are available. The business sits comfortably within the landscape without an adverse visual impact. The site is considered to be the most appropriate location for this business.

This is an established business in the Green Belt which needs to upgrade its facilities to meet contemporary environmental controls and provide space for improved efficiency. Additionally the proposals would provide long term benefits for the business and locale.

It is considered that very special circumstances exist in respect of Green Belt Policy (as set out within the conclusion) and the retention of the business in this location it would have a positive impact on local employment. As such the proposals are considered to be acceptable in terms of Policies EC6, EC10 and EC11 of PPS4.

Ecology and Biodiversity

The application site is bordered by the River Douglas and the Leeds Liverpool Canal is close by (on the other side of the River). The River is a designated Biological Heritage Site and due to the fact that the proposed development extends closer to the river the ecological and geological impact of the proposals are a material planning consideration.

The Environmental Statement submitted with this application assesses the likely impacts of the proposed development on flora, protected species and habitats present at the site.

The Ecologist at Lancashire County Council (LCC) has provided comments on the proposals along with attending meetings to

discuss the issues and has worked with the Applicant's appointed Ecologist to address any likely impacts resulting from the proposals.

The LCC Ecologist has confirmed that as the proposed development is confined to existing hard standing, improved grassland and arable land significant ecological impacts are unlikely. Initially however the LCC Ecologist recommended precautionary measures to avoid ecological impacts and considered that the ecological value of the area could be enhanced. The precautionary measures related to great crested newts, the need for a habitat creation and management plan, vegetation clearance outside the bird nesting season and precautionary checks for protected species.

Following the receipt of the LCC Ecologist's initial comments the Applicants undertook further work and his appointed Ecologist submitted supplementary information with regards of great crested newts and bats. The Ecologist at Lancashire County Council has reviewed the supplemental information and has confirmed that the presence of great crested newts is unlikely. As such great crested newt surveys are therefore not required prior to determining the planning application.

The LCC Ecologist has also confirmed that significant impacts on the bat population are unlikely to occur as a result of the current planning application. A habitat creation and management plan for this site is required. A plan has been produced in draft form to which the Ecologists at Lancashire County Council and the Environment Agency have commented. These comments led to revisions to the document and a revised document has been submitted. Further comments are awaited as the work is ongoing. As there are no problematic matters of principle, this plan will be secured via condition.

Following a recent High Court judgement it is clear that the Council has a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:

- (a) the activity must be for imperative reasons of overriding public interest of for public health and safety;
- (b) there must be no satisfactory alternative and
- (c) favourable conservation status of the species must be maintained.

This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.

The LCC Ecologist is satisfied that the proposals will not adversely impact on protected species and a favourable conservation status of protected species will be maintained. As such it is considered that the requirements of the Habitats Directive have been addressed.

Natural England has been consulted and has commented on this application. They have confirmed that they are not aware of any

nationally designated landscapes or any statutorily designated areas of nature conservation importance that would be significantly affected by the proposed planning application. Additionally they are also satisfied that the proposal does not have any significant impacts upon Natural England's other interests, including National Trails, Access Land, or the areas of search for new national landscape designations. Natural England have confirmed that should a protected species be subsequently found on the site, all work should stop until further surveys for the species are carried out and a suitable mitigation package for the species is developed. The Agency have provided advice on bats, badgers, barn owls and breeding birds. There is not considered to be an adverse impact on protected species. In any event the provisions of the Wildlife and Countryside Act protects certain listed species.

In conclusion we do not consider that the proposals would harm ecology, biology or nature conservation interest. The submission a habitats creation and management plan (a requirement of the recommended conditions) will enable sufficient control over the management of habitats on the site.

Waste Management

Due to the nature of the business on the site waste is generated on site in the form of process waste (unsuitable dried pet food), packaging waste, wastewater, surface water and roof water. The 10 year Masterplan seeks to recover and re-use as much waste materials as possible which will reduce the need to send waste to landfill.

The proposals include a dedicated building and sorting area to segregate waste at the source and send it for recycling. This will reduce waste being sent to landfill by 80% which is also required to meet the Environmental Permit requirements. A wastewater recycling lagoon is proposed to store and treat surface water and roof water and reuse it as part of the odour controls within the proposed wet scrubbers.

The proposed Wastewater Treatment Works will treat all sludge arisings created at the site from a liquid to a solid which will reduce agricultural vehicles movements when the dry sludge is removed to be spread on agricultural land.

It is considered that the proposals will reduce the need for vehicle movements transporting waste off site reducing the impact on landfill and incorporates appropriate recycling techniques to benefit the development and the area as a whole.

Land Contamination

The submitted Environmental Statement incorporates a Land Contamination Assessment undertaken by Entec UK Ltd. This assessment was undertaken to ascertain if any of the site is contaminated, the degree of contamination, and to avoid the possibility of contaminants being released into groundwater or surface waters as the site is developed. This is required to meet the Environment Agencies requirements and in accordance with Government advice contained in PPS23.

The submitted reports identifies that the current risks are the leaching of residual contaminants from soils into the River

Douglas. The risk however is very low due to the large amount of dilution and low levels of contaminants. Risks during development arise from the extraction of saturated soils to construct the Automated Finished Product Store (AFPS). Any discharges into the river will require authorisation from the Environment Agency. An increase in discharge rate to the river is expected which will require authorisation from the Environment Agency. Future risks relate to elevated sulphate which may impact on the buildings however restoration of soils in landscaped areas will reduce the risks associated with dusts and create natural attenuation.

The Environment Agency has reviewed the submitted assessment and has confirmed that *discharges to land ceased in 2005, the purpose of which was to attenuate contaminated water before it entered the river, which appears to have been effective. The current plans are to install the means to treat contaminated water on site prior to discharge to the river. Low level of contamination is present within soil and shallow ground water.*

We consider that in the long term the proposed works will not affect the balance of the hydrogeological/ hydrological system at the site. However, there is a requirement to assess the impacts to the river in the short term while the development works are undertaken. Entec made recommendations for further assessment at site prior to development works being undertaken with which we agree. We also consider that further assessment of the potential concentrations of contaminants in the river during periods of proposed additional discharge is required. Additional discharges to the river should only occur within the term of temporary or amended discharge consent from us.

The Environment Agency also requires the waste treatment and storage lagoons to be constructed with a lined or impermeable base and sides which the Applicant have confirmed will be provided. It is not considered that the proposed development will have an adverse impact in terms of contaminants in respect of the site or the adjacent watercourse.

Noise

One of the main concerns raised by neighbouring residents is noise created at the site particularly as the facility operates 24 hours a day and the proposals will increase production at the site. The Council's Neighbourhood Quality Co-ordinator has been involved in discussions with the Applicant during the process of this application and a noise impact assessment has been submitted as part of the Environmental Statement.

It was initially considered that a Noise Management Plan should be submitted as part of the application and a draft document was produced by the applicants appointed consultants. The Council's Neighbourhood Quality Co-ordinator made comments on this document and it was intended to secure submission of a Noise Management Plan via condition.

The Council's Neighbourhood Quality Co-ordinator has now determined however that noise management should be dealt with under the Environment Agencies remit. The Officer has confirmed that she does not foresee any noise issues if the suggested limits in the report are complied with. To secure this the Officer has

suggested appropriately worded conditions which are attached to this recommendation which will achieve this.

The Environment Agency has also commented on the Noise Management Plan which has been passed onto the applicant. The Environment Agency has confirmed that the recommendations set out within the originally submitted report should be secured via condition. Copies of the suggested conditions have been forwarded to the Environment Agency to confirm that they are satisfied with the conditions in respect of noise.

The Council's Officers are satisfied that noise generated from the premises can be dealt with adequately to ensure that noise does not cause annoyance to the nearby neighbouring residents.

Odours

The other main concern raised by neighbouring residents in respect of this site relates to odours created at the site. An odour impact assessment has been carried out for the site and submitted as part of the Environmental Statement.

In 2008 Golden Acres applied to install an activated carbon filtration system at the site. This involved the installation of an activated carbon filter housed in three containers adjacent to the existing buildings, the erection of a pipe bridge for extract ducts and shorter duct runs. The proposals also incorporated the erection of a 17 metre high flue and an extraction fan. Planning permission was granted for a temporary 5 year period and the system is currently active on the site. However this plant will be removed from site following the expiry of the planning permission.

This treatment was seen as a temporary solution to dealing with odours on the site in lieu of a long term solution. The proposed 10 year Masterplan for the site seeks to address the problem in the long term.

Works have already been carried out at the premises to minimise the production of odours including sealing the building and ensuring odours produced are not released into the atmosphere. These works have worked to a limited extent however further work is required to provide a positive air pressure and to provide a sufficiently cool working environment.

The proposals for dealing with odour at the site will be developed incrementally to achieve the Best Available Technique (BAT) and in accordance with the proposed phasing of the development. It is proposed that air will be fed from the buildings by fans, housed in a building on the south west end of the building. Air will be passed down the extraction corridor to wet scrubbers. Five biological filters are proposed to the west of the site. As set out in the above proposed phasing initially 3 bio filters will be constructed. Each of the filter units will be vented by two flues located at each end of the unit which will be 12 metres high to ensure dispersal of odour. The remaining two units would be built following confirmation that the odour abatement technique proposed is confirmed to be suitable. These units will be monitored further and, if necessary, the 30 metre high chimney would be constructed to provide a complete solution to control odour emissions from the production process. The chimney will only be constructed in the event that it

is proven necessary. A condition is imposed to ensure that such will take place.

The Environment Agency has been closely involved during the process of this application in respect of odours. Additionally the site is subject to an Environmental Permit with the Environment Agency which addresses odours. Due to the significant changes proposed to operations on site Golden Acres will be required to apply for a variation to their Environmental Permit

The controls over the site which the Environment Agency enforces require the operator to apply the Best Available Techniques (BAT) for dealing with odour. The Environment Agency initially commented on the proposals and these comments resulted in the applicants producing an addendum to the Odour Impact Assessment.

Following receipt of this document the Environment Agency (EA) have confirmed that any application to vary the EA permit will need to be accompanied by an odour management plan which will set out a staged approach to the management of odour at the site. The plan will be based on Best Available Techniques (BAT) and will be designed to ensure odour is managed to an acceptable level. The plan, when approved by us, is expected to ensure odour is minimised but may require the implementation of all the contingencies shown in the plan to achieve this. However, until the site operates in accordance with the plan there can be no guarantee that the proposed techniques will work. Should all of the contingencies in the plan be unsuccessful in adequately minimising odour from the site then the plan will lead the operator to the point where they cease operations causing the odorous releases. The Agency's role in the odour management plan would be to ensure, through the permit conditions, that the operator follows the plan.

Because of the sensitivity of the Plocks Farm site and recognising the work that the operator has done to address the problem, in this instance we are willing to comment on the draft odour plan as part of the pre-application work for the variation application in order to assist you in knowing the likely scope of any development that could be required to meet permit conditions. However I must point out that this cannot prejudice our consideration of the application for the variation. Any comments we made would be simply on the suitability of the plan to form part of the permit variation application. Without the full application we cannot give any assurances that the document would form part of the varied permit in that form.

The Environment Agency will require an Odour Management Plan before they issue a variation to the Environmental Permit however the site requires planning permission for all the methods for dealing with odour before they will issue a variation.

The Odour Management Plan will include the proposed bio filters and 30 metre high chimney subject to this planning application. It is considered that although the Environment Agency cannot confirm whether the proposed installations will satisfactorily deal with odours at the site, this cannot be confirmed until the site is in operation; the proposals represent the Best Available Techniques currently available. Additionally in the event that these techniques

do not work the Environment Agency has the authority to require operations to cease on site. Any further odour abatement work would require a new planning application.

Circular 11/95 relates to the use of conditions in planning permissions. The recommended conditions include a specific condition in respect of odours. This condition basically gives Chorley Council controls over the required measures (which are set out above in respect of the three phased process of installing bio filters and eventually the chimney if necessary) to be installed at the site in the event that odour is considered to cause annoyance to local residents. The term 'annoyance' is utilised because this reflects the wording with the Environment Agencies Permit and because the use of the word 'nuisance' is a term of art which suggests a statutory nuisance when the impact may not be judged in this way.

The Circular states that conditions should be:

i. necessary;

It may be considered unnecessary for this condition due to the Environment Agencies controls over odours and Circular 11/95 specifically states that 'a condition which duplicates the effect of other controls will normally be unnecessary'. However this development does have implications in respect of odours and complaints have been received in the past. Therefore it is considered necessary for the Local Authority to have some control over odours in this situation.

ii. relevant to planning;

Part of the Green Belt very special circumstances forwarded in support of this application is that the proposed plant and machinery will reduce and deal with odour issues at the site. As this forms part of the justification for inappropriate development within the Green Belt ensuring the Local Authority has the necessary controls ensures that this condition is relevant.

iii. relevant to the development to be permitted;

Similar to the justification to point ii the control of odours at the site is relevant to the development proposed.

iv. enforceable;

The condition is rather wordy however the Council is satisfied that the condition is clear enough to be enforced. The Council's Neighbourhood Quality Co-ordinator is satisfied that there are systems in place within the Council to judge whether there is an 'annoyance'.

iv. precise; and

Although the condition is quite long this is due to the fact that different odour control mechanisms will be installed at different phases of the development and/or in circumstances where they are considered necessary. The wording is considered to be precise for the development proposed.

v. reasonable in all other respects

For the reasons set out above the condition is considered to be reasonable and necessary in respect of this application. It also gives residents comfort that odour issues arising from the

proposals will be addressed by both the Local Authority and the Environment Agency.

It is considered that the proposed plant and machinery will ensure that odours at the site are dealt with. The suggested condition also gives the Council comfort that odours which cause annoyance can be dealt with by requiring the installation of further plant/machinery.

Flood Risk

The site is located adjacent to the River Douglas and is partly located within Flood Zones 2 and 3. As such a Flood Risk Assessment (FRA) of the site has been undertaken and submitted as part of the Environmental Statement.

The site is protected by flood defences and Golden Acres have confirmed that the site has not flooded due to overtopping within the last 50 years. The submitted statement confirms that there will be no buildings below 7.02m AOD that contain storage for chemicals in accordance with advice from the Environment Agency.

The main structure, the AFPS, will be sunken to a depth of 8 metres below ground level. The structure will be constructed with waterproof membranes to ensure that it is resistant to ground water and tidal flood waters. It is not intended that people will be habitually present within the AFPS. The submitted statement confirms that the proposed development will not increase flood risk to third parties elsewhere.

The FRA also addresses drainage. Water falling from the new roof areas will be transferred to the wetland area which will have sufficient capacity to meet the runoff requirements from a severe storm. The sedum roof of the AFPS will absorb rainwater and mitigate any peak flows into the system. Drainage from existing yard water and existing roof water will be collected, pumped and stored within a yard water pond and recycled to be used in the odour abatement plant.

The Environment Agency have assessed the submitted FRA and confirmed that on the grounds that buildings will be set at 7.02 AOD (which is the 1 in 1000 year flood level) and utilising a Sustainable Drainage Scheme (SUDS) to attenuate water discharges to Greenfield rates the Environment Agency has no objection on flood risk grounds. These recommendations will be secured via condition and it is not considered that the proposals will create a flood risk.

Landscape and visual impact

The original 10 year Masterplan for this site was approved in 2003 (03/00528/FULMAJ). Part of the proposals incorporated planting around the boundaries of the site to screen the buildings and mitigate the impacts of the development. This planting was secured by condition and has been planted at the site.

In respect of the visual impact of the proposals the two main areas where there will be an impact are along the valley of the River Douglas and from Tarleton on the opposite side of the River. The proposed development will add 18,563 sqm of buildings to the site along with a 30 metre high chimney.

To mitigate the visual impacts of the new buildings and chimneys the proposed buildings do not exceed the heights of the existing buildings. The main storage buildings proposed need to be large in scale to achieve the required storage capacity for the business. To achieve this these buildings (the AFPS and the Raw Material Store) are constructed below existing ground levels (the AFPS is 11 metres below the current ground level and the raw materials store is 30 metres below existing ground levels). This ensures that the height of the buildings does not exceed the existing buildings on site whilst providing sufficient capacity (The AFPS will be 8 metres high to the eaves and the raw materials store will be 7.3 metres high to the eaves).

The buildings have also been designed to minimise visual impact. Dark cladding materials will be utilised on the external elevations and the AFPS will incorporate a green sedum roof.

The proposed five bio filters are located on the lowest part of the site. The proposals comprise of five individual units which have 4.2 metres high walls and are covered by a black awning. The maximum height to the centre of the roof will be 6.7 metres high. At each end of the bio filters will be the associated flues which are 1.8 metre in diameter and 12 metres high.

The biomass boiler requires a 20 metre high chimney which will be constructed out of stainless steel. Additionally the proposed odour emissions chimney will be 30 metres high and will be finished in silver similar to the existing 17 metre high chimney on the site. This chimney is located within the proposed fan house with approximately one third within the building. A 30 metre chimney is required to disperse odours and is only necessary if the proposed bio filters do not achieve the agreed threshold levels for odour emissions. Both the biomass boiler and odour emissions require separate flues however to avoid the impact of two chimneys they are proposed to be combined in a single casing. The 30 metre chimney will only be erected if necessary from an odour abatement perspective however it is being fully considered as part of this application.

To further mitigate the impacts of the proposals additional screen planting and mounds are proposed to continue the strategy established by the 2003 Masterplan. The development proposals span over a 10 year plan period and as such the proposals will be phased. As part of phase one the areas to the south of the site (adjacent to the A59) will be graded and soiled using materials arising from construction of the bio filters and the area planted. In later stages mounding will be provided to the north and west of the AFPS. The proposals include extending existing planting, infilling existing planting, new planting and wetland habitat will be provided adjacent to the bio filters.

The submitted environmental statement states that on completion of the entire project the complex will be screened by woodland. Views from Tarleton will be screened and the appearance of the roofs of the product stores would be mitigated by the use of a green roof. Photomontages have been produced to demonstrate that impact and include the 30 metre high chimney which will be the most prominent feature. These photomontages take into account current growth rates of trees and vegetation.

The Council's Conservation Officer has commented on this application as there is a potential impact on the setting of three groups of listed buildings and one conservation area close to the site. Additional photomontages were produced to address the initial concerns raised and the Conservation Officer is satisfied that the proposals will not adversely impact on views from Bretherton Conservation Area or the view from Bank Mill.

It is considered that the proposed mitigation measures and landscaping will ensure that the developments do not adversely impact on the visual amenities of the area. The 30 metre high chimney will be the most prominent feature within the landscape however this feature will be partly screened by vegetation and the impact will not be to a degree which warrants refusal.

One of the few locations where a clear view of the proposed development, may be obtained is the view from the bridge along the A59. Proposed planting area W21 will go some way to screening the site when viewed from the bridge and the applicants will be providing an additional photomontage demonstrating improved planting to screen the site. The Applicant proposes additional heavy stock planting in this location.

Transport and Highways

The business at the site has an identified use class B2 however this is restricted via condition to purposes associated with the extrusion of agricultural produce for the purposes of animal and pet food production. The business produces dry pet food and exports the finished product off site to customers/ temporary storage facilities. As such the business generates HGV traffic transporting materials to the site and the finished product away from the site which clearly has an impact on traffic generation and the surrounding highway network.

Access to the site is achieved via the A59 (Liverpool Road) and a transport assessment forms part of the submitted Environmental Statement. The assessment has assessed the three categories of vehicle movement associated with the site, these include staff trips, trips associated with import/ export of materials/ product and trips associated with storage at the outlying stores.

The assessment concludes that there will be no overall impact in respect of staff travel (as the proposals do not involve an increase in staff), there will be 32 additional two-way daily HGV trips due to production increase and there will be a reduction of 80 HGV two-way daily HGV trips due to on-site rather than off-site storage.

As such the proposals will decrease the vehicles movements at the site which will benefit the surrounding highway network. Additionally the proposals include an Automated Finished Product Store (AFPS) which will reduce fork lift truck manoeuvres at the site. The AFPS would have the majority of the storage underground and is a totally automated building which uses computer- controlled electric Sorting Transfer Vehicles operating on rails to sort out customers' orders and deliver products direct to the loading bay. This building will be fully integrated with the production, packaging and collation operations on site which are currently undertaken by fork lift trucks resulting in a significant reduction of fork lift truck movements.

The site access has the capacity to deal with traffic flows at the site along with construction traffic. Lancashire County Council, as Transport/Highway Authority, has assessed the application and has confirmed that it has no objection to the proposals.

One resident has requested whether traffic exiting the site could be restricted to left turns only. Unfortunately this would significantly increase the mileage undertaken by vehicles exiting the site and the road network is adequate for both left and right turns. As such there is no justification for insisting on left turn exits only.

Sustainable Resources and Climate Change

The Climate Change Bill was introduced into Parliament on 14th November 2007 and became law on 26th November 2008. It is still not clear, however, how proposals and policies made under the Act will affect manufacturing, industrial and planning sectors. The aim of this Act is to encourage organisations to reduce their carbon emissions and there are proposals to introduce a Carbon Reduction Commitment (CRC) with an associated Climate Change Levy. Golden Acres is committed to the current Climate Change Agreements.

Golden Acres proposes to incorporate energy efficiency actions to a 22% saving. The existing boiler arrangement limits the ability to improve energy efficiency. However part of the proposals incorporate the installation of a biomass boiler at the site which will maximise the opportunities. This boiler will provide 30% of the total energy requirements of the site. In order to service this boiler 240 hectares (600 acres) of Willow will be required. This Willow will provide a sustainable fuel source for the site as an alternative to gas. Renewable energy is exempt from the Climate Change Levy and the installation of a biomass boiler not only provides a renewable energy source on site but also mitigates against current and future payments

The first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), the new style Local Plan, was adopted in September 2008. As such the scheme will be required to achieve a minimum 10% reduction in energy consumption which, as set out above, the scheme will exceed. Therefore the proposal is considered to be acceptable in respect of Policy SR1.

Public Consultation

Golden Acres is in close contact with immediate residents to the site and has regular contact with 5 local residents. Any complaints received by the Company and the Environment Agency are logged and formally investigated by the Company. The Company has a formal complaints procedure already set up. A response is provided to the Environment Agency via a weekly report. Additionally annual review meetings are held with Bretherton Parish Council and local residents in order to review progress and to resolve complaints. The Company produces an annual review of its odour management works undertaken and works proposed.

Additionally as part of the process of this application Golden Acres arranged two site visits for elected members on 14th and 16th

January. These visits enabled members to tour the facility and view the sites for the proposed developments.

The Company are actively involved within the community and offer various mediums in which to contact either the Company directly or the Environment Agency to discuss any concerns/ complaints

In the course of developing the proposed masterplan (as was the case in 2003) the Company has conducted community engagement exercises in the form of literature about the proposals and open days at the premises. The Company has noted matters raised by local people and responded as to how it is dealing with them (where possible). A statement confirming the conduct of these exercises, the points raised and the Company's response forms part of the application.

Response to concerns raised

West Lancashire Borough Council has raised concerns about the impact on the Green Belt. It is acknowledged that the proposed development is inappropriate development within the Green Belt and as such is a departure from the Local Plan. The conclusion below sets out why it is considered by Council Officers that very special circumstances exist for this scheme and if members are minded to recommend approval then the application will be referred to the Government Office for the North West as a matter of course to ascertain whether the Secretary of State wishes to call the application in. The concerns raised by the neighbouring authority are taken into consideration and addressed within this report.

Tarleton Parish Council object to the application as it will impact on the visual amenity of the main settlement of Tarleton. As addressed above and demonstrated by the submitted photomontages it is considered that the proposed landscaping will screen the site effectively and the proposed development and the design of the proposals ensures that the buildings will be no higher than the existing building on site.

Factory size has increased- ruined views

The proposals enable the business to expand and compete within the market supporting a viable and sustainable business within a rural area. Additionally there is no right to a view.

Offensive odours omitted

Odours have been a continuing issue at the site due to the nature of the processes on site. Temporary measures have been installed to try and alleviate the issues however the proposed development seek to address the odour impact

Increase in noise

Specific conditions are attached to the recommendation in respect of noise and the Council's Environmental Service Section is satisfied that they are satisfactory.

Light pollution

Full details of the proposed lighting, on a phase by phase basis, will be required via condition to ensure that lighting does not adversely impact on the neighbours amenities

Impact on highway safety along Liverpool Road and increased traffic

As set out above the proposals will actually reduce vehicle movements at the site which will benefit highway safety along Liverpool Road

Chimney would be an eyesore- landscaping would not disguise

It is identified that the chimney will be a visual feature within the landscape. However the chimney will only be erected as a last resort in the event that the alternative odour control mechanisms do not achieve the required effects. Additionally the proposed landscaping will screen a large part of the site and the majority of the chimney

Proposals may increase night time activities and noise impacts

Noise controls are particularly relevant during night time hours. These will be controlled via suggested conditions and through the remit of the Environment Agency

Increase pollution

The release of contaminants into the river is not considered to be a concern and the proposals intend to recycle waste and heat created at the site.

Not enough screening

The proposed screening is considered to be acceptable and when fully mature will act as an effective screen. The one weak area identified will be addressed by the applicant

Further industrial expansion into the Green Belt

The site is located within the Green Belt. Expansion in the Green Belt is only considered acceptable where very special circumstances can be demonstrated. This issue is addressed within the Conclusion.

Chimney omitting thick plumes of vapours

The current odour abatement plant releases warm moist air that condenses in the cold atmosphere. If there are only light winds, the condensed water vapour rises. This is only steam and is free from odour.

Conclusion

As set out at the start of this report the proposals fall to be considered inappropriate development within the Green Belt. As part of the submissions the Applicant has sought to demonstrate that very special circumstances exist which outweigh the harm the development will have on the Green Belt.

I am satisfied that such circumstances do exist and are of sufficient weight to override the Green Belt Policy presumption against the proposal:

- Apart from Green Belt policy the proposals are consistent with national planning policies, RSS and the saved Policies within the Local Plan.
- The development proposed relates to an existing enterprise with a strong affinity with agriculture. The proposals will enable an existing business which provides an important source of local employment to compete within the market and continue to contribute to the local, regional and national economy;

- The main impact on the Green Belt is the limited reduction in the openness resulting from the erection of new buildings and further expansion in the Green Belt. The proposals however are designed to minimise the impact on the local character of the Green Belt and the screening proposed will protect the character of the area. This will ensure that the harm caused to Green Belt policy (in principle) will be minimised
- The development proposed may be inappropriate by definition but will not in itself undermine the purposes of Green Belt or achievement of the objectives for it given the particulars and context;
- The proposals have significant benefits which include ecological enhancements, reduction in waste being transported from the site, improved noise mitigation, reductions in odour annoyance to neighbours, additional screening, a significant reduction in vehicles movements generated at the site and a reduction in energy consumption through renewable sources.
- The design of the buildings is sensitive to the context

As such the proposals are considered to be acceptable. In the event that members are minded to grant planning approval the application will be referred to the Government office for the North West as a departure from the Local Plan.

Recommendation That members are minded to grant planning permission subject to it being referred to the Government Office for the North West, the Secretary of State not calling the application in for his determination, and conditions.

Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

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

2. The approved plans are:

Plan Ref.	Received On:	Title:
01	18 th September 2009	Existing Layout (July 2009)
02	18 th September 2009	Landscape Features
03	18 th September 2009	Landscape Structure
11	18 th September 2009	Proposed Development of Golden Acres- Masterplan
12	18 th September 2009	Masterplan
13	18 th September 2009	Phasing Detail- Phase One
14	18 th September 2009	Phasing Detail- Phase Two
15	18 th September 2009	Phasing Detail- Phase Three
16	18 th September 2009	Phasing Detail- Phase Four
17	18 th September 2009	Phasing Detail- Phase Five
18	18 th September 2009	Phasing Detail- Phase Six
19	18 th September 2009	Phasing Detail- Phase Seven
20	18 th September 2009	Landscape Proposals
50 Rev P01	18 th September 2009	Automated Finished Product Store Elevations
51 Rev P01	18 th September 2009	Automated Finished Product Store Plan
52 Rev P01	18 th September 2009	Automated Finished Product Store Roof Plan

53 Rev P01	18 th September 2009	Pallet Store/ Recycling Building Plans and Elevations
54 Rev P01	18 th September 2009	IBC Store/ Raw Materials Elevations
55 Rev P01	18 th September 2009	IBC Store/ Raw Materials Plan
56 Rev P01	18 th September 2009	IBC Store/ Raw Materials Roof Plan
57 Rev P01	18 th September 2009	Impact Mitigation Drawing
58 Rev P01	18 th September 2009	Line D/ Intake Building Plan and Elevations
59 Rev P01	18 th September 2009	Line D/ Intake Building Roof Plan
60 Rev P01	18 th September 2009	Engineers Store and Hot room
61 Rev P01	18 th September 2009	Energy Centre and Line C Intake
62 Rev P01	18 th September 2009	IBC Cleaning Building
63 Rev P01	18 th September 2009	Biomass Material Store Plans and Elevations
64 Rev P01	18 th September 2009	Bio Beds Roof Plan
65 Rev P01	18 th September 2009	Bio Beds Floor Plan
66 Rev P01	18 th September 2009	Bio Beds Elevations and Sections
67	18 th September 2009	Proposed Fan House and Energy Centre
103	21 st January 2010	Record of Planning Approvals- Building and Infrastructure

Reason: To define the permission and in the interests of the proper development of the site.

3. No development shall commence until a plan showing the phasing of the development has been submitted to and agreed by the Local Planning Authority. Implementation shall be in accordance with that plan unless as otherwise agreed by the Local Planning Authority.

Reason: To ensure effective control over the respective phases of the development hereby permitted.

4. The premises shall be used for the extrusion of agricultural produce for the purposes of animal and pet food production only and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) save for ancillary uses.

Reason: The site is in an area of green belt where development is strictly controlled.

5. The Automated Finished Products Store (AFPS) shall only be used as an ancillary part of the premises to which this planning permission relates. More particularly, it shall not be used other than as expressed in condition 3 above and specifically not as an independent warehouse under Class B8 of The Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification

Reason: The site is in an area of green belt where development is strictly controlled.

6. Prior to the commencement of each phase of the development samples of all external facing materials to the proposed buildings (notwithstanding any details shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

7. Prior to the commencement of each phase of the development full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall be submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

8. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage and in accordance with Policy Nos. EP17 and EM2 of the Adopted Chorley Borough Local Plan Review.

9. No part of the development hereby permitted shall be brought into use until a travel plan to promote travel by sustainable modes has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall be implemented in accordance with the timetable to be set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually to the Local Planning Authority for approval for a period of ten years from the first occupation of the development hereby permitted.

Reason: To ensure that the site is as sustainable as possible from a transport perspective

10. No development shall take place for any of the phases of the development to be shown on the phasing plan until full details of both hard and soft landscape works (including water features) have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; parking layouts; vehicle access and circulation areas; hard surfacing materials; proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.

a. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

b. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

c. No development shall take place until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

11. None of the phases of development to be shown on the approved phasing plan shall be commenced until a habitat creation and landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas has been submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: In the interests of nature conservation, to enhance biodiversity and the appearance of the locality. In accordance with Government advice contained in PPS9: Biodiversity and Geological Conservation, Policies EM1 and DP7 of the North West Regional Spatial Strategy and Policy EP4 of the Adopted Chorley Borough Local Plan Review.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

13. Before any plant installed in Building No. 23 (Line D) on the approved Masterplan 12 becomes operational the Applicant shall have:

- i. Constructed and commissioned the raw material intake Building No. 24 and Building No. 29, on the approved Masterplan in order to minimise odours during the transfer of raw materials from road vehicles to the processing plant, and
- ii. Constructed and commissioned the 3 wet scrubbers and biobeds, being Building No. 32, on the approved Masterplan together with the extraction corridor, Building No. 33 on the approved Masterplan.

Reason: To ensure that odour released to atmosphere at the point of discharge and transfer of raw materials is minimised, and that the replacement odour abatement plant is built before any replacement production lines become operational.

14. Within three months after first becoming operational the performance of the 3 wet scrubbers and biofilters (Building No. 32 on the approved Masterplan) shall be assessed. Such assessment shall be in the form of a written report and be by way of three separate olfactometric tests undertaken over a three week period, together with a review of offsite odour impact assessments and odour complaints received from the general public during the operational period.

The written report of the olfactometric tests shall analyse the operational conditions during the tests and give an opinion as to the likely performance of the abatement plant to remove odour (based on the test results obtained).

In the event that either:

- i. air off the biofilters has an odour concentration of more than 1,500 ouE/m³; or
- ii. the Council's responsible Environmental Health Officer (or any other officer with similar responsibility under a different name), in consultation with the Environment Agency (having reviewed the report and other evidence, including that from boundary odour assessments and any complaints) considers that odour is likely to cause annoyance to local residents as assessed at the site boundary, then within nine months the Applicant shall construct and discharge all treated air from the 3 biofilters via the 30m high dispersal chimney (Building No. 34 on the approved Masterplan) hereby permitted (in the event that it has not been constructed).

Reason: To ensure that the odour impact on local residents is minimised

15. Following the construction of 2 additional wet scrubbers and biofilters as proposed (Building No. 32 on the approved Masterplan) the Applicant shall undertake performance testing identical to that required in 13.2(i) above. The assessment shall be undertaken three months after the additional 2 wet scrubbers and biofilters first become operational.

In the event that all 5 bio filters have:

- (a) on average an odour concentration of more than 1,000 oUE/m³ and,
- (b) the Council's responsible Environmental Health Officer (or any other officer with that responsibility under a different name), in consultation with the Environment Agency, having reviewed the report and other evidence, including that from boundary odour assessments and any complaints, considers that odour is likely to cause annoyance to local residents as assessed at the site boundary, then within nine months the Applicant shall construct and discharge all treated air from the 5 biofilters via the 30m high dispersal chimney (Building No. 34 on the approved Masterplan) hereby permitted (in the event that it has not been constructed).

Reason: To ensure that the odour impact on local residents is minimised.

16. Upon commencement of operations in Building 22, as shown on the approved Masterplan (drawing 12), the rating level of noise from development hereby permitted shall not exceed 44dB(Lar) for 5 minutes between 2300 and 0700 hours daily, recorded in a 'free field' location at properties east of the site on the A59 Liverpool Road. The properties are identified on the approved Masterplan.

Reason: To secure effective control over noise levels experienced at certain local residential properties close by and in accordance with policy EP20 of the Adopted Chorley Borough Local Plan Review

17. The monitoring of noise from each phase of the development hereby permitted to be shown on the phasing plan shall be undertaken in accordance with a noise monitoring scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme for each phase shall provide full details of, and justification for, how, where, when and by whom monitoring will be performed. The scheme shall remain in place throughout the operation of the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure effective control over noise levels experienced at certain local residential properties close by and in accordance with policy EP20 of the Adopted Chorley Borough Local Plan Review

18. No development shall take place for any of the phases to be shown in the phasing plan, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (a) operating hours during which works of construction or demolition or works incidental thereto shall take place;
- (b) the parking of vehicles of site operatives and visitors;
- (c) loading and unloading of plant and materials;
- (d) storage of plant and materials used in constructing the development;
- (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (f) wheel washing facilities;
- (g) measures to control the emission of dust and dirt during construction and
- (h) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To minimise the impact of construction on the local environment

19. None of the chimney flues hereby permitted shall be erected until full details of their external appearance (which shall include height, all materials, colours, and the shape of any cones)have been submitted to and approved by the Local Planning Authority in writing.

Reason: To minimise the impact of the chimney flues on the local environment and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

20. No development shall take place until a programme of archaeological work for each of the phases to be shown on the phasing plan have been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a programme of earthwork recording, evaluation trenching and palaeoenvironmental analysis of peat deposits present on the site.

Reason: To enable archaeologists to record any items of interest and in accordance with Policy Nos. HT11 and HT12 of the Adopted Chorley Borough Local Plan Review.

21. Details of all external lighting for each phase of the development hereby permitted to be shown on the phasing plan shall be submitted to and approved in writing by the Local Planning Authority before each phase of the development hereby permitted is used. Development shall be carried out in accordance with the approved details.

Reason: To minimise the impact of the development on the local environment and in accordance with Policy EP21A of the Adopted Chorley Borough Local Plan Review

22. All the buildings hereby permitted within which people are habitually present shall have a threshold level of 7.02 metres AOD

Reason: To protect against a 1 in 1000 year tidal flood situation

23. All access points for the AFPS hereby permitted shall be set above 7.02 metres AOD.

Reason: To protect against the 1 in 1000 year tidal flood situation

24. The AFPS hereby permitted shall not be commenced until full details of waterproof membranes to be used to make its structure resistant to groundwater and tidal flood waters have been submitted to and approved by the Local Planning Authority in writing. The development shall only be implemented in accordance with those approved details and they shall be maintained permanently.

Reason: To protect against the 1 in 1000 year tidal flood situation

25. No development for any of the phases approved shall be commenced until full details of a sustainable drainage system have been approved. Run off from the new developments in excess of 10 litres per second per hectare (l/s/ha) will be retained and managed on site in that sustainable drainage system.

Reason: To secure sustainable development principles and in accordance with Policy EP18 of the Adopted Chorley Borough Local Plan Review

26. Waste water and storage lagoons hereby permitted shall be constructed with a lined or impermeable base.

Reason: To prevent the percolation of effluent into the ground and in accordance with Policy EP17 of the Adopted Chorley Borough Local Plan Review

27. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.
