

## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 25 June 2020**

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### **Subject:**

This is a full planning application for the construction of a combine heat and power gas generator on land to the west of Turf Lane adjacent to HCF Poultry Ltd., Cullingworth. The application site is located in the Green Belt.

### **Summary statement:**

The generator represents inappropriate development in the Green Belt as defined in the National Planning Policy Framework. The applicant posits the case that there are very special circumstances to approve the development. Following detailed consideration of the application it is concluded that the need for the development does represent very special circumstances and so can be considered acceptable in Green Belt terms.

The site is also within a designated landscape character area. The impact of the development on the landscape has been considered and found not to be detrimental.

The proximity of residential properties to the site and the potential impact on the living conditions and amenity by reason of noise and fumes has been considered and deemed to be acceptable.

The application is recommended for approval with conditions.

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**Portfolio:**  
**Regeneration, Planning and Transport**

**Overview & Scrutiny Area:**  
**Regeneration and Economy**

**1. SUMMARY**

This is a full planning application for the construction of a combined heat and power generator on land to the west of Turf Lane, Cullingworth to serve HCF Poultry Ltd.

**2. BACKGROUND**

Attached as Appendix 1 is a copy of the Officer's Report which identifies the material considerations of the proposal

**3. OTHER CONSIDERATIONS**

None

**4. 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.

**5. FINANCIAL & RESOURCE APPRAISAL**

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

**6. RISK MANAGEMENT & GOVERNANCE ISSUES**

No implications.

**7. LEGAL APPRAISAL**

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

**8. OTHER IMPLICATIONS**

None

**8.1 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 characteristics 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.

**8.2 SUSTAINABILITY IMPLICATIONS**

The site is located on the edge of the urban area of Cullingworth and occupies a site in the Green Belt. The development has the potential to impact sustainability by introducing inappropriate development into the Green Belt. However, this has to be balanced against the benefits of the scheme in terms of the business and employment and the alterations to the operation of the business. It is necessary to consider the economic, social and environmental impact of the development.

**8.3 GREENHOUSE GAS EMISSIONS IMPACTS**

There are not considered to be any significant greenhouse gas emissions impacts caused by the proposed development.

#### **8.4 COMMUNITY SAFETY IMPLICATIONS**

The Community Safety Implications of the proposed development are considered in Appendix 1.

#### **8.5 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.

#### **8.6 TRADE UNION**

None

#### **8.7 WARD IMPLICATIONS**

There are no Ward implications posed by this development.

#### **9. NOT FOR PUBLICATION DOCUMENTS**

There are no 'not for publication' documents.

#### **10. RECOMMENDATIONS**

It is recommended that the Committee accept the recommendation of approval within the report attached as Appendix 1.

