

DEVELOPMENT CONTROL COMMITTEE

Thursday, 23rd February, 2023
6.30 pm





DEVELOPMENT CONTROL COMMITTEE

ROOMS 2 & 3, BURNLEY TOWN HALL

Thursday, 23rd February, 2023 at 6.30
pm

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of Legal & Democracy by 5.00pm three days before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or at the Contact Centre, Parker Lane, Burnley or from the web at: [Request To Speak form](#). You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

Due to Public Health guidance re social distancing there is limited space for members of the public to observe the meeting. Priority will be given to those who have registered to speak on an application. If you wish to attend the meeting we advise that you contact democracy@burnley.gov.uk in advance of the meeting.

AGENDA

1. Apologies

To receive any apologies for absence.

2. Minutes

5 - 18

To approve as a correct record the Minutes of the last meeting, held on 8th February 2023.

3. Additional Items of Business

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.

4. Declaration of Interest

To receive any declarations of interest from Members relating to any item on the agenda in accordance with the provision of the Code of Conduct and/or indicate if S106 of the Local Government Finance Act applies to them.

5. Exclusion of the Public

To determine during which items, if any, the public are to be excluded from the meeting.

6. List of Deposited Plans and Applications

To consider reports on planning applications for development permission:

a) FUL/2021/0375 - Land At Balderstone Lane Burnley

19 - 52

MEMBERSHIP OF COMMITTEE

Councillor Saeed Chaudhary (Chair)
Councillor Anne Kelly (Vice-Chair)
Councillor Gordon Birtwistle
Councillor Scott Cunliffe
Councillor Sue Graham
Councillor John Harbour
Councillor Bill Horrocks
Councillor Alan Hosker

Councillor Martyn Hurt
Councillor Jacqueline Inckle
Councillor Syeda Kazmi
Councillor Lubna Khan
Councillor Neil Mottershead
Councillor Mark Payne
Councillor Ann Royle
Councillor Mike Steel

PUBLISHED

Wednesday, 15 February 2023

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DEVELOPMENT CONTROL COMMITTEE

BURNLEY TOWN HALL

Wednesday, 8th February, 2023 at 6.30 pm

PRESENT

MEMBERS

Councillors S Chaudhary (Chair), A Kelly (Vice-Chair), G Birtwistle, S Cunliffe, S Graham, J Harbour, B Horrocks, M Hurt, J Inckle, S Kazmi, A Royle and M Steel

OFFICERS

Paul Gatrell	– Head of Housing & Development Control
Laura Golledge	– Planning Manager
Janet Filbin	– Principal Planner
Elizabeth Hindle	– Principal Planner
Sajada Khan	– Solicitor
Alison McEwan	– Democracy Officer

107. Apologies

Apologies for absence were received from Cllr Alan Hosker.

108. Minutes

The Minutes of the last meeting were approved as a correct record and signed by the Chair.

109. List of Deposited Plans and Applications

The following members of the public attend the meeting and addressed the Committee under the Right to Speak Policy:

Mr John Nixon (For) FUL/2022/0136 – Former Dexter Paints Site

RESOLVED

That the list of deposited plans be dealt with in the manner shown in these minutes.

110. FUL/2022/0136 - Former Dexter Paints Site, Gannow Lane, Burnley

Town and Country Planning Act 1990

Proposed residential development comprising 36no elderly bungalows, landscape, access and associated works.

Decision

That the application be delegation to the Head of Housing and Development Control to approve subject to securing ongoing management and maintenance of the internal road layout through S106 obligation and the conditions listed below:

Conditions and Reasons

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

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the approved plans listed below:

Application form received 4th March 2022
Location Plan received 4th March 2022
Existing site Plan 03 received 4th March 2022
Street Views Plan 07 received 4th March 2022
Proposed Sections 12 received 13th June 2022
Access Layout J1409 Access Fig 1 received 13th June 2022
Amended Proposed Plans and Elevations 03A 04B 05B
Amended Proposed Site Plan DWG 02 B
Planning and Design and Access Statement received 4th March 2022
Preliminary Ecological appraisal received 4th March 2022
Preliminary Risk Assessment received 4th March 2022

Reason: To ensure the development is implemented in accordance with the approved plans and to avoid ambiguity.

3. The development hereby approved shall be restricted to over 55s accommodation only.

Reason: Acceptability of the development is in accordance with the occupancy of the units being over 55s only in accordance with the provisions of the Burnley Local Plan and the National Planning Policy Framework.

Materials

4. Prior to their use in the development hereby approved, details of the materials to be used for the external walls, roofs and boundary treatment shall be submitted to and

approved in writing by the Local Planning Authority. The materials shall then be retained as agreed for the duration of the development.

Reason: In the interest of visual amenity and the securing a high quality development, in accordance with the provisions of Policy SP5 of the Burnley Local plan and the provisions of the National Planning Policy Framework.

Contamination condition

5. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. The Preliminary Risk Assessment carried out by Worms Eye has identified potential risks to future site users.
2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents' in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provision of the National Planning policy Framework.

Highways

6. No part of the development hereby approved shall be occupied until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. The scheme shall be fully implemented and completed in accordance with the approved scheme prior to the occupation of the development hereby approved.

Reasons: In the interest of highway safety; to ensure a satisfactory appearance to the street infrastructure serving the approved development; and to safeguard the users of the street and visual amenities of the locality in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

7. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number.
- Details of the parking of vehicles of site operatives and visitors.
- Details of loading and unloading of plant and materials.
- Arrangements for turning of vehicles within the site.
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.
- Measures to protect vulnerable road users (pedestrians and cyclists).
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Measures to deal with dirt, debris, mud, or loose material deposited on the highway because of construction.
- Measures to control the emission of dust and dirt during construction.
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Construction vehicle routing.
- Delivery, demolition, and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: -In the interest of highway safety in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

8. Deliveries to the approved development shall only be accepted between the hours of 9:00am and 3:00pm Monday – Friday, to avoid peak traffic on the surrounding highway network.

Reason: In the interest of highway safety in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

9. For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as

necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: In the interest of highway safety in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

10. Prior to commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority for a highway surface water drainage scheme.

The development should be undertaken in accordance with the agreed details and the scheme shown on the approved drawing shall be constructed in accordance with the approved details, and retained thereafter.

Reason: In the interest of highway safety in accordance with the provisions of Policies IC1 and IC2 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Adaptable homes

11. Prior to the occupation of the development hereby approved, evidence shall be provided to and approved in writing by the Local planning Authority which demonstrates that at least 20% of the houses hereby approved have been built to current adaptable homes standards (Part M4(2) of the building Regulations 2010).

Reason: In the interest of providing adaptable homes to support the changing needs of occupiers over a lifetime in accordance with Policy HS4 of the Burnley Local Plan.

Lead Local Flood Authority

12. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water sustainable drainage strategy (surface water and foul water drainage strategy incorporating an assessment of flood risk, Rev A, October 2022, Reford) submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:

- i. 100% (1 in 1-year) annual exceedance probability event;
- ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
- iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
- ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels;
- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
- iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Evidence of an assessment of the existing on-site surface water drainage systems to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.

d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

13. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

14. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:
- a) A timetable for its implementation;
 - b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
 - c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
 - d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
 - e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
 - f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
 - g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

15. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations

(including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Landscaping /levels and implementation

16. Prior to the occupation of the first dwelling houses hereby approved, full details of hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority. These details shall include, but not be limited to:

Proposed finished levels or contours

Means of enclosure

Car parking layouts

Other vehicle and pedestrian access and circulation areas

Hard surfacing materials

Minor artefacts and structures (e.g seating/signs etc)

Proposed and existing functional services above and below ground (e.g drainage power, communications cables, manholes etc)

Bin store hedge surrounding planting

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

All hard and soft landscaping shall be carried out in accordance with the approved details no later than the first available planting season following occupation of the first dwelling house or in accordance with the programme prior agreed in writing with the local planning authority

Reason: In the interest of securing a quality finish to the development in accordance with the provisions of Policies SP5 and HS4 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Canal conditions

17. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) should be provided to the local planning authority for approval in writing to include measures detailing how materials will be stored on site and how the canal will be protected from dust and site laden runoff.

Reason: In the interest of protecting the integrity of the canal during the development process in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

Coal

18. No development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance in accordance with the timetable agreed with the local planning authority.

Reason: In the interest of protecting the integrity of any unstable land during the development process in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

19. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interest of protecting the integrity of any unstable land during the development process in accordance with the provisions of Policy NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

UU

20. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with Policies CC4 and CC5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

GMEU

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

Reason: In the interest of the protection of protected species in accordance with the provisions of Policy NE1 of the Burnley Local Plan and the provision of the National Planning Policy Framework.

22. Prior to occupation, a lighting design strategy for areas to be lit externally shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
 - c) Provide details of light levels and spillage

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interest of the protection of biodiversity and ecology on the site in accordance with Policy NE1 of the Burnley Local Plan and in the interest of highway safety and residential amenity in accordance with policies SP5 and IC1 of the Burnley Local plan, and in accordance with the provisions of the of the National Planning Policy Framework

23. A scheme for the Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a

phasing plan which shall be agreed in writing with the Local Planning Authority) and shall be retained thereafter.

Reason: In the interest of the enhancement of biodiversity on the site in accordance with the provisions of Policy NE1 of the Burnley Local Plan and the National Planning Policy Framework.

EHO

24. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays.

Reason: in the interest of protecting residential amenity in accordance with policies HS4 and NE5 of the Burnley Local Plan and the provisions of the National Planning Policy Framework.

25. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- There shall be no burning of construction-derived waste or other materials within the curtilage of the premises.
- All noise mitigation measures to be instated for the eastern boundary of the development (as per the planning and design access statement) and for the windows/external fabric of the dwellings (as per the noise impact assessment dated 27th September 2022).
- The lighting scheme should comply with Environmental Zone E3 (small town centres or suburban locations) of the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011 (or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

Reason: To demonstrate that environmental risks have been evaluated and appropriate measures have been taken to minimise the risks of adverse impacts to air, land and water quality, whilst assessing vibration, heat, energy, light and noise pollution both during their construction and in their operation in accordance with Policy NE5 of Burnley's Local Plan and to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users in accordance with Policy SP5 of Burnley's Local Plan.

26. Prior to the first use of the development hereby approved the hedge surrounds shown on the site layout at the front of the properties shall be installed and available for use for the storage of bins. The bin storage areas shall remain in place for the duration of the development and for the use of storage of bins only.

Reason: In the interest ensuring a quality development in accordance with Policy SP5 of the Burnley Local Plan.

Informative – The developer is advised to consider the comments from Lancashire Fire and Rescue, Canal and Rivers Trust, Highways Authority, Lead Local Flood Authority and United Utilities comments available online prior to the commencement of development.

111. COU/2022/0709 - 16 Tarleton Street, Burnley

Town and Country Planning Act 1990

Change of use from dwellinghouse to HMO for more than 6 people (Sui Generis)

Decision

That the application be approved subject to the following conditions

Conditions and Reasons

1. The development must commence no later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be undertaken in accordance with the following Plans:

Drawing No. EX-01 – Location plan, received 06.12.2022

Drawing No. EX-02 – Existing floor plan, received 06.12.2022

Drawing No. PL-01 – Proposed floor plan, received 06.12.2022

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

3. Notwithstanding details shown on the approved plans, the building shall not be occupied until details of secure bin storage facilities have been submitted to and approved in writing by the Local Planning Authority. Bin storage facilities shall as a minimum be able to accommodate 2 x 240 litre bins plus a white sack and a blue box, in accordance with the Council's HMO Standards 2018.

Reason: To ensure that sufficient provision is made for the storage of bins, in accordance with Local Plan Policy SP5.

4. Notwithstanding details shown on the approved plans, the building shall not be occupied until details of secure bicycle storage facilities for 4 adult sized bicycles have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to occupation and thereafter retained as such.

Reason: To ensure that sufficient provision is made for the secure storage of bicycles, in accordance with Local Plan Policies SP5, IC3 and the NPPF.

112. Decisions taken under the Scheme of Delegation

Members received for information a list of decisions taken under delegation.

An enquiry regarding HOU/2022/0637 was raised. The member to provide further information to the Planning Team and the issue investigated further.

113. FDO/2022/0611 - Land at Accrington Road, Burnley BB11 5QJ

Proposed diversion of part of Public Footpath No. 12 (Hapton) (under section 257 of the Town and Country Planning Act 1990)

Decision

That the Head of Legal and Democratic Services be authorised to make an Order under section 257 of the Town and Country Planning Act 1990 to divert public footpath no.12 (Hapton) as indicated on the submitted plan and in the event that there are outstanding objections following a period of consultation and negotiation, to refer the Order to the Secretary of State for determination.

Reason

Subject to the approval of Reserved Matters subsequent to an outline planning permission to develop this site, to allow the carrying out of development on an allocated employment site where the alternative route would provide a reasonable and practical diversion.

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Housing & Development
Town Hall, Manchester Road

Ref.

FUL/2021/0375

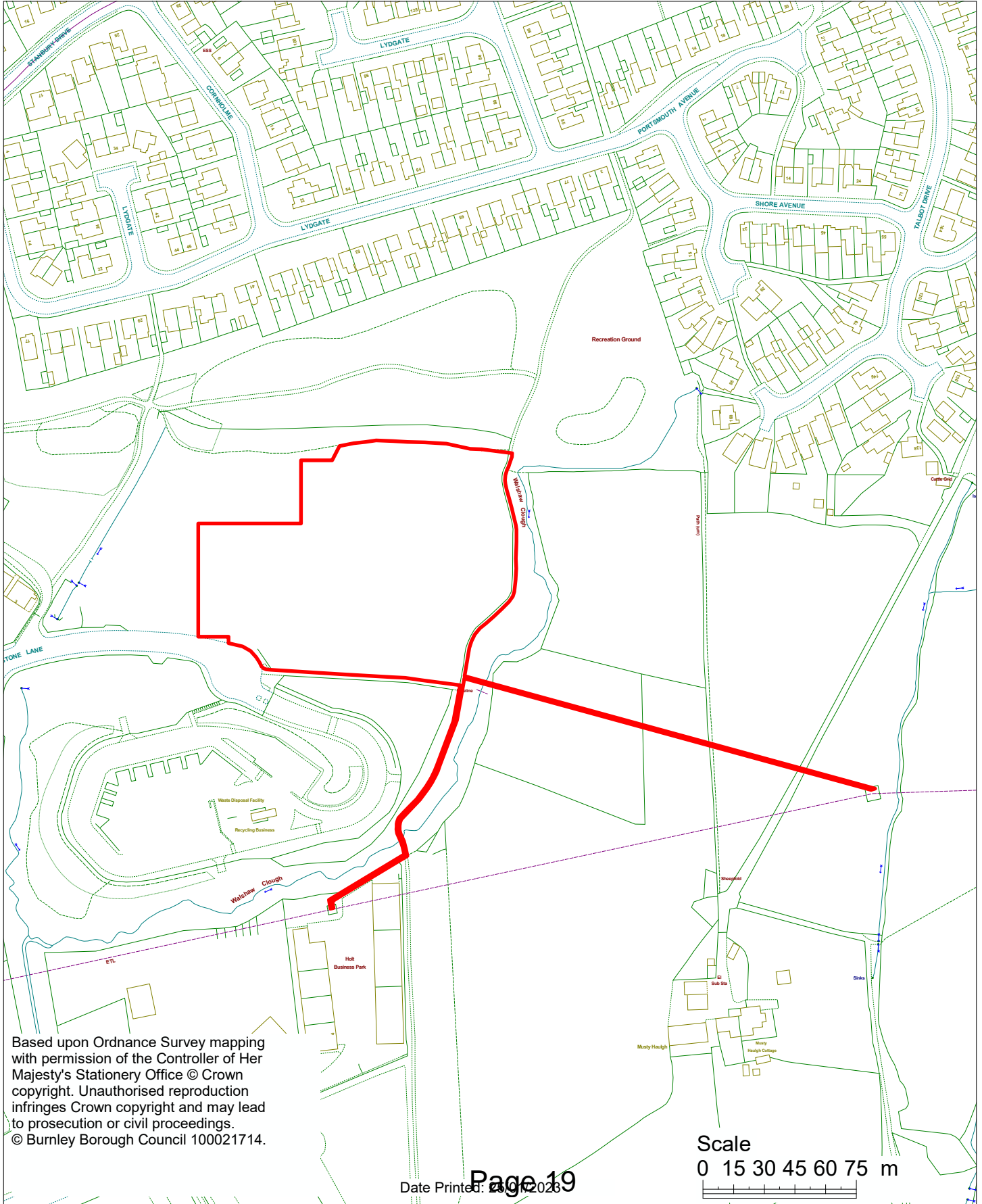
Paul Gatrell Head of Housing and Development

Location:

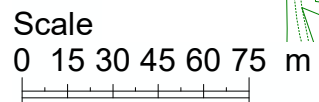


Land At Balderstone Lane, Burnley

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**Application Recommended for delegation to the
Head of Housing and Development Control for
Approval with Conditions subject to a Section 106
Agreement**

FUL/2021/0375

Briercliffe

Town and Country Planning Act 1990

Proposed 152MWh battery storage contained within 36 battery units measuring 10.6m in length and 2.6m in width, associated transformers, electrical equipment, switch room, control room, 2.4m high palisade fencing, 4m high acoustic fencing, site drainage, 8 mounted CCTV cameras on 6m high poles, floodlighting on buildings and access track
Land At Balderstone Lane Burnley

The application has been referred to committee as the proposals are contrary to a policy within the local plan and there have been 3+ objections.

Site and background

The site is located within the defined settlement boundary as designated in Burnley's adopted Local Plan. The site sits within an existing Protected Employment Site (EMP2/4), Heasandford & Innovation Drive. Furthermore, the site has a specific employment allocation (EMP1/6) which will be discussed in this report.

The site is considered to be in a sustainable location and access to the site is proposed from the north of Balderstone Lane. The surrounding uses to the site are commercial and waste associated with the wider employment site. To the north of the site is an elongated protected green space which forms a natural buffer between the site and residential properties on Lydgate, Horning Crescent and Croasdale Avenue. To the immediate eastern edge of the site the settlement boundary ends and falls into open countryside.

There are obvious site level changes, from the north falling to the south (Balderstone Lane). There have already been some preliminary site clearance and levelling off as part of a previous planning approval (APP/2018/0296). To the eastern boundary of the site flows Walshaw Clough which flows southwards to join the River Don, and to the western boundary of the site is a small brook which culverts close to Balderstone Lane.



Aerial plan extract: www.googlemaps.com



Photo 1: view from PROW looking eastwards



Photo 2: view looking northwards into the site from Balderstone Lane

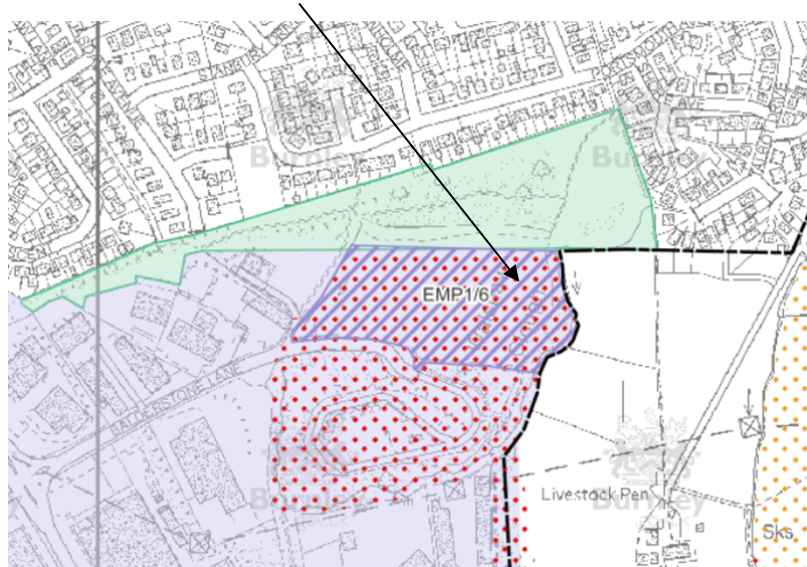


Photo 3: view from the PROW looking eastwards showing the landscape buffer to the north of the site



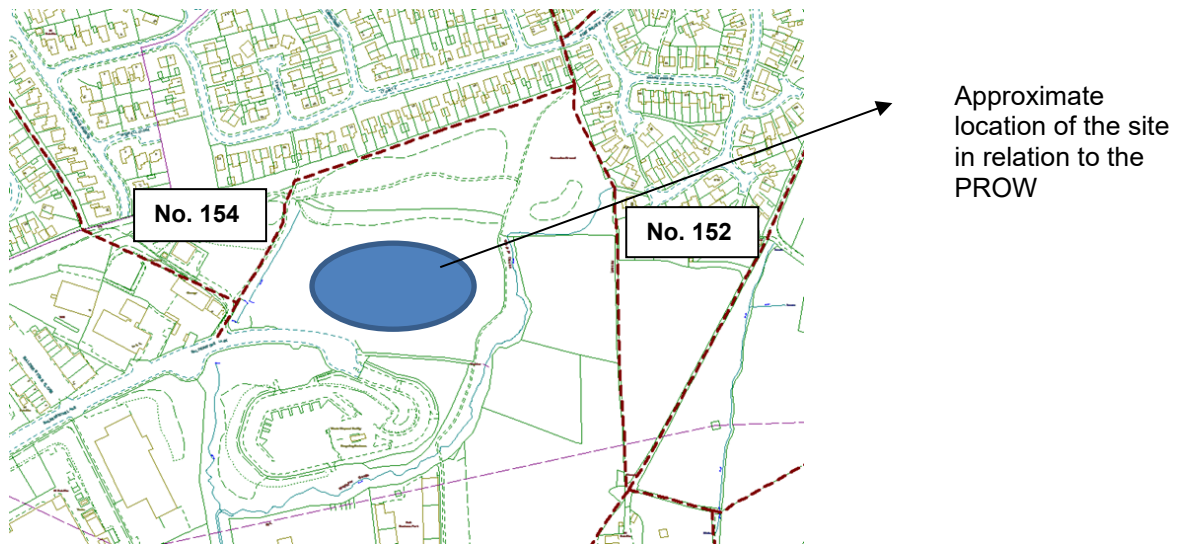
Photo 4: view from Balderstone Lane

Extract from Burnley's Proposals Map designating the site as Employment site EMP1/6



Public Rights of Way

Footpath No. 154 runs to the northern and western boundaries of the site with Footpath No. 152 running vertically. Note that both footpaths lie outside the application boundary but clearly views from the footpaths will be directly affected by the proposals.



Background - Electric Battery Storage

The production and storage of energy is changing and creating ways of storing access energy at times of over supply to be released when demand is high. National Grid acknowledges that a significant standby generation capacity is now essential to store energy when it is not needed and to generate it when it is. The proposed development of grid-connected battery storage will assist this process, providing critical flexibility to maintain the supply of electricity to households and businesses and the transport network and enhance the resilience of the local economy.

'Battery storage technologies are essential to speeding up the replacement of fossil fuels with renewable energy. Battery storage systems will play an increasingly pivotal role between green energy supplies and responding to electricity demands.'

Extract from supporting statement 2.2.8

National Grid are working to deliver carbon free low carbon resources. They are working to deliver carbon free operation by 2025 contributing to the UK's target to decarbonise the power system by 2035 as part of its target of Achieving Net Zero by 2050.¹

The increasing dependence on renewable energy and in particular wind and solar energy has led to fluctuations in supply dependant on the weather, hence the increased need for storage facilities. These store excess energy at times of high renewable generation and provide somewhere to get energy from when demands are high and generation output is low. Consequently, National Grid estimates that electricity storage will need to increase significantly to support the decarbonisation of the system with as much as twelve fold and seven fold increases in capacity and volume respectively from 2021 to 2050 to meet the challenging Net Zero targets². The Future Energy Scenarios Report 2022 updates the requirement for battery storage capacity from 13 GW in the 2021 Future Energy Scenarios Report to 20GW by 2030.

Recent appeal decisions on this type of development confirm that the storage of energy is not the production of renewable energy in itself, however battery storage would support the transition to a low carbon future in a changing climate through supporting renewable and low carbon energy and associated infrastructure in accordance with paragraph 152 of the Framework.

¹ Net Zero Strategy: Build Back Greener HM Government 2021

² Future Energy Scenarios July 2022 National Grid

Proposed Development

The application is supported with the following documents/reports:

Prelim Ecological Appraisal – Feb 2021
Groundsure Report – Jan 2021
Phase 1 GeoEnvironmental Desk Study Jan 2021
Flood Risk Assessment June 2021
Coal Mining Assessment Jan 2021
Coal Mining Report – Jan 2021
Noise Assessment June 2021 and revised July 2022

The proposal is to develop approximately 1.34 ha of open land for the construction of a 38 Battery Energy Storage System, the development use is Sui Generis. Each of the 38 units has the potential to store 4MWh totalling 152 MWh.

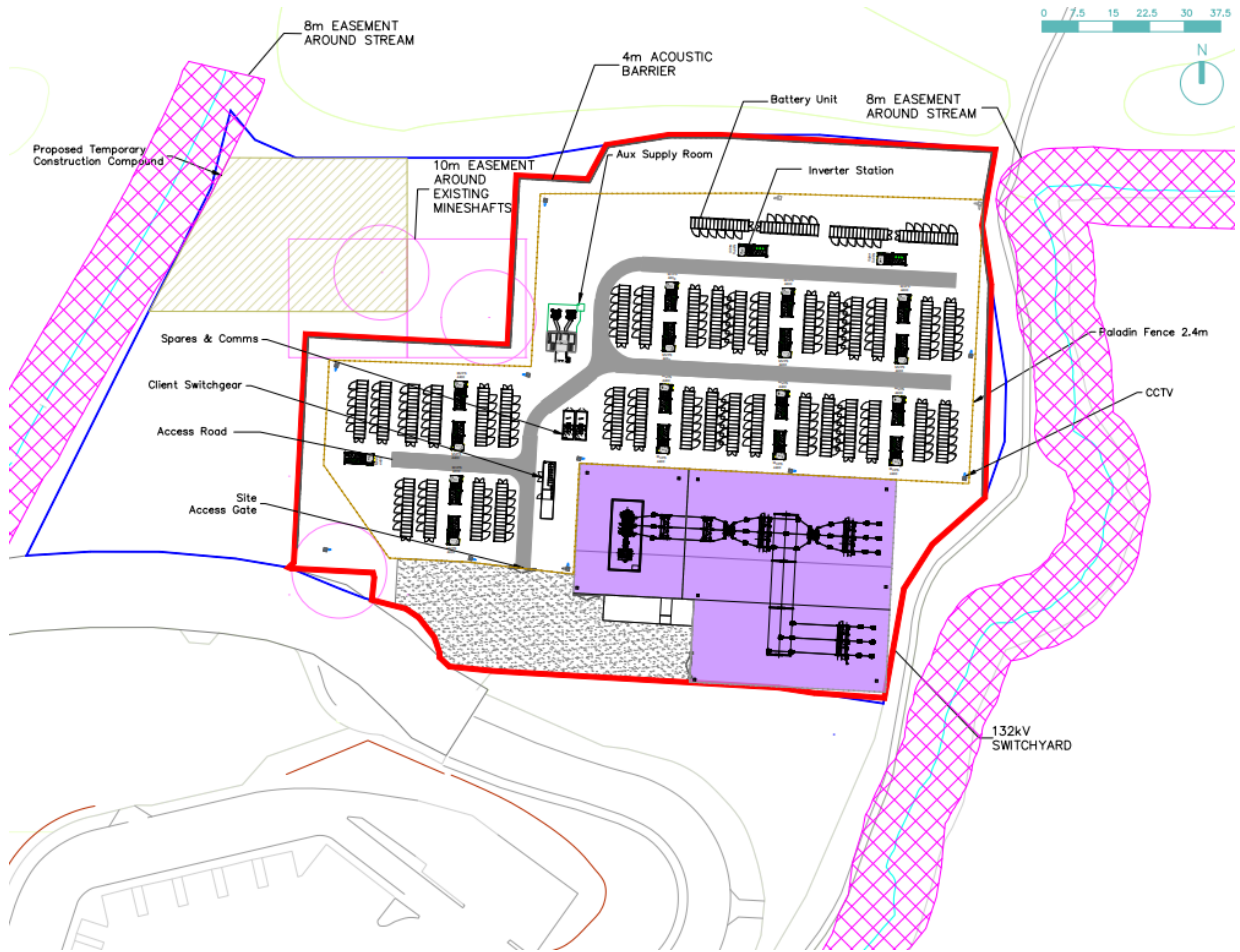
The development will comprise:

- 38 containerised battery units painted in Moss Green RAL 0065 with associated inverters, transformers, fan cooling units (HVAC) each container will measure 10.6m in length and 2.6m in width. Each container will the capacity for storing 4MWh per container with a site total of upto 152MWh.
- 1 gas insulation switchgear (GIS) substation building
- 1 x 33Kv switchyard
- 1 x 33Kv auxiliary transformer
- 1 DNO control room

- 1 battery switchroom
- 1 battery control room
- Erection of 2.4m high palisade gate
- Erection of 2.4m high palisade security fencing
- Erection of acoustic 4m high and fencing
- Erection of 8 infra-red CCTV cameras on 6m high poles
- Erection of LED floodlights on buildings
- Laying out of 4m wide, crushed/rolled stone, access track through the battery storage compound; and
- Site Drainage

In terms of on site operation, the site will be operated remotely so there will not be any full-time staff on site. There will be 1-2 operators going on site on a part time basis. There will be several sub-contractors required for the specialist maintenance of the equipment, who will go to site regularly (as per planned and unplanned maintenance).

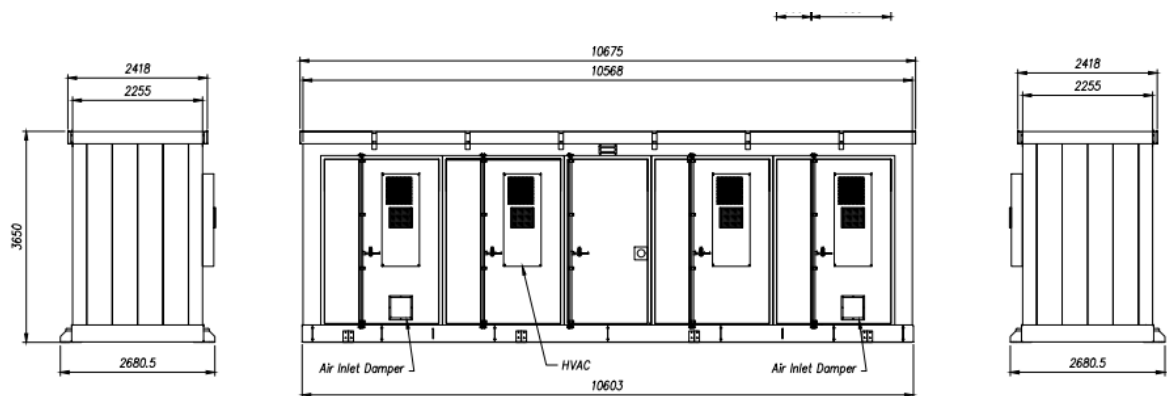
The application states that the facility will be connected to the pylon which is located adjacent to the unit occupied by North Valley Vending Ltd on Widow Hill Road which is owned and operated by Electricity North west.



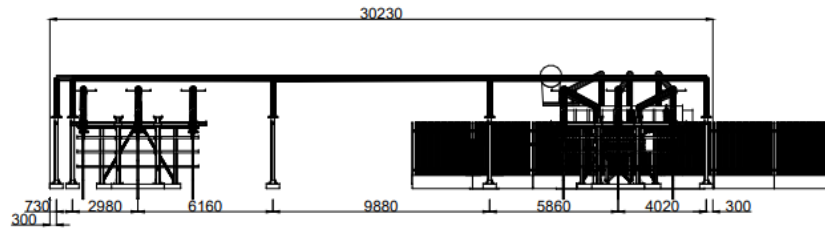
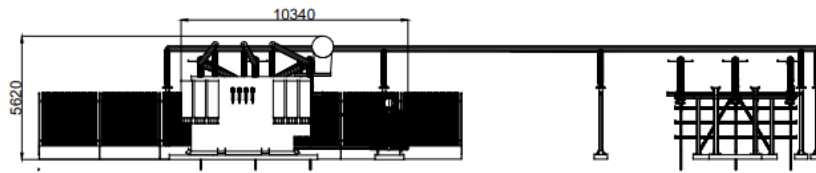
Proposed site plan: extract 24452 – 0202 Rev P1

Battery Storage units (38 in total)

Each of the battery units will be housed in a container which will be double stacked within the site and they will be painted in Moss Green RAL 0065. The overall height of the battery compound will be 3.65m and they will be approximately 10m in length.



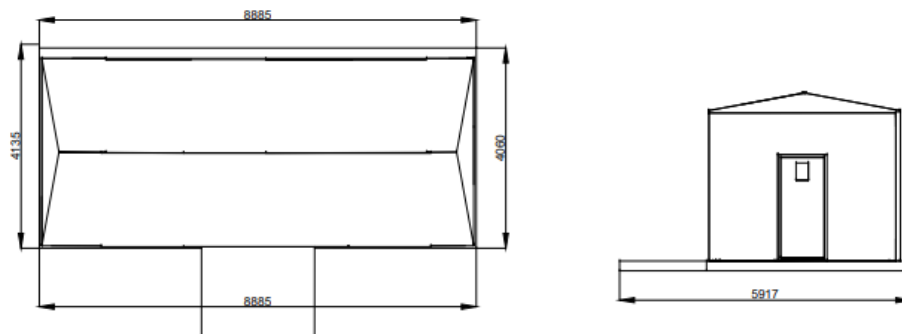
Switch gear



Located to the southern edge of the site, measuring 56m in length at its longest part and 5.6m in height.

Control room

Located adjacent to the switch yard, measuring 8.8m in length, 4.1m in height and 5.9m in width.

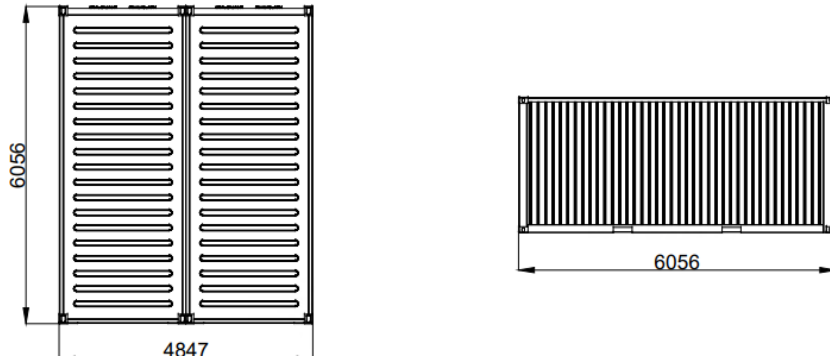


Switchgear room

The switch room will be located central to the site and measure 16m in length, 3.9m in width and 3.4m in height.

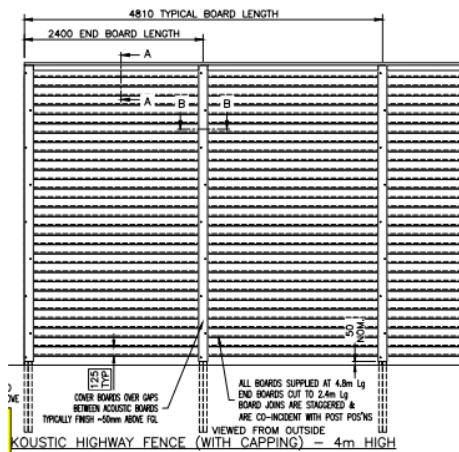
Spares unit

The spares will be located central to the site to the north of the Client Switchgear and will have the appearance of a storage container, this will measure 6m in length, 4.8m in width and 2.5m in height.



Boundary treatment

The site will be secured with a 2.4m high palisade fence and an access gate. Acoustic fencing will also be erected along the north, east and western boundaries which will be approximately 4m in height. Full specifications have been submitted as part of the application (refer to plan J7/01047).



Lighting

The lighting will be located on the buildings and will only be in use when staff are on site. It will be controlled remotely with a master switch. The applicant estimates that it will be used approximately 3 days a year.

Access track

There is an existing point of access to the site and the linking access track serving the site will be surfaced with rolled crushed stone allowing for natural drainage.

Relevant Policies:

Burnley Local Plan

- SP1 – Achieving sustainable development
- SP3 – Employment land requirement 2012-2032
- SP4 – Development strategy
- SP5 – Development quality and sustainability
- SP6 – Green infrastructure

EMP1 – Employment allocations
NE1 – Biodiversity and ecological networks
NE5 – Environmental protection
CC4 – Development and flood risk
CC5 – Surface water management and sustainable drainage systems (suDS) IC1 – Sustainable travel
IC2 – Managing transport and travel impacts
IC3 – Car parking standards
IC4 – Infrastructure and planning contributions
The National Planning Policy Framework.

Site History:

APP/2018/0296 - Proposed erection of industrial unit comprising warehouse (B8) and associated offices (B1) and showroom, servicing and car parking facilities including relocation of a section of the Brun Valley Greenway – Approved with Conditions.

APP/2007/0541 - Proposed erection of six blocks of Use Class B1/B8 Rolfe Carpets app no. Proposed erection of industrial unit comprising warehouse (B8) and associated offices (B1) and showroom, servicing and car parking facilities including relocation of a section of the Brun Valley Greenway

APP/2006/1116 - Proposed erection of six blocks of Use Class B1 – Approved March 2007.

APP/90/0230 - Proposed Industrial Unit Plot 1 (Class B1) – Granted (Not implemented). Plot 1: Erection of factory unit Plot2 (warehousing and light industrial) – Approved (Not implemented).

12/77/047 - Earthworks to create sites for industrial development; landscaped mounding –

12/74/0485 - Extension of estate road and services in connection with the use of adjoining land for industrial and warehousing development – Approved March 1977.

7/7/6019 - Extension of existing industrial roads – Approved July 1969.

Resident comments x 2 (several separate letters and information received from the same person)

Copy of a letter from an MP Maria Miller regarding the issue of consultation of the Fire Service on battery storage applications. Bill 152 will be read out in Parliament on the 23rd March 2023.

The original application states 33kV switchgear whereas the new drawings show 132kV switchgear?

The application states a 70MW installation but does not say how many MW Hours of storage capacity it will be. This is the most important thing regarding the potential hazard.

Contrary to planning policy - The application seems to go directly against the local plan for Burnley in that it proposes a non-employment use for 2 hectares of land which is designated for employment use B1, B2, B8

Impact on trees.

Potential noise impacts in particular background noise.

Consultation Responses:

Local Plans

Policy CC1 – Renewable and Low Carbon Energy is focussed more on renewable and low carbon energy generation equipment and the on-site infrastructure that supports it, rather than any off-site separate storage and distribution infrastructure.

Whilst the proposal would result in the loss of an allocated employment site, other aspects of local and national policy support this type of development as part achieving the decarbonization of the energy generation system and we consider it to be a suitable location for such facilities; on balance therefore, we do not object to the proposal in principle.

Highways – no objection subject to condition

The proposed site access geometry and gating arrangement raises no concerns. I would request further site access engineering details are submitted at a later date by condition. Prior to the decision, please confirm the size of the post construction operational traffic which will require access to the site for routine maintenance and repair and provide a swept path analysis for the internal layout to show that these vehicles can enter and leave onto Balderstone Lane in forward gear.

Environmental Health (Contamination) November 2021

I have reviewed the Phase 1 report in relation to the above application and am satisfied that an assessment for contamination has been satisfactorily undertaken and found that no further investigation is required.

Environmental Health Noise December 2022

There has been various comments and updated reports during the course of the application regarding EH with particular reference to Noise.

The initial Noise Report dated June 2021 was updated in July 2022 following issues in the report concerning low frequency noise. Further comments were received from EH in November 2022 which still expressed concern about local level noise. Further comments came back from the acoustic specialist and following this EH concluded no objection subject to conditions.

Final comments from the EH team propose the following conditions:

- The development hereby permitted shall be designed so that the rating levels for cumulative noise from external plant and from any equipment shall not exceed the existing background noise level (LA90) at the external façade of any noise sensitive premises, as assessed in accordance with British Standard 4142(2014) or any subsequent replacement national standards.
- An operational noise survey is to be undertaken, once the development is fully functional, to affirm the noise levels and impact as predicted by the amended noise assessment dated 20/7/22, and to affirm that the nearest receptors are not significantly adversely affected by air-borne or structure-borne sound.

GMEU – no objection subject to conditions

Parts of this application site were formerly designated as a Local Wildlife Site because the area supported important lowland heathland and acid grassland habitats. These habitats were in decline, and have now been subject to significant losses caused by the recent site remediation works associated with a previous planning application. These works have led to the clearance of vegetation from large areas of the site.

However, some small areas of acid grassland and parts of the original acidic substrates remain. I would recommend that the application is supported by a Landscaping Plan, which should incorporate proposals to re-use substrates on the site as an attempt to recreate some areas of acid grassland. There would appear to be some space available in the western part of the application site within the blue line, and within the red-line site boundary, to support new habitats and landscaping.

A detailed Landscape Creation and Management Plan for the application site should be required as a Condition of any permission which may be granted to the scheme, and consideration should be given to requiring off-site habitat creation to the west of the developable area. Because of the presence of nearby habitats along watercourses which could support nocturnal wildlife (bats and badgers), any lighting if required should be limited, directional and subject to time-limited operation.

Prior to commencement of development, a Landscape Creation and Management Plan for the site shall be submitted to and approved in writing to the Local Planning Authority.

Coal Authority – no objection

We note that the applicant has now submitted a revised Coal Mining Risk Assessment report (August 2021, prepared by Earth Environmental & Geotechnical Ltd), in support of their planning application. We are pleased to see that the revised report references the correct layout of development currently proposed.

In terms of underground mining activity, paragraph 3.28 of the revised report confirms that the previous drilling and grouting work (to stabilise any unrecorded shallow mineworkings present beneath the site) extended across the whole of the current development area.

In respect of the mine entries, the revised report does not detail how the stand-off zones around located shafts '015, '016 and '018 have been calculated. Nevertheless, the report author confirms at paragraphs 4.13 - 4.15 that they consider that the proposed development will be located outside the zones of influence of these previously treