



Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 27 August 2020.

V

Subject:

This is a full planning application for building operations to reinstate animal by-products process plant and roof mounted solar PV equipment following fire damage, demolition of outrigger extension at rear and shelter roof structures on west side, structural alterations to create extensions to front and west side, replacement and resizing of industrial access doors, installation of concrete wall sections to replace blockwork walls, installation of new wall and roof cladding, re-siting of two silo tanks (retrospective)

Summary statement:

The application is a partially retrospective application for reinstatement of buildings that caught fire at the end of August 2019. The main process building caught fire and there was also fire damage to the adjacent tipping shed. The existing stack, bio filters, trailer shed, thermal oxidiser, engineers building and other ancillary plant, machinery and equipment were not affected; these buildings and elements do not form part of this planning application.

The replacement building footprints are proposed on a like for like basis. There are some minor amendments to the footprint, which include squaring off the building, removal of some small extensions and inclusion of plant/equipment in the new building that was previously part of a lean to.

Subject to the suggested conditions, the application is recommended for approval.

Julian Jackson
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Transportation & Highways)
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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy



1. SUMMARY

This is a planning application 20/00865/MAF for building operations to reinstate animal by-products process plant, solar panels and silos at Erlings Works Half Acre Road Bradford

2. BACKGROUND

Erlings Works has been an operational animal by-products plant taking category 1 animal by-products and rendering them since 1999, prior to this it was an established maggots and as a knacker's yard with an incinerator and by-products plant area.

In August 2019 the main process building caught fire and there was also fire damage to the adjacent tipping shed.

This application is to reinstate the process building and tipping shed, slightly altering the footprint to achieve a net addition of 189 sqm to the pre-fire buildings structures of 1,417sq m. The tipping hall, the highest building, is no higher than previously granted permission at approximately 12m, but the process hall is higher than previously granted permission, it is now proposed at approximately 10m when previously it was approx. 8.6m. The reason given for the additional height of approx. 1.5 m is to accommodate all main duct work to run inside the building.

The finish is proposed as previously, in juniper green stainless steel cladding, but with a finish that is easier to clean

3. OTHER CONSIDERATIONS

All considerations material to the determination of this planning application are set out in Appendix 1.

4. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications for the Council arising from this application.

5. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications.

6. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority.

7. OTHER IMPLICATIONS

N/A

7.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

7.2 SUSTAINABILITY IMPLICATIONS

The site is in the Green Belt and is safeguarded site through policy WDM3 of the Waste Management DPD, in that the Council will safeguard existing waste management facilities identified. The reinstated buildings are within an enclosed, already existing employment use; and the scale, massing, finish and height of the proposed structures are such that it has little or no greater impact on the openness of the wider Green Belt. The expectation tests of tests c, d and g are considered to be met. The proposal is therefore not considered to be inappropriate development in the Green Belt.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

There will be no significant greenhouse gas emissions impacts caused by the reinstatement of the fire damaged buildings, the HGVs remain as previously and only a transient increase in HGVs associated with the construction activities are noted by the Air Quality officer, who states they are unlikely to give rise to measureable long term increases in pollutant concentrations on the surrounding road network site. The solar panels on the roof of the buildings provide onsite electricity, providing alternate means of electricity generation and the rendering process itself creates a by- product, tallow, which is used as an alternate fuel to heavy diesel oil. The emissions from the process are regulated by an Environmental Permit.

7.4 COMMUNITY SAFETY IMPLICATIONS

There are no Community Safety Implications

7.5 HUMAN RIGHTS ACT

Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal. This is incorporated within the report attached as Appendix 1.

7.6 TRADE UNION

None.

7.7 WARD IMPLICATIONS

There no Ward implications posed by this development.

8. NOT FOR PUBLICATION DOCUMENTS

There are no ‘not for publication’ documents.

9. OPTIONS

This Committee has the authority to approve or refuse this development. If Members are minded to refuse this application, then reasons for refusal will need to be given.

10. RECOMMENDATIONS

To approve subject to conditions included in Appendix 1.

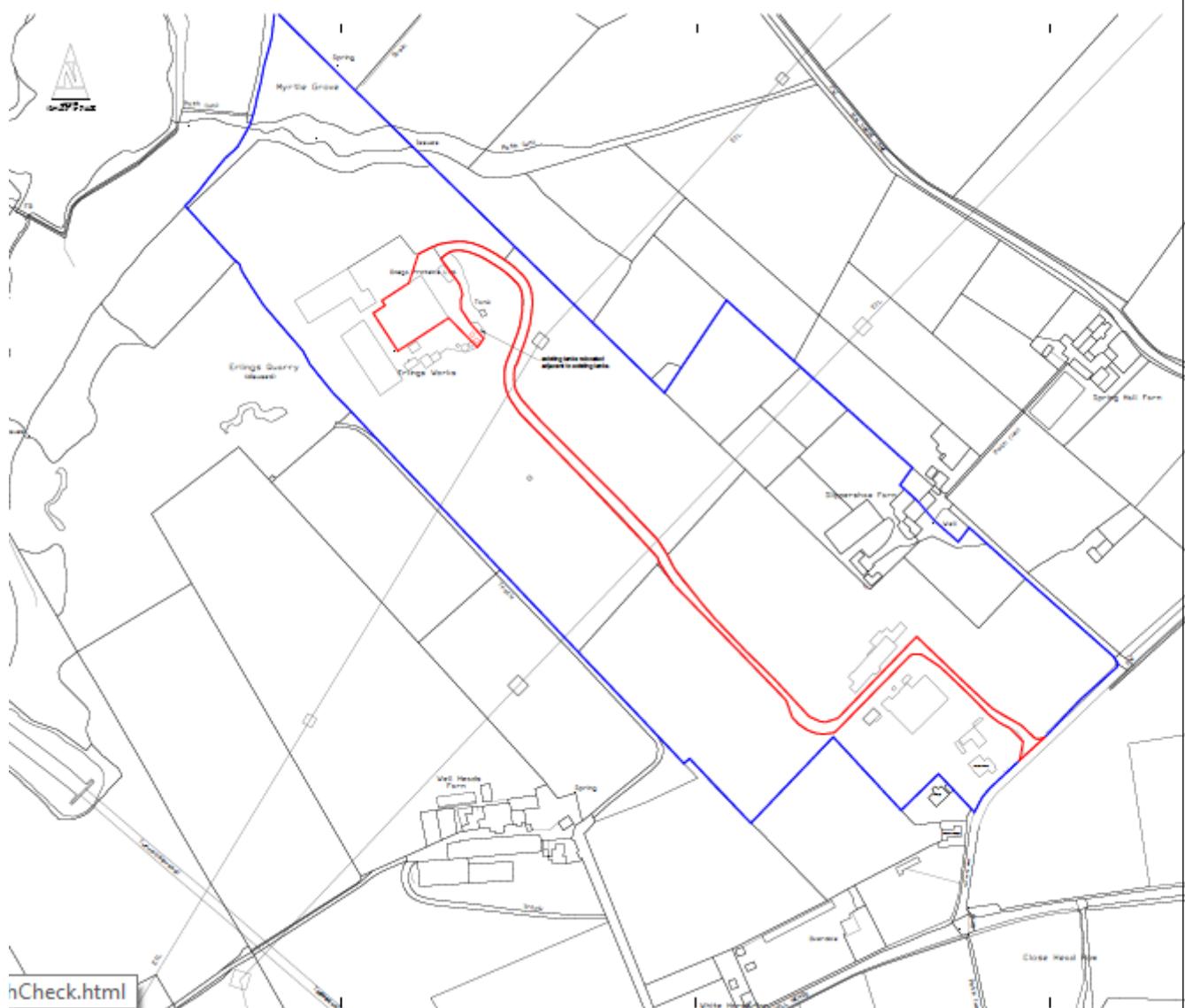
11. APPENDICES

Appendix 1: Technical Report.

12. BACKGROUND DOCUMENTS

The Replacement Unitary Development Plan for Bradford District
National Planning Policy Framework & National Planning Policy for Waste
The Core Strategy Development Plan Document
Bradford Waste Management Development Plan Document

20/00865/MAF



Erlings Works Half Acre Road Denholme Bradford BD13 3SG	
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Appendix 1.

Ward: 03 – Bingley rural

Recommendation:
To Grant Planning Permission subject to conditions

Application Number:

20/00865/MAF

Type of Application/Proposal and Address:

Building operations to reinstate animal by-products process plant and roof mounted solar PV equipment following fire damage, demolition of outrigger extension at rear and shelter roof structures on west side, structural alterations to create extensions to front and west side, replacement and resizing of industrial access doors, installation of concrete wall sections to replace blockwork walls, installation of new wall and roof cladding, re-siting of two silo tanks (retrospective)

Erlings Works Half Acre Road Denholme Bradford West Yorkshire BD13 3SG

Applicant:

Omega Proteins Ltd

Agent:

MAZE Planning Solutions

1.0 Site Description:

1.1 The site is in a predominantly agricultural area approximately 1 km North West of Thornton and 1 km south east of Denholme. Access to the site is via a long track off Half Acre Road. This access also serves a small cluster of buildings and a slaughterhouse, which are currently unoccupied, dropping down the valley to the operational site which sits in a former 'quarry' above Doe Park Reservoir.

1.2 The rendering buildings sit in the base of the former 'quarry' and are surrounded by bunding and tree planting.

Relevant Site History:

App. Ref.	Description	Decision
17/05910/MAF	Installation of roof mounted solar PV equipment	Granted 10 Jan 2018
15/03533/FUL	Extension of existing chimney from 20m to 25m	Granted 11 Dec 2015
13/01939/VOC	Removal of condition 5 of application ref: 06/09646/VOC (APP/W4705/A/07/2042004)	Granted 12 July 2013, conditions appealed - allowed 22 Jan 2014
13/01173/FUL	Construction of extension to existing bio-filter bed	Granted 15 Oct 2013
13/00646/FUL	Single storey building to house boiler	Granted 4 June 2013
12/02574/ADV	Business sign showing company name, sign with information about times HGVs can enter the site	Granted Dec 2012

12/02720/FUL	Installation CCTV camera	Granted Sep 2012
12/01131/FUL	Retrospective application (in part) to retain improvements and propose other works to the site access.	Granted July 2012
11/00414/FUL	Single storey building to form a trailer shed for 12 trailers	Granted June 2011
10/03571/FUL	Acoustic attenuation measures	Granted Sep 2010
10/03003/FUL	Access Improvements to site access to Erlings Works, Half Acre Road, Thornton	Granted August 2010
07/04911/VOC	Planning Application to vary planning permission 01/02817/VOC to allow extended hours for HGV's to visit the site, increase in the number of HGV's visiting the site, change of the hours of rendering and clarify the hours of emergency vehicles visiting the site.	Refused Oct 2007 – Appeal dismissed Dec 2010
07/03388/FUL	Extension to enlarge delivery bay	Granted June 2007
06/09646/VOC	Planning Application to vary planning permission 01/02817/VOC to allow extended hours for HGV's to visit the site, increase in the number of HGV's visiting the site, and clarify the hours of emergency vehicles visiting the site	Refused Feb 2007 – Allowed on appeal Dec 2010 - heard with 07/04911/VOC.
06/01549/FUL	Retrospective planning application for 20m high 1.5m diameter chimney -	Refused May 2006 - Allowed on appeal May 2007
02/02099/FUL	Planning application for erection of 26m high 2.6m wide chimney -	Refused October 2002 Appeal dismissed July 2003
01/02817/VOC	Planning application to vary planning permission referenced 98/03267/FUL to allow extended hours for HGV's to visit the site and double the number of vehicle movements to and from the site	Refused but partly allowed on appeal, to allow slight increase in hours and an increase in HGV movements
98/03267/FUL	Planning application for demolition and re-construction for rendering plant and formation of new filter bed at Erlings Works	Granted 18 October 1999
98/01911/CLE	A Certificate of Lawfulness of Existing Use or Development for the use of land at Erlings Works for the breeding of maggots and as a knackers yard with an incinerator and by-products plant area.	Issued in November 1998

2.0 Policy

National Planning Policy Framework

2.1 The National Planning Policy Framework was revised in Feb 2019 and is a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

2.2 As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

2.3 Therefore the proposal has been reviewed for consistency with the (NPPF). Specific parts of the NPPF which are most relevant to the proposal include paragraph 83 which requires Local Authority Plans to support all types of business and enterprise in rural areas.

2.4 Paragraph 144 is also relevant in that inappropriate development should not be approved except in very special circumstances and paragraph 145 refers to exceptions that are permitted and not considered inappropriate development in the Green Belt.

National Planning Policy for Waste (NPPW)

2.5 The National Planning Policy for Waste 2014 and supporting planning practice guidance on waste (PPGW) were published on the 16th October 2014. The new policy replaces Planning Policy Statement 10 (PPS10) as the national planning policy for waste in England and sits alongside the NPPF and is a material planning consideration.

Development Plan Proposals Map Allocation:

- The proposal site is within the Green Belt as defined by the Proposals Map.
- The proposal is a safeguarded waste management facility in the adopted Waste DPD.

Policies in Bradford Core Strategy and Bradford Waste DPD

2.6 As the site is within the Green Belt Strategic Policy 7 in the adopted Core Strategy is relevant (which defines the Green Belt) as is saved policy GB1 of the replacement

Unitary Development Plan (RUDP) which considers the policy base for green belt protection. The following adopted Core Strategy and Waste DPD policies are considered to be particularly relevant to the proposed development:

2.7 Core Strategy

- P1 - Presumption in Favour of Sustainable Development
- PN1 - South Pennine Towns and Villages
- EC1 – Creating a successful and competitive Bradford District economy within the Leeds City Region
- EC4 Sustainable Economic Growth
- EN4 - Landscape
- EN8: Environmental Protection
- DS1 Achieving Good Design
- DS2 Working with the Landscape

2.8 Waste DPD

- W5 – sites agricultural waste
- WDM 2 - Assessing All Applications for New and Expanded Waste Management Facilities
- WDM 3 – Applications Resulting in the Loss of a Proposed or Existing Waste Management Facility

3.0 Parish Council:

3.1 Denholme Town Council

Response - Resolved to support the application subject to the following conditions:
“The Council requests that they adhere to the previous conditions that were agreed regarding the wagons.”

4.0 Publicity and Number of Representations:

4.1 The application was advertised in the press and by neighbour notification letters.
The notification period expired on the 15 May 2020.

287 representations objecting to the proposal.

4 representations supporting the proposal.

Summary of Representations Received:

4.2 The vast majority of the objections refer to the odour from the plant/operations and impacts of the smell from HGVs that pass through Denholme and surrounding areas. A selection/summary of comments are below:

4.3 Objections

- *The stench drifts across the fields and spoils the air quality. The smell is like rotting flesh and at time stops us from going in the garden and forces us to have all the windows closed.*
- *This business should close permanently.*
- *Omega Proteins have proven time and time again that they cannot manage their own business safely and whilst following rules.*
- *The emissions can be seen for many miles around.*

- Since they had to stop operating the atmosphere around here has been bliss.
- People should come before rich companies making vast profits out of our misery
- There is also the problem of waste dropped from lorries on road.
- The wagons that serve the plant leave a lingering smell of rotting flesh and death in the air. The "vapour" constantly emitted from the plant is vile.
- The company that operates the plant is an awful neighbour they have zero regard for anyone.
- I am horrified at the idea of that foul smell returning to my home.
- The quality of life of the individuals of Denholme, Thornton and Keelham will be adversely effected by this proposal
- should only be allowed to operate weekdays until they can prove full control of all smells emanating from the site.
- The stench of the lorries going past is revolting
- This plant must not be allowed to reopen.
- the wagons tend to 'drop' carcasses out of their wagons as they come through our village
- the speed of which the lorries travel through denholme- it is quite frightening- drivers have absolutely no regard for speed limits. In this respect I would expect the council to reduce the speed limit to 20mph throughout denholme..
- they have never been able to contain the smell
- they have never been able to stop spillage of rotting animal parts on the road
- The company has to have more consideration for local residents and until they do, the site must not reopen.
- Prior to the fire in August 2019 the putrid smells from the processing plant were increasing to unbearable levels.
- No chimney no matter how tall...is ever going to get the foul smelling pollution away from the hills and valleys of the area.
- The company has no incentive to abide by the rules. Or respect its neighbours wellbeing .
- On hot days the smell from the factory is terrible
- The new trailers were supposed to stop the smell but we're just as bad.
- It becomes unpleasant to sit out or venture out into the village for too long as the smell is offensive
- Just fed up of all the smells and odours and the spillage from the wagons passing through the village not just Denholme it's Thorntons and the surrounding areas Queensbury
- The rotten burning smell is disgusting.
- The quality of daily life is severely impaired.
- The smells linger for hours
- Damage to the road surface over time by hgv's for which the road was not designed
- There has been a noticeable difference since the plant closed.
- I do not believe the 20 jobs warrant the misery and poor mental health of thousands.
- This plant makes living in Thornton extremely unpleasant at times.
- The UK has something like 90% of land left undeveloped and uninhabited - plants like this should be placed there, away from people's homes.
- The plans are increasing the original footprint, which in turn will increase the output, which in turn will increase the noise, smell, and disturb the residents who live close to this Plant.

- They allow HGV's to leave and enter the site out of permitted hours.
- They allow the company to violate the Government Public Enquiry rulings re the site.
- They allow the company to violate the VOSA HGV site permit and don't report videos of the violations.
- The cladding and roofing is not suitably robust and air tight construction and will allow odour to be omitted
- my children attend Keelham primary school and the smell from the wagons that go past continually is disgusting
- When the vans travel through Queensbury village the smell is so strong it can cause vomiting.
- By allowing this through, you are deterring house buyers for this area and lowering the value of the houses here.
- I have no faith in their ability or willingness to do any better in the future than they have in the past
- It will result in the resumption of odour pollution from the site.
- The site has been expanded without first obtaining permission
- Denholme does not want the disgusting smell lingering back through our village
- this operation flouted the rules on a regular basis on when they could move vehicles, often the lorries where passing Keelham Primary School whilst the children were playing outside,Children cannot play out as the smell is so extreme.
- the site plans are NOT like for like and the plant has fundamentally increased its footprint.
- The plans lack adequate details such omission of information of the chimney stack.
- This mass production plant is located in the wrong area.
- The increase in the number of solar panels and positions of the silos highly visible – contrary to green belt policies

4.4 Philp Davies MP

I have been contacted by local residents who are totally opposed to this application mainly due to unpleasant smells, noise and heavy lorries using residential roads. I fully support their objections and hope that permission is refused. It is also very disappointing to see it is a retrospective application.

4.5 Supports

- Good to see that the owner is moving forward and getting this factory up and running again, investing in upgrading the facility making it more efficient and cleaner for the environment around it, along with adding solar panels to help generate more electricity greenly is another plus going forward.
- Its unfortunate that people cannot recognise that places like this are needed to process this type of material, both efficiently and safely.
- Be good for the people who need jobs no objection my way I'd like it to reopen

5.0 Consultations:

Drainage

The LLFA do NOT have any objections to the proposed development.

Environment Agency

1st Response 5 May

Whilst we have no objections to this application, we would like to draw the applicant's attention to the following informative comments:

Advice to LPA/applicant

This development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency, unless a waste exemption applies.

2nd response 29 May 2020

We have reviewed the information submitted with the application and we have no objection to the proposal. Our detailed comments are as follows.

Environment Agency Position

This application relates to the treatment of 'animal matter' which according to the Environmental Permitting (England and Wales) Regulations 2016, section 6.8, is permitted by Bradford Council who is the regulator for these activities.

Environmental Health - Permit officer

1st response 7 May 2020

Omega Proteins Ltd operates a category 1 animal by-product (ABP) rendering plant at Erlings Works, Thornton, Bradford, which has been running since 2000. Category 1 material includes material arriving from slaughterhouses and fallen stock and is frequently highly odorous.

The rendering plant is regulated under the provisions of the Environmental Permitting (England and Wales) Regulations 2016. Omega Proteins Ltd has a permit to operate a scheduled installation (animal by-products rendering). The permit contains legally enforceable conditions that are designed to minimise pollution to air, land and water. This includes noise and odour, the latter having been a source of numerous complaints from local residents. The permit was issued and is regulated by Bradford Council's Environmental Health Service

There are several stages in the rendering process, including crushing and cooking animal by-products at high temperature and subsequent meal/tallow separation. Each of these stages is likely to emit offensive odours into the processing environment.

To minimise the release of offensive odours to the external atmosphere, the process building is required to be maintained under negative pressure. Air is extracted from all of the processing areas and subject to treatment in odour abatement plant, namely the thermal oxidiser and three associated bio filters. The most odorous air is expected to be treated by incineration in the combustion chambers of the thermal oxidiser.

Omega Proteins Ltd suffered a major fire in August 2019 leading to the immediate cessation of rendering activities at the site. Just prior to the fire in July 2019 the Environmental Health Service had received the highest number of odour complaints relating to the site in a single month since the plant had started operation. The number of complaints received in that month was not dissimilar to that received in an entire year in the past. 2019 also saw the highest number of complaints received in a year despite the plant ceasing operations in August.

The application, in the main, concerns the rebuilding and expansion of the process building. It is both welcomed and expected that Omega Proteins Ltd have taken the opportunity to improve the fundamental design of the structure and the layout of the process building. It is, however, extremely disappointing, given both the rise in complaint numbers last year and the increasingly negative perception of the company on the part of local residents, that they have not taken the opportunity to propose the incorporation of additional odour control improvements within this planning application

Prior to the submission of this planning application Omega Proteins Ltd acknowledged the rise in complaints and informed the Environmental Health Service that they would, in the near future, trial the use of wet scrubber odour abatement technology to augment the use of the existing biofilters. The amount of operational downtime caused by the fire should have been more than adequate to take this project forward. The use of scrubber technology within the rendering industry is well established and represents proven technology in terms of odour abatement. They are also quite large structures and if wet scrubber technology is to be introduced at this site in the near future then it would have been expected to have been incorporated into the planning application. Therefore, it is disappointing that Omega Proteins Ltd have not included this within their application to help allay the fears and the perception of local residents that the company prioritise profit over pollution, specifically odour prevention, and that improvements other than structural have been included within this application

The process building has been increased in size (an increase of 189m² of the previous 1417m²) and the natural consequence of this is that an increased volume of air will need to be extracted to the biofilters to maintain the building under negative pressure. No information has been provided within relation to this to determine if the current biofilters size/capacity will be sufficient or if there is a need for an increase to provide suitable odour abatement.

As a result of the fire, we understand that some of the equipment that was in use, including 2 cookers, has been replaced. There is no information provided within the planning application to state whether the processing capacity will be increased as a consequence and whether the thermal oxidiser, which we understand has not been replaced, has sufficient capacity to adequately treat odorous emissions from the new processing equipment that is to be used.

It is the opinion of the Environmental Health Service that these concerns must be resolved and would request that, if practicable, that the applicant be required to address these important concerns when the Council is giving its consideration to the above application.

2nd response 1 June 2020

I have the following comments in relation to clarification provided by the applicant's agent:

1. Incorporation of additional odour control improvements within the planning application including wet scrubber technology

It is accepted that the works detailed by Mr Watts should provide improvements in relation to odour control, although I must reiterate my disappointment that no further improvements were detailed within the application.

2. Adequacy of current biofilters size/capacity and any need for an increase to provide suitable odour abatement.

There are no specific standards relating to air changes within rendering plant buildings to refer to, however, air changes should be frequent enough to ensure process buildings remains under negative pressure. Testing can be undertaken at a later date. A residence time of 51.4 seconds and 49.1 seconds within the biofilters will be sufficient to comply with the environmental permit and can be calculated on completion of works.

From the information provided by the applicant, providing the biofilters are working efficiently, there will be no need to increase the size of the biofilters.

3. Some equipment including 2 cookers has been replaced; will processing capacity be increased and does the retained thermal oxidiser have capacity to treat odorous emissions from the new equipment.

On the basis that the existing thermal oxidiser will treat the same volume of process fume from like for like rendering equipment, it should prove adequate for the task.

Environmental Health – AQ

I have reviewed this application in relation to the impact of vehicle emissions on local air quality. It is noted that no change is planned to the previous level of operational HGV movements once reprocessing starts and no new parking is proposed. There will be a transient increase in HGVs associated with the construction activities but these are unlikely to give rise to measureable long term increases in pollutant concentrations on the surrounding road network.

To minimise emissions to air from the construction phase it is recommended that the following measures are put in place:

- an anti-idling policy is implemented for all construction vehicles entering the site*
- loads of waste or dry construction materials should be covered before entering the surrounding road network.*
- Any stockpiles of dry or dusty materials should be covered or kept damp*
- Wheelwashing should be put in place if necessary to prevent egress of mud or other potentially dusty materials onto the highway.*
- Wet arrestment should be used during cutting or grinding operations or any other construction /demolition processes likely to result in creation of fine particulates*
- No materials should be burnt on the site*
- All construction activities should be undertaken in accordance with the IAQM best practice guidance on control of emissions from demolition and construction available here: <https://iaqm.co.uk/text/guidance/construction-dust-2014.pdf>*

Subject to the use of best practice to control construction emissions from the site I have no local air quality management objections to this proposal.

Issues relating to the environmental permitting of the site / process emissions (non-vehicle exhaust) will be subject to a further consultation response by a colleague and are not considered in my response.

Environmental Health – Land Quality

Initially raised queries regarding how land/ground contamination was prevented when firefighting activities took place.

Agent provided a list of measures undertaken and on review EH stated:

It is therefore concluded that the comprehensive post-fire site clean-up, presence of hardstanding across the property and the layout of the site drainage system mitigated against the potential for residual contamination within the ground. It is also noted re: compliance with the requirements of the Environmental Permit.

Environmental Health has no further land contamination observations in relation to this Planning application and raises no objections.

Highways

I have assessed the proposal and consider that the granting of planning permission would not have adverse implications for highway safety and therefore I raise no objections from a highways point of view.

This is a retrospective application to replace fire damaged buildings to enable continued operation of the existing business on this site. There is no proposed increase in business capacity and therefore no increase in traffic generation is expected. The existing access, parking and on-site turning arrangements would remain the same.

Landscape

1st response 14 April 2020

The current application is for the reinstatement of an established animal by-products process facilities, that was damaged in a fire on 25 August 2019.

The submitted information is very basic and does not provide sufficient information to properly assess the impact that the building changes and the re-siting of the two silos tanks would have on the surrounding countryside and views.

According to our records, previous Landscape comments have been provided regarding the site for numerous previous planning applications.

The site lies within the Mixed Upland Pasture of the Thornton and Queensbury Landscape Character Area as described in the Local Development Framework for Bradford, adopted by Bradford Council in October 2008.

The strength of character of the Mixed Upland Pasture is described as moderate. "In general the presence of dominant urban elements in the landscape such as pylons and streetlights etc, and the lack of distinctiveness, gives this landscape a moderate strength of character. However, there are wide variations between different areas, ranging from weak/moderate to moderate/strong".

The policy guideline is to conserve areas with stronger landscape character and enhance areas with weaker landscape character. "Further development and environmental projects must aim not only to accommodate future needs, but also mitigate the adverse impacts of the past rather than perpetuate them."

This landscape has moderate strength of character, medium historic continuity, and is prominent and open. The prominence of the mixed upland pasture means that any changes that do occur in the landscape are very noticeable and have a large impact on the landscape character.

The site has some bunding and tree planting to provide visual and noise screening. However, the proposed buildings and silos tanks have a significant impact in terms of massing and bulk; and are likely to be visible from surrounding areas.

A visual study should be carried out to assess the impact of the proposals and mitigate the visual impact on short, medium and long distance landscape views and quality.

This

is particularly relevant to the north and to the north east of the site.

Response 16 July 2020

I have now checked the attached additional documents. The proposals are acceptable.

However the following should be completed at some stage.

- *the Landscape & Visual Appraisal of the Site is as draft and will need to be completed with at least a plan indicating the viewpoint locations.*
- *the Supporting Notes are not very specific for the site; e.g. planting on a gradient and stability of slopes; depth of topsoil where required.*

Yorkshire Water

Thank you for consulting Yorkshire Water regarding application 20/00865/MAF but we have no comment to make.

6.0 Summary of Main Issues:

The main issues are

- Principle and policy issues – inc. Green Belt
- Landscape impacts
- Environmental impacts – odour plant and HGVs (odour & speed)
- Economy

7.0 Appraisal:

Proposal

7.1 Erlings Works has been an operational animal by-products plant taking category 1 animal by-products and rendering them since 1999, prior to this it was an established maggots and as a knacker's yard with an incinerator and by-products plant area.

7.2 The application is a partially retrospective application for reinstatement of buildings that caught fire at the end of August 2019. The main process building caught fire and there was also fire damage to the adjacent tipping shed. The existing stack, bio filters, trailer shed, thermal oxidiser, engineers building and other ancillary plant, machinery and equipment were not affected; these buildings and elements do not form part of this planning application.

7.3 The applicant proceeded to repair the fire damaged buildings, removing all the cladding and undertaking works to the fabric of the building – including renewed floors, drains block walls and replacement cladding. It is stated that approximately 20% of the steel in the process building needed to be replaced due to buckling in the fire.

7.4 The replacement building footprints are proposed on a like for like basis – in line with the 1998 (98/03267/FUL) original buildings footprint and 2007 (07/03388/FUL) extension to delivery bay footprint. There are some minor amendments to the footprint, which include squaring off the building, removal of some small extensions and inclusion of plant/equipment in the new building that was previously part of a lean to. The proposed buildings are approximately 37m by 44m. There would be a net addition of 189 sqm to the pre-fire buildings structures of 1,417sq m.

7.5 The tipping hall, the highest building, is no higher than previously granted permission at approximately 12m, but the process hall is higher than previously granted permission, it is now proposed at approximately 10m when previously it was approx.

8.6m. The reason given for the additional height of approx. 1.5 m is to accommodate all main duct work to run inside the building.

7.6 The finish is proposed as previously, in juniper green stainless steel cladding, but with a finish that is easier to clean.

7.7 The solar panels granted in 2017 through application 17/05910/MAF will also be reinstated. However, based on the submission the number of solar panels has decreased from approx. 600 to approx. 400, with the eastern side of the tipping shed no longer shown with an array of solar panels

7.8 The agent has stated there is no proposal to increase HGV movements, change the access, change the throughput of animal by-products or operating hours to those previously granted by previous planning permissions or appeal decisions.

History & proposal

7.9 The history of Erlings works is complex, with a number of applications since 1998 and a number of appeals. The appeals mainly related to HGV movements and the request by the applicant to increase the HGV movements and the hours they arrived at site to those originally granted in 1998. The Council refused permission to increase HGV movements and hours they arrived on site on several occasion, but the Government appointed Inspector at appeal permitted both an increase in HGV's and hours. The site operators largely under a planning appeal decision issued in 2010 and a Permit granted by Environmental Health. There some additional buildings i.e. the trailer shed which fall under alternate decision notices

7.10 In terms of this application it is the original 1998 permission for the buildings and an extension to the tipping hall in 2007 which form the basis of the planning assessment and are the buildings that are being reinstated. It is not the whole site, nor the bio filters, the trailer shed, stack or other structures etc. The principal of the use of the site as a rendering plant has been established by previous permissions and the use has not been extinguished by the reinstatement of some of the buildings on site. This is an important point to note as many of the objectors are seeking that the use of the site as a rendering plant ceases.

7.11 Turning to the bases of this application, as indicated above this is a reinstatement of two buildings that have been fire damaged in late August 2019. The Council was aware of the fire and that re-building had commenced, with officers from the planning department visiting the site to assess the reinstatement works that were being undertaken. The planning department noted the reinstatement works and formally requested in early January 2020 reasons as to why the applicant did not consider planning permission was required or to submit a planning application. The applicant submitted a planning application in early March 2020.

7.12 It should be noted that the applicant has continued to reinstate the buildings since the submission of the planning application and has not paused the reinstatement to await the outcome of the planning application. Consequently, the reinstate of the buildings has largely been completed since the submission in early March 2020.

Principle, Inc. Green Belt

7.13 The key overarching issue in planning is delivering sustainable development. The NPPF in particular promotes a presumption in favour of sustainable development at the heart of the NPPF; referred to as the ‘golden thread’ running through decision taking. The Bradford Local Plan Core Strategy also refers to sustainability objectives. Bradford Local Plan Core Strategy Policy P1 is a key policy on the presumption in favour of suitable development, outlining that the Council will approve permission without delay unless material consideration indicate otherwise. In accordance with Core policy 1(SC1), planning decisions ensure high quality and design to protect the natural environment.

7.14 Erlings Works is situated in the Green Belt and all proposals for development in the Green Belt should be considered against policy GB1 of the RUDP, which states that except in very special circumstances planning permission will not be granted in the Green Belt, other than for the purposes of agriculture, forestry, outdoor sport and recreation or cemeteries or for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it.

7.15 Additionally, policies in the adopted Core Strategy SC7, give the broad extent of the Green, with Policy EN4 noting that Development Decisions should make a positive contribution towards the conservation, management and enhancement of the diversity of landscapes within the District utilising the Landscape Character Assessment SPDs. The area in which the site is located has been identified as a Landscape Character Area (Thornton and Queensbury) and as a mixed upland pasture. The introduction of unacceptable visual intrusion and introduction of incongruous landscape elements should be avoided.

7.16 The NPPF, National Planning Policy for Waste 2014, the Core Strategy and Waste DPD all seek to protect the Green Belt with paragraph 143 of the NPPF and para 6 of the NPPW reiterating guidance on Green Belt in that inappropriate development will require that very special circumstances are demonstrated.

7.17 However, Erlings Works is a safeguarded site through policy WDM3 of the Waste Management DPD, in that the Council will safeguard existing waste management facilities identified.

7.18 There are clear exceptions to Green Belt policies and para 145 of the NPPF outlines these. It is considered the c), d) and g) of para 145 of the NNPF are applicable to this planning application.

7.19 Para 145 NPPF

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

-
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the

existing development;

.....

7.20 The extensions and alterations proposed are minimal in terms of footprint, amounting to 189 sqm to the pre-fire buildings structures of 1,417sq m, with the replacement building being the same use and not materially larger in footprint than the ones it replaces, in accordance with para 145 (c) and (d) of the NPPF. However, the increase in height of the process building is arguably more than the exceptions (c) and (d) allow.

7.21 There could be a case to argue that the additional 1.5m is not a disproportionate addition over and above the height of the original building which was 8.6m, when taken into consideration in the setting of the tipping shed at 12m and other existing buildings on site (trailer shed). However, it is considered appropriate to refer to exception (g) of para 145

7.22 Exception (g) refers to previously developed land, the proposal is clearly redevelopment of previously developed land, the test is whether or not the additional 1.5m on the process shed would result in a greater impact on the openness of the Green Belt than the ‘existing’ development. Openness is usually defined by the visual impact, massing and volume of buildings in the Green Belt.

7.23 As indicated, the rendering buildings sit in a former ‘quarry’ and lower than the immediate surrounding land, however there are views in to the site from certain locations, including 10 yards Lane and footpaths to the east of the site. However, the tipping shed is the highest building on the site, sitting at 12m in height and it is the structure that is visible from Ten Yards Lane, the process building sits behind the tipping shed and is not visible from this location. From other views across the valley and from other footpaths in the area views into the site are limited.

7.24 The volume and massing of the process building by an increase in 1.5m is not insignificant, but again, when viewed with other structure onsite, the height and its massing is not such that it impacts on the openness. When viewed from across the valley, the process building sits in the former ‘quarry’, with former ‘quarry’ wall in the background – it is not sitting above the land.

7.25 The solar panels are also proposed to be replaced and in 2017 their impact in the Green Belt was assessed and concluded that as they sit on the roofs of the buildings, they do not impact any further on the openness of the green belt. The two proposed storage tanks sit at the rear of the site, are existing and are retrospective in nature, their impact is minimal taken in the context of the surrounding buildings, structure and location on site.

7.26 Overall, the reinstated buildings are within an enclosed, already existing employment use; and the scale, massing, finish and height of the proposed structures are such that it has little or no greater impact on the openness of the wider Green Belt. The expectation tests of tests c, d and g are considered to be met. Furthermore, it is clear that the proposal does not conflict with the purposes of including land in the Green Belt, such as urban encroachment, unrestricted sprawl and merging of towns. The proposal is therefore not considered to be inappropriate development in the Green Belt.

Landscape Impacts

7.27 Policy DS1 and DS2 of the Core Strategy seek to achieve good design and one which works with the landscape and Policy WDM 2 of the Waste Management DPD states waste development will be permitted where the design, siting and external appearance is of a scale, mass, form and character appropriate to its location and landscape setting; and the facility's design, location, and operation maximises opportunities to recover energy and to make efficient use of heat and water resources.

7.28 Policy EN4 of the Core Strategy is specific to landscape impacts on certain areas and that if there is a change any potential adverse impacts are assessed through a visual impact appraisal and managed.

7.29 The site lies within the Mixed Upland Pasture of the Thornton and Queensbury, with it noted by the landscape officer that "*This landscape has moderate strength of character, medium historic continuity, and is prominent and open. The prominence of the mixed upland pasture means that any changes that do occur in the landscape are very noticeable and have a large impact on the landscape character.*"

7.30 A landscape and visual appraisal was requested by the landscape team to assess the impacts of the proposal and mitigate the visual impacts on short, medium and long distance views and quality. It should be noted that the proposal is to reinstate the buildings that were fire damaged and therefore the change to the landscape could be described as minimal. Nevertheless, the applicant was requested to undertake a landscape and visual appraisal based on the site, not just to the change to the reinstated buildings i.e. an increase in height (1.5m) of the process building.

7.31 The impacts on the landscape of Erlings Works has been subject to a number of differences of opinion over the years, the Council have previously contested that an increase in the height and width of the stack would have an adverse impact on the landscape, but the Council have not raised any significant concerns regarding the buildings. Government appointed Inspectors have differed in their opinion on the stack and permitted increases in the height and width of the chimney and in May 2007 permitted on appeal an increase in the height and width of the stack.

7.32 Since 2007 there have been a substantial number of wind turbines erected in the area, some in very close proximity to the Erlings Works site. There has been a significant change to the landscape with the Landscape team previously commenting in 2015 that "*....the landscape character and appearance of the area has altered due to the presence of a number of wind turbines within the local landscape. We believe that the increase in the presence of wind turbines has become a dominant element and a further detractor within this landscape, particularly due to their light colour, reflective qualities and eye catching rotating blades...*". In 2015 the landscape team also considered that a chimney extension would not adversely affect the character of the landscape, or that it would cause unacceptable visual intrusion within the Landscape Character Area.

7.33 The landscape and visual appraisal requested by the landscape team for this application and submitted by the applicant has concluded and stated:

"The Site topography falls generally from south to north with the central processing area occupying a flat area set within a depression in the landform which was a former quarry. This area is surrounded by landscape bunds to

the west, east and south. The Site is currently largely in industrial use, with an area of existing woodland to the north. The wider Site is bound by a number of landscape bunds with elements of recent landscape planting.

Views into the Site are available from ten Yards Lane. There are open and partial views to the northern portions of the Site from Public Rights of Way and dwellings near to east and north-east portion of the Site and are seen in the context of the built form of the existing industrial units and energy infrastructure which is prevalent in the area. There are also a small number of long distance, glimpsed views of the Site from the wider public right of way network and small number of residential dwellings within portions of Denholme to the north-west. Again, these views are seen within the context of the built form of the industrial elements and energy infrastructure and form a small part of wider views. The reinstatement works have been laid out largely on the same footprint as the existing to retain the existing landscape features including mature boundary trees, and woodland and the most sensitive parts of the Site, addressing the current local policy.

Existing boundary vegetation will be enhanced with additional tree planting and native shrubs where appropriate. The Site layout largely follows the existing footprint of built form within the Appraisal Site, sitting development down within the landscape, reducing the impact of development within the most sensitive areas of the Site.

Minor adverse effects are anticipated to landscape character. These effects will be borne in an area recognised as a moderate strength of character, that have an existing relationship with the existing industrial elements and energy infrastructure prevalent in the area and will largely be offset by the new landscape scheme.

In summary, the proposed reinstatement of the facility will sit within the existing landscape character without causing significant harm. New native tree and shrub planting are to be considered for long term replacement ensuring the longevity and vigour of the existing vegetation is maintained on Site.”

7.34 A plan has also been submitted to show additional planting on the existing bunds. It has been noted that part of one of the bunds has been slightly increased in height and full reinstatement will be required for this part of the bund.

7.35 The landscape team have considered the submissions and are now satisfied, agreeing that the proposals are acceptable. However, to ensure the gradient and stability of the slopes/bunds, are acceptable and soils are applied where necessary a condition will be necessary.

7.36 In terms of the design of the reinstated buildings, they are as before, shed like in appearance and coloured green to sit in the landscape. They are functional and with the additional landscaping, it is considered that the siting and external appearance is of a scale, mass, form and character are appropriate to the location and landscape setting.

7.37 The solar panels are less than previously permitted in 2017, shown as 400 units rather than 600 units and as in 2017 are not considered to have an adverse impact on

the landscape. The use of solar panels maximises opportunities to recover energy in accordance with WDM 2 of the Waste DPD.

7.38 In conclusion, it is considered the impacts on the landscape are minor adverse, and with mitigation are acceptable, that the design the siting and external appearance is of a scale, mass, form and character that is appropriate to the location and landscape setting. The proposal is therefore considered to be in accordance with policy EN4, DS1 and DS2 of the Core Strategy and policy WDM2 of the Waste Management DPD.

Environmental impacts – odour plant and HGVs (odour & other matters)

7.39 Policy EN8 of the Core Strategy and WDM2 of the Waste DPD require that other environmental impacts are addressed and mitigated if appropriate.

7.40 By far the issue of most concern to residents is the odour from the plant and odour/spillages from the HGV's the travel on the surrounding roads, in particular through Denholme village.

7.41 However, the remit of the Local Planning Authority is not to control odour from the day to day operations of the plant, this is undertaken through the Environmental Permitting regime. The primary body responsible for emissions/air quality/odour and control of impacts on human health and the environment are Environmental Health Department through this Environmental Permitting regime. In simple terms Environmental Health are responsible for setting and enforcing emission limits and regulating odour from the operational rendering facility and the overall day to day operations of the site.

7.42 The role of the planning authority is set out in paragraph 183 of the NPPF :

'... 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.....'

7.43 Additionally, the National Planning Policy on Waste 2014 states under para 7

"Planning authorities should - concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced"

7.44 Consequently, it is not for the Local Planning Authority to consider in detail the impacts of emissions and odours when considering the merits of the planning application. The Government's position and guidance is clear, planning authorities should call on the advice of the relevant consultees and work on the assumption that the relevant pollution control regime will be properly applied and enforced. They are also clear that refusing permission or requiring specific mitigation when the matter is within the remit of another relevant body, be that another part of the Council is not appropriate. Nevertheless, the built form should be such to assist in providing mitigation from odours.

7.45 Although the Environmental Health team who deal with the Permit raised some

initial concerns regarding the reinstatement of the buildings, requesting information on the adequacy of current bio filters size/capacity and any need for an increase to provide suitable odour abatement, questioning whether or not processing capacity had been increased and expressing disappointment that no further improvements were detailed within the application, the EH team did accept the responses from the agent on these matters and raised no objections, but continued to express disappointment that significant improvements e.g. scrubber technology was not proposed.

7.46 The agent reiterated the benefits of the new reinstated buildings to the EH Team, stating that:

“....Omega Proteins has embraced the opportunity presented by fire recovery to improve the fundamental design of the structure, but the extent of the improvements that will be delivered is not fully appreciated because they do not all require planning permission, so have not been set out in Omega’s Planning Statement. The planning application is for the building works and odour will be covered by environmental permitting process, so whilst there are no obvious changes to odour abatement equipment visible in the planning application Omega has invested significant resources in undertaking a thorough review of the potential for improvements during the plant’s ‘shut down’ period and as a result the following changes to abatement are being made:

- a. Improved building fabrication, which is explained in the Planning Statement because it relates to the way the buildings have been reconstructed*
- b. Improved layout to facilitate better access for cleaning*
- c. Improved airflow and associated reduction in the indoor air temperature*
- d. Improved segregation and collection of the different ‘levels’ of odorous air, reducing the ultimate load on the biofilters*
- e. Improved drainage and collection of waste water*
- f. Replacement of a roller shutter closure with close fitting lids for the raw material bins*
- g. Cooling of air within the ducting*

Collectively these are significant improvements that will reduce odour at source and reduce the loading on the odour abatement systems.... The planning application deals with changes to buildings and as far as possible works have been confined to putting the plant back as it was before the fire, with appropriate improvements to the design of the structure. Further developments in odour prevention are being dealt with through the environmental permitting process. The use of scrubber technology has been reviewed and researched and is not ruled out as a future installation.

7.47 Additionally, the agent has confirmed that the increase in height of the process building by 1.5m now allows all main duct work to run inside the building, which the applicant states will bring significant benefits for air handling, odour and noise abatement, as temperature and moisture content of air passing through the bio filters can be effectively managed, allowing the bio filter bacteria to have warm wet air, but not too hot. The now internally mounted ducting provides a stable temperature environment and a new air cooling system reduces air temperature inside the duct and injects just the right amount of moisture en-route to the bio filter so air reaches the filter in optimum condition. Previously some of the equipment associated with this was outside the main fabric of the building.

7.48 It is clear the EH Team consider the reinstated buildings will provide a better outcome in terms of odour control from the built form and integrity of this built form. The EH Team raise no objections, therefore the reinstated buildings are, for the purpose of planning, considered fit for purpose and will assist in mitigating odours. The

EH team continue to seek further technology (e.g. scrubbers) to be included in the reinstatement, but these are not something that the planning process can impose on the applicant, if such equipment is required to control process odour through the day to day operations at the site, then the Environmental Health Team should seek to require the equipment through the Permitting process.

7.49 The Environment Agency and Environmental Health have been consulted and have commented on the application. Neither, the Environment Agency or Environmental Health have raised any objections and neither have they indicated that there are any 'show stoppers' or serious concerns which may lead to a conclusion of the LPA that the planning permission for reinstatement of the buildings is inappropriate.

7.50 The reinstatement of the buildings will provide a better outcome in terms of odour, but the main remit to address any ongoing issues related to odour is through the Permitting process.

7.51 The Environmental Health Air Quality Officer and Environmental Health Land Quality Officer have also commented on the application. With the EH AQ officer noting that there are not changes to the HGV movements, therefore raising no objections. The EH AQ notes that their remit is regarding HGVs emissions and that other matters regarding air quality would be through the Permit.

7.52 The Environmental Health Land Quality Officer requested clarification on fire-fighting activities in order to be satisfied that these did not create any ground/land contamination issues. The agent stated the area inside and outside the buildings is hardsurfaced, that the drainage systems in and outside the building remained intact and a comprehensive clean up took place after the firefighting activity. The EH Land Quality officer noted the agent's comments and stated they had no further land contamination observations in relation to the planning application and raised no objections.

7.53 The proposal is considered to be in accordance with policy EN8 of the Bradford Core Strategy and policy WMD2 of the Waste DPD, in that nuisance from odour (and other nuisance issues e.g. noise) have been addressed as far as possible by the planning process, in that the reinstated buildings will not create any additional nuisance and if constructed as submitted, will provide some mitigation in terms of odour and noise; and that there are no adverse impacts regarding exhaust emissions from HGVs and there are no contaminated land issues arising .

7.54 With regards to representations made regarding the odour the HGVs create, the spillages on the wider road network and speeding on the wider road network, these are considered to be matters outside of the planning remit, as all vehicles have the right to pass and repass on the road network and activities such as speeding are a police matter.

7.55 The highway officer has raised no concerns regarding the operations and considers that the granting of planning permission would not have adverse implications for highway safety. Further stating that there is no proposed increase in business capacity and therefore no increase in traffic generation is expected. The existing access, parking and on-site turning arrangements would remain the same. Conditions to ensure compliance with previously permitted HGV movements and hours that HGV's visit the site are considered essential, to ensure that highway safety and any nuisance

to adjacent residential properties from HGV deliveries is minimised. With such conditions in place it is considered that the proposal is in accordance with policies TR1 and DS5 of the Bradford Core Strategy in that highway matters have been considered and in accordance with policy WMD2 of the Bradford Waste DPD in that the any adverse impacts from traffic have been considered.

Economy

7.56 The NPPF at para 83 supports a prosperous rural economy and Core Strategy Policy EC1 and EC4 supports sustainable development in Rural Areas, by supporting diversification and sustainability of rural businesses, with local Policy PN1 supporting economic diversification and retention of local employment. There is a presumption in the NPPF and Core Strategy that the diversification and a local rural economy should be supported.

7.57 Residents consider such activities should not be permitted in such locations and within proximity of housing, stating that the use of the site for rendering impacts on other businesses and the tourism economy. However, the site is not in close proximity to a large number of residential properties or businesses, there are some farmsteads, and a handful of residential properties located near the access point, along with residential properties along Well Heads however, these are situated some 500m from the site. The site overall can be described as being in a rural setting, but it is acknowledged that the direction of the wind can mean that uncontrolled odour can reach further afield (e.g. 1km Denholme) and impact on local footpaths. However, without repeating matters already addressed within this report, the control of odour is within the remit of the Environmental Permitting process.

7.58 In terms of economic activity, the rendering of animal by products is an important nationally and locally activity, with this site taking specialised category 1 animal by-products, fallen stock and BSE cattle. The facility of Erlings works is one of only a handful of category 1 animal by-products plants in the UK and it is therefore key to the UK economy. Policy EC4 states that support should be given to priority business sectors through the provision of appropriately located sites and premises. Although residents do not consider the site to be appropriately located, there is a long history and establishment for waste/similar uses on the site (back to 1910), including rendering, maggot breeding and processing of animal by-products and as indicated above, it is also now through the Waste DPD a safeguarded waste management site. The site is considered to be appropriately located and the buildings to be reinstated are largely as permitted by the Council in 1998, however, it is noted that the activities at the site have intensified since then, but this is largely through appeals via the Government Inspectors who not only considered the site appropriately located, but considered intensification of the process appropriate.

7.59 The agent states that: "*The proposed reinstatement is also essential to business continuity for Omega Proteins and to safeguard jobs at this site and at the Halifax head office which provides key administrative function sot support the business. For Omegas; parent company, Leo Group, a functioning plant at Erlings Works is critical because it enable the business to continue providing a full serve to abattoirs that need to dispose of both Category 1 and Category 3 animal by-products*"

7.60 In conclusion, it is considered the site is an established safeguarded waste site, in a rural location, providing an essential service for the economy both nationally and locally, whilst also providing local jobs. The proposal is therefore considered to be in

accordance with policy EC1, EC4 and PN1 of the Core Strategy and policy WDM3 of the Waste Management DPD.

8.0 Community Safety Implications:

8.1 There are no other community safety implications other than those referred to in the main body of the report.

9.0 Equality Act 2010, Section 149:

9.1 Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that this is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose Section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

10.0 Reason for Granting Planning Permission:

The proposal provides reinstatement of buildings on previously developed land that is safeguarded for waste activities in the green belt that presents no significant adverse concerns to residential, visual amenity and highway safety and that the proposal is not considered inappropriate development in the Green Belt. The proposal is considered acceptable and, with the attached conditions, satisfies the requirements of policies GB1 of the Replacement Unitary Development Plan and policies P1, PN1, EC1, EC4, EN4, EN8, DS1, DS2, of the Local Plan for Bradford, policies WDM2 and WDM3 the Waste Management DPD, and the relevant paragraphs of the National Planning Policy Framework and National Planning Policy for Waste (NPPW).

11.0 Conditions:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall only be carried out in accordance with the following drawings:

- i) Location Plan 2694-20-06 dated Feb 2020
- ii) Site plan 2694-20-07 dated Feb 2020
- iii) Floor plan 2694-20-04 dated Feb 2020
- iv) Elevations 2694-20-05 Rev B dated Feb 2020
- v) Storage Tanks 2694-20-08 dated Feb 2020
- vi) Roof and Solar panels 2694-20-09 dated Feb 2020.
- vii) Landscape General Arrangement Plan, Ref:
UG_637_LAN_GA_DRW_01, dated 15/07/20

Save where measures are required by the conditions set out elsewhere on this permission, which shall take precedence over the above documents.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted and in the interest of visual amenity and highway safety in accordance with policy DS5 and EN4 of the Core Strategy Development Plan Document and WDM2 of the Bradford Waste Management DPD.

3. The development hereby approved shall only be carried out in accordance with the details in the following letter:
 - i) Omega Proteins Limited,
Erlings Works, Half Acre Road, Denholme, BD13 3SG,
Reinstatement of Process Building (retrospective)
Dated 28 February 2020

Save where measures are required by the conditions set out elsewhere on this permission, which shall take precedence over the above documents.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

4. All reinstated buildings hereby approved shall be constructed using external facing and roofing materials as specified in letter
 - i) Omega Proteins Limited,
Erlings Works, Half Acre Road, Denholme, BD13 3SG,
Reinstatement of Process Building (retrospective)
Dated 28 February 2020

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies EN4, DS1 and DS3 of the Core Strategy Development Plan Document.

5. All reinstated buildings hereby approved shall be finished in Juniper Green BS12b29.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies EN4, DS1 and DS3 of the Core Strategy Development Plan Document.

6. Rendering or incineration operations (as distinct from maintenance operations) may be carried out on a 24-hour basis from Monday to Saturdays, but not at any time on Sundays or Bank and Public Holidays.

Reason: In the interests of residential amenity, for the avoidance of doubt and to accord with policies EN8 of the Bradford Core Strategy and WDM2 of the Bradford Waste Management DPD.

7. No activities shall be carried out in the buildings on the site other than rendering of animal by product.

Reason: In the interests of residential amenity, for the avoidance of doubt and to accord with policies EN8 of the Bradford Core Strategy and WDM2 of the Bradford Waste Management DPD

8. No more than 60 movements per day (30 into and 30 out of the site) shall be made by HGVs (defined as Other Goods Vehicles Classes 1 and 2 in the Design Manual for Roads and Bridges). This number shall be averaged over a one-week period and the maximum number of movements in any one day shall not exceed 70 (35 into and 35 out of the site). Records of all HGV movements shall be kept in writing for a minimum period of three years in a form approved by the local planning authority, and these records shall be made available to the local planning authority on request.

Reason: In the interests of highway safety and residential amenity in accordance with policy DS5 and EN8 of the Core Strategy Development Plan Document and WDM2 of the Bradford Waste Management DPD.

9. No HGVs (defined as Other Goods Vehicles Classes 1 and 2 in the Design Manual for Roads and Bridges) shall enter or leave the site except between the hours of 0800 and 2200 from Monday to Saturday, and none shall enter or leave the site at any time on Sundays and bank and public holidays.

Reason: In the interests of highway safety and residential amenity in accordance with policy DS5 and EN8 of the Core Strategy Development Plan Document and WDM2 of the Bradford Waste Management DPD.

10. If, in exceptional emergency circumstances, HGVs have to enter or leave the site outside the hours permitted by Condition 9 above or would exceed the numbers permitted in Condition 8 above, the site operator shall notify the Local Planning Authority in writing within three working days, giving the reason for the emergency. The operator of the site shall maintain records of all emergency vehicle numbers and movements including the numbers and reasons for the emergency. These records shall be retained for a minimum period of three years and shall be made available to the Local Planning Authority on request.

Reason: In the interests of highway safety and residential amenity in accordance with policy DS5 and EN8 of the Core Strategy Development Plan Document and WDM2 of the Bradford Waste Management DPD.

11. Within one month of the date of this decision notice a scheme shall be submitted for approval based on submitted drawing entitled Landscape General Arrangement Plan, Ref: UG_637_LAN_GA_DRW_01, dated 15/07/20 plan and it shall detail the steps and dates of operations to include:

- i) Demonstration that the bund gradients/slopes and the stability are acceptable for planting
- ii) Any soils to be applied and depths
- iii) Wildflower Seeding and grasses
- iv) Tree planting
- v) Aftercare and management for a period of 5 years

The detailed scheme shall be approved and fully implemented in accordance with the approved timescales.

Reason: To ensure the restored site is cared for in an appropriate manner in the interests of landscape character and design, in accordance with Policies DS2 and EN4 and the Bradford Local Plan Core Strategy and WDM2 of the Bradford Waste Management DPD.