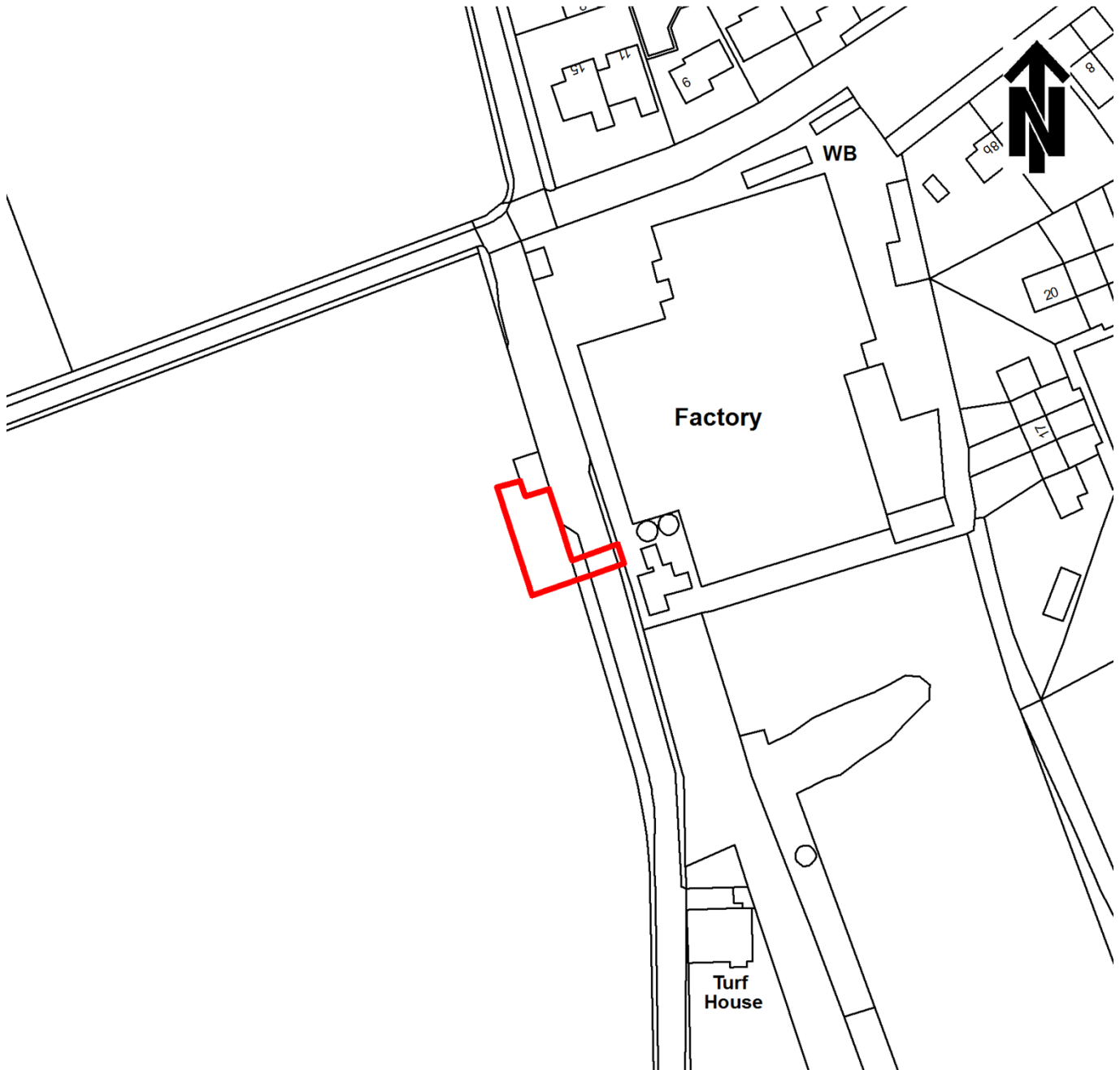
#### **11. APPENDICES**

Appendix 1: Report of the Strategic Director of Regeneration and Culture.

#### **12. BACKGROUND DOCUMENTS**

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

19/04627/FUL



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**Station Yard Station Road  
Cullingworth BD13 5HP**

## Appendix 1

**Ward:** BINGLEY RURAL

**Recommendation:**  
**TO GRANT PERMISSION**

**Application Number:**  
19/04627/FUL

**Type of Application/Proposal and Address:**

Full planning application for the installation of a combined heat and power (CHP) gas generator at land to the west of Turf Lane to serve HCF Poultry Ltd., Station Yard, Station Road, Cullingworth

**Applicant:**

Mr Mariusz Tokarczyk - HCF Poultry Ltd

**Agent:**

Mr John Steel - J O Steel Consulting

**Site Description:**

The application relates to a meat processing factory (HCF Poultry Ltd) which is located at the corner of Station Road and Turf Lane in Cullingworth. Turf Lane is an unmade road that is heavily potholed. The application site is on the edge of the settlement on open agricultural land used primarily for the grazing of livestock. A carbon dioxide (CO<sub>2</sub>) storage tank and enclosure stands on a concrete base occupying around 38.25m<sup>2</sup>; the site comprises a rectangular shaped piece of land to the west of Turf Lane south of the tank. There are a number of public footpaths and bridleways that crisscross the landscape around the site and along Station Road and to the north following the old railway line.

**Relevant Site History:**

16/05102/FUL - To retain industrial tank on concrete base in fenced compound.  
Granted 24.10.2016

18/04699/CON - Consultation with the Environment Agency - application for an environmental permit. No objections 04.12.2018

**The National Planning Policy Framework (NPPF):**

The NPPF is now a material planning consideration on any development proposal. The NPPF 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:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

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

### **Local Plan for Bradford:**

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated or any specific land use but is within the designated Green Belt and the Wilsden Landscape Character Area. Accordingly, the following adopted Core Strategy policies and saved RUDP policies are applicable to this proposal.

### **Core Strategy Policies**

Policy EN4: Landscape  
Policy EN5: Trees and Woodland  
Policy EN6: Energy  
Policy EN8: Environmental Protection  
Policy EC2: Supporting Business and Job Creation  
Policy EC4: Sustainable Economic Growth  
Policy DS1: Achieving Good Design  
Policy DS2: Working with the Landscape  
Policy DS4: Streets and Movement  
Policy DS5: Safe and Inclusive Places

### **Saved RUDP Policies**

Policy GB1 Green Belt  
Policy GB2 Siting of New Building in the Green Belt

### **Other Relevant Legislation**

Environmental Permitting (England and Wales) (Amendment) Regulations 2018  
10 of Regulation (EC) 1069/2009

### **Parish Council:**

Cullingworth Village Council: There is a general presumption against inappropriate development in Green Belt and proposals must not harm the countryside. Policies are set down to strictly control development. Planning permission will not be given except in very special circumstances and must be in unobtrusive position within the landscape if that were found to be the case. Previous CO2 equipment was placed with no planning permission and tree planting has been ineffective. It remains obtrusive and harms the visual amenity. This proposal will cause further harm to the Green Belt. This is purely a commercial decision, there are no proven special circumstances and in no way is it related to agriculture.

### **Publicity and Number of Representations:**

Application was publicised by individual notification letters, site notice and press notice (Telegraph and Argus). The publicity period expired on 20th December 2019. To date a total of 29 letters of objection have been received including one from Philip Davies MP.

**Summary of Representations Received:**

The application address is misleading; the site is in the Green Belt on the western side of Turf Lane in the field, not within Station Yard.

The development is inappropriate in the Green Belt.

The business generates a significant number of lorry movements through Cullingworth which is harmful to amenity because of noise, smells and impact on the highway network.

The site already produces unpleasant smells this would make that worse.

The business has outgrown the site and should relocate.

**Consultations:**

Environment Agency: No objections to this application. The operations of the facility will fall under the regulatory scope of the Environment Agency. It is therefore recommended that the applicant ensures the facility is constructed to comply with the requirements of the Medium Combustion Plant Directive (MCPD) and the Environmental Permitting (England and Wales) (Amendment) Regulations 2018. Under the terms of the MCPD it is likely that a permit variation will be required before the plant can operate.

Environmental Protection (Air Quality): Further to the provision of additional information by the applicant regarding expected emission rates from the proposed CHP plant it has been possible to complete a screening assessment in line with DEFRA guidance on review and assessment of air quality impacts of CHP plant. The screening indicates that the proposed plant is unlikely to exceed the annual average objective for NO<sub>2</sub> at the nearest residential receptor point located approximately 60m away to the south of the proposed stack. Additionally, emissions from the plant will be subject to an environmental permit by the Environment Agency. On this basis there are no air quality objections to this proposal.

Environmental Protection (Nuisance): Due the relatively close proximity of some residential dwellings to the proposed plant there are some concerns regarding the potential for noise from the plant to cause disturbance to the occupiers of these dwellings.

Tree Section: If the application is acceptable, tree planting could be used as a means to overcome arboricultural concerns and current non-compliance with Policy EN5. However, it is noted that in connection with the previously attached tree planting condition relating to 16/05102/FUL there is no evidence that this was ever implemented or if it was the planting has failed. It would therefore be beneficial if the application were to propose mitigation tree planting that also included the requirements of the 16/05102/FUL application if this is possible in planning terms, and possibly any agreed planting to be complete before development starts.

Highways Engineer: No objections.

**Summary of Main Issues:**

1. Green Belt
2. Landscape Impact
3. Economic Development
4. Environmental Impacts
5. Residential Amenity
6. Trees

## 7. Highway Safety

### **Appraisal:**

The proposal is to install a CHP plant on the plot identified to the west of Turf Lane. The plant comprises machinery located on a 15.5m x 5.2m concrete pad; the size of the proposed power plant is 2.8m wide, 12.2m long and with an overall height of 8.2m. Turf Lane forms the boundary of the Green Belt. The site is, therefore, within the Green Belt as defined in Policy GB1 of the RUDP.

### 1. Green Belt

The NPPF sets out that planning plays a key role in economic development. This is also reflected in the locally adopted policies of the Core Strategy. NPPF paragraph 8 states: 'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.' These objectives are economic, social and environmental.

NPPF Paragraph 145 states: 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.' There are a series of exceptions to this which, for ease of reference, are set out below:-

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- 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;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- 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; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 146 of the NPPF continues:-

'Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:-

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and



f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.'

In light of the above it is agreed between the Council and applicant that the proposal represents inappropriate development in the Green Belt on the basis that it does not fall into any of the exceptions listed above.

It is therefore necessary to consider the following:-

NPPF Paragraph 143: 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances', and NPPF paragraph 144: 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'

It is, therefore, the contention of the applicant that there are very special circumstances that mean that the development should be permitted. It is necessary to consider this matter in detail.

The business, HCF Poultry Ltd., is based at Station Yard located on the edge of Cullingworth. The site comprises a number of large buildings and as the site has developed there is less available spaces to develop within the existing envelope of the site. This is demonstrated by the permission granted in 2016 (ref16/05102/FUL) which was to retain industrial tank on concrete base in fenced compound.

It is necessary to carefully consider the function of the proposed CHP gas generator. The current operation at Station Yard is operating at the near power capacity and there have been energy outages in the past. The proposal is, therefore, primarily intended to achieve a secure energy supply to the site. It is noted that there is an alternative to the CHP generator identified by the applicant, which is to increase the electrical power to the site from the national grid but this would require a long new cable run from a suitable substation and this would impact on the local road network whilst it was being installed.

The CHP generator is powered by gas, of which there is an adequate supply to the site. It is acknowledged that this is not a renewable energy source. However, the site is presently powered by a combination of electricity, gas and diesel. The proposed generator would remove the need for diesel and so improve the environmental credentials of the site.

Additional information has been submitted with the application relating to the business operation at the site. It is intending to invest in a new animal by-product waste processing plant within the Station Yard site. It is important to note that this element does not require planning permission and does not form part of the application, however, it is relevant as it is agreed that without the CHP generator supplying power the new processing plant cannot operate.

The animal by-product is 'Category 3 low risk' as set out in Article 10 of Regulation (EC) 1069/2009 but has to be processed at approved sites. At present, the animal by-product waste is taken off-site by lorry to an approved processing plant in Penrith, Cumbria. This means that at present 4 to 5 sheeted lorries leave the plant each day

removing offal and other chicken waste. From some of the correspondence received from Cullingworth residents it is the case that sometimes chicken waste has dropped on the roads. The proposed processing plant would mean that all animal waste could be processed on site thus removing the requirement for lorries to come to and from the site to remove the waste as presently happens.

It is also the case that the processing plant can be integrated into a full circular economy solution that can utilise the output oil to run a CHP plant to generate on-site electricity, hot water and steam thus enhancing site sustainability.

It does have to be stressed that the waste processing plant does not require planning permission and there is no way to condition or otherwise link its installation to the grant of planning permission for the CHP generator. However, it is reasonable to conclude that if permission is granted the waste processing unit is likely to be installed. It is also acknowledged, as has been mentioned above, that the site is already operating near to full capacity and so some form of additional power generation is necessary in order for the business to continue to operate at its present capacity. However, it is considered that given the energy use at the site at present, which is nearing full capacity. This means that the business is unable to progress. This being the case, it is considered that there are very special circumstances to grant permission, even if the animal by product processing unit is not installed.

One of the important considerations is whether the proposed CHP generator could be located within the Station Yard and thus prevent the need for it to be sited in the Green Belt. As has been mentioned previously the site is already relatively well-occupied by buildings and a certain amount of yard space is required to accommodate vehicles movements, including heavy goods vehicles (HGVs). A plan of Station Yard has been submitted that shows the CHP generator cannot be located within the site. This means that the site chosen is a reasonable alternative from a practical and operational assessment. It does of course mean that the development encroaches into the Green Belt.

This leads to the wider question of whether the business has 'outgrown' the Station Yard site, given that this would be the second piece of apparatus sited outside of the yard and in the Green Belt?

The site has operated as an abattoir/meat processing factory since before 1978 and the current business has operated since 2004. The operation at the site has grown since that time. From the information submitted by the applicant there were 91 employees in 2004 and there are now 160. There is, clearly, a finite amount of growth that can be accommodated at the site. Given that the application is to develop within the Green Belt it is reasonable to ask if the business is at maximum capacity and should therefore relocate to more suitable premises.

The Council cannot directly require a business to relocate. However, it can, through planning decision(s) have an impact on the economic development of this business. If this application were to be refused it is reasonable to consider what the impact would be on the business in terms of the future of the current employees and the long term future of the business.

It is stated in the submitted information that since 2010 the company have invested £6.25m and the proposed CHP generator has a capital cost of £400k. There is no

reason to question these figures and it is agreed that it demonstrates a commitment to the longevity of the economic use of the site.

The economic development of the proposal is considered later in this report, however the number of jobs at the site and provided by this proposed development is a material consideration in relation to the Green Belt. It is argued that the business cannot be maintained at the current level unless the CHP generator is installed. This is partly due to the requirements of the supply chain of which the business is a part. At present the meat process operated at the site is relatively power intensive. The proposed CHP has the dual effect of securing the power supply to the site, thus eliminating potential power outages, and also reduces the carbon footprint of the site since the processing unit means that no animal by-product needs to be removed from the site, thus eliminating the 4-5 lorry trips to Penrith per day. It is also possible to power the CHP generator from the oil/tallow, an animal by-product from the processing plant. However, the applicant has indicated that it is intended to sell the oil/tallow.

The reduction in the carbon footprint from the site weighs in favour of the development.

## 2. Landscape Impact

Green Belt land is not allocated primarily because of its landscape character, however in this case the site lies in the Wilsden Landscape Character Area identified as mixed upland pasture.

Core Strategy Policy DS2 relates to development within the landscape. It states: 'Planning Decisions including Plans and development proposals should take advantage of existing features, integrate development into the wider landscape and create new quality spaces.'

Core Strategy Policy EN4 relates specifically to the designated landscape character area and sets out the approach to be taken in considering development within the designated landscape character areas.

The agricultural field adjacent to Turf Lane is used primarily for the grazing of livestock. Turf Lane acts as strong physical division between the urban edge of Cullingworth and the rural land around it. Paragraph 170 of the NPPF states that planning decision should 'contribute to and enhance' the natural environment by, amongst other things, 'recognising the intrinsic character and beauty of the countryside'.

The proposed development is not characteristic of a rural area and does have an overtly industrial appearance. Turf Lane and the surrounding footpaths that pass by close to the site are well used by walkers and for recreational purposes. When viewed from the footpath that runs towards Manor Farm to the west, the CHP generator would be seen against the backdrop of Station Yard itself. Other views for the generator would be within the immediate context of Turf Lane.

It is considered that the proposed development could be accommodated within the landscape provided that a suitable landscaping scheme is implemented and maintained. This is because the harm to the landscape caused by the generator would be localised to the area immediately adjacent to Turf Lane. In the wider landscape the generator would not be prominent. This is due to the backdrop of the factory to the east

(and Cullingworth beyond) and the general topography of the landscape. The field is gently undulating and the application site is not elevated or especially prominent.

The benefits of the development have to be considered in respect of the potential detriment to the landscape.

### 3. Economic Development

Paragraph 8 of the NPPF, already noted above, sets out that planning plays a key role in economic, social and environmental development, which is also reflected in the locally adopted policies of the Core Strategy. The environmental impact of the development has been considered in the preceding sections of this report. It is also necessary to consider the economic impact of the development since each objective is interdependent.

The site is an important business that employs 160 people and has seen investment into the development of the site. Whilst the proposed development is not of a large scale it has the potential to have a significant impact on the sustainability of the business.

### 4. Environmental Impacts

Core Strategy Policy EN6 states: 'Planning decisions...will maximise improvements to energy efficiency and support the development of renewable and low carbon sources of energy.'

The CHP generator and associated processing plant will greatly improve the energy efficiency of the site. This in turn reduces the carbon footprint of the site when taken in the round. The ability of the factory to process its own waste on site, rather than transporting it to Penrith, would have a significant impact on the efficiency of the process. It would reduce the number of vehicle trips to and from the site by HGVs. The CHP generator and the processing plant have the potential to be co-dependent, that is to say the waste produced by the processing plant can be power the CHP generator. The plans show that the CHP generator is to be powered by main gas. This means that the factory would not be operating at close to maximum power usage and therefore not run the risk of power outages and removes the need for diesel generators for power.

The result of this would be to reduce the carbon footprint of the business, primarily, through energy efficiencies and the reduction in vehicle trips. It also leaves the option to power the CHP generator from the processed animal waste oil in the future and thus becoming an enclosed system. Given the operating limitations at the site at present it is a reasonable expectation that the processing unit is something that would then be introduced.

### 5. Residential Amenity

The site is located on the edge of the settlement. There are residential properties to the east of the Station Yard site on Highfield Terrace around 100m from the proposed CHP generator. To the south on Turf Lane are residential properties, the nearest being Turf House around 110m away.

Policy DS5 of the Core Strategy states development should 'not harm the amenity of existing or prospective users and residents.' This is consistent with the NPPF paragraph 127 (f) which requires development to ensure development creates space 'with a high standard of amenity for existing and future users'.

The generator has an exhaust flue at 8.2m high where gases are discharged. The generator has the potential to impact the amenity of nearby residents by reason of fumes and noise.

The emissions from the plant are assessed based on the information provided by a screening assessment in line with DEFRA guidance on review and assessment of air quality impacts of CHP plant. The screening indicates that the proposed plant is unlikely to give rise to exceedance of the annual average objective for NO<sub>2</sub> at the nearest residential receptor point located to the south of the proposed stack. Additionally, emissions from the plant will be subject to environmental permitting by the Environment Agency.

The site currently operates its main chicken business and ancillary effluent treatment under Environment Agency Permit. It is understood that discussions are on-going between the Environment Agency and applicant in relation to the CHP generator and for the animal by-product processing plant.

In respect of the potential noise, the generator is located a reasonable distance from nearby properties and the main body of the generator is enclosed, which will reduce noise breakout. Examples of other CHP generators operating within close proximity of residential properties have been supplied by the applicant. Whilst it is the case that each application has to be considered on its individual merits it is useful to note that other examples do exist.

Information provided by the manufacturers of the CHP generator has been submitted with the application. It is stated that noise emissions are limited. The operating specifications of an identical CHP generator have been provided and show that, for the specified unit, the noise generation is limited. In this case, it is considered that the amenity of the nearest residential properties is protected by reason of the limited noise generation from the CHP generator. The siting of the generator means that it is adjacent to the existing factory and as such any noise generated would not be likely to exceed that of the adjacent works.

Some of the objections received in relation to this application have referred to the operation of the site as a whole and that it produces unpleasant odours and disruption because of the HGV movements.

The proposed development, if approved, would, along with the introduction of the processing unit, reduce the number of HGV trips and that should, in itself, improve the experience of nearby residents and Cullingworth more generally.

The operation of the site as a meat processing plant is not for consideration as part of this application. The use has been operating at the site for some time and is operating lawfully from a planning point of view. It is not agreed that the business has outgrown the site. Each application has to be considered on its individual merits. There is clearly a finite degree of development that can be accommodated as part of the business operations. In this case, it has been demonstrated, and accepted by the Local Planning

Authority, that the CHP generator cannot be sited within Station Yard, and as such it is necessary for the applicant to identify an alternative site. The application is then considered and determined on its merits. The consequences for the business, if the application were to be refused, is a reasonable consideration in the context of the application given its importance to the local economy and the number of jobs at the factory.

Such considerations have to be balanced against the impact of the development on, amongst other things, the amenity of nearby residents. The number of objections received from residents and the comments of the Parish Council demonstrates that there is local opposition to the scheme and that is a material consideration in respect of the application and this has to be balanced against the material benefits of the proposal.

## 6. Trees

Core Strategy Policy EN5 seeks, in general terms, to 'preserve and enhance the contribution that trees...make to the character of the District.'

In an edge-of-settlement location trees such as this can help with the transition from urban to rural setting.

There is an existing mature broad-leaved tree adjacent to the application plot. This tree does not benefit from any protection, such as a Tree Preservation Order. It is located in the verge of Turf Lane and is likely a self-seeded tree that has been left, relatively, unhindered. There are similar specimens along Turf Lane.

The proposed CHP generator is a large piece of apparatus that is required to sit on a concrete pad. These works would be within the root protection area of the established tree. Additional information has been submitted which show that the concrete pad would sit on piled raft base, meaning that the root of the existing tree would not be directly impacted, however, soil compaction and other detrimental changes may affect the longevity of the tree.

It is noted that at the time the CO<sub>2</sub> gas tank was approved some tree planting was carried out around the perimeter of the compound. That planting has, on the whole, failed and as a result the gas tank remains relatively exposed.

Notwithstanding the existing tree and its retention a robust replanting scheme should be made a condition of an approval of planning permission should members be so minded. It is important that such a scheme is implemented and maintained so as to avoid the failure at the adjacent CO<sub>2</sub> gas tank.

## 7. Highway Safety

The proposed installation of the CHP generator itself would have no impact on highway safety or of the users of the highway on the basis that it is sited within the field and, apart from its construction would not generate additional vehicular traffic.

As has been set out earlier in this report, the potential gain of this development is to reduce the frequency of lorry trips to and from the site. The animal waste, which cannot be currently processed at the plant, has to be transported to an approved processing

plant. This amounts to 4-5 lorry trips per day. Reducing this would be beneficial to the other users of the highway as well and the amenity of nearby residents since there would be a reduction of lorry movements and thus a reduction in noise and diesel fumes.

**Community Safety Implications:**

None

**Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

**Reason for Granting Planning Permission:**

The proposed development represents an inappropriate development in the Green Belt, as defined by paragraph 145 of the NPPF. However, the applicant has demonstrated that there are very special circumstances that justify the siting of the CHP gas generator in the Green Belt. It is agreed that the generator cannot be sited within Station Yard which then limits the potential locations for the generator.

The requirements for the CHP generator are a material consideration in terms of the operation of the existing business. Due to the present power requirements of the meat processing factory it is not possible for the business to expand. The proposed CHP generator is, therefore, required to ensure a consistent power supply for the factory. This means that the business would not be reliant on main electricity and back up support from diesel generators.

The other element to this application, in terms of the requirements of the generator, is to power a waste processing unit. The mains power supply to the site is not sufficient to power the waste processing unit. This is relevant since at present there is no way to process the animal by-product created by the meat process at the site. This waste is Category 3 (low risk) animal by-product which means that it has to be processed at an approved site. The processing unit that the applicant advises would be introduced at the Station Yard site means that the animal by-product can be processed at the site removing the need for it to be transported to Penrith for processing; this removes the need for the number of HGV journeys to and from the site significantly. In turn this benefits the carbon footprint of the business as well as the amenity of nearby residents by reducing diesel fumes and disruption to traffic flow.

**Conditions of Approval:**

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. In the first planting season following the completion of the development, or as may otherwise be agreed in writing by the Local Planning Authority, the landscaping proposals and new tree planting shall be implemented at the site in accordance with details shown on the approved Landscape Proposals drawing reference 629 03

Revision E dated July 2019 and received by the Council on 25<sup>th</sup> March 2020. Any trees or plants comprising the approved landscaping that become diseased or die, or which are removed or damaged within the first 5 years after the completion of planting shall be removed and a replacement landscape planting using the same or similar species/specifications shall be planted in the same position no later than the end of the first available planting season following the demise of the original landscape planting.

Reason: In the interests of visual amenity and to accord policies EN5, DS1 and DS2 of the Core Strategy Development Plan Document.

3. In the event that the generator hereby permitted ceases to be operational for a continuous period exceeding six months, then the generator and all associated apparatus shall be permanently removed from the land and the site restored to its former condition within three months of the period of cessation.

Reason: In the interests of landscape character, visual amenity and to maintain the openness of the Green Belt, because the very special circumstances which justified its erection would no longer exist, and to accord with policies DS1, DS2, GB1, GB2, and EN4 of the Core Strategy Development Plan Document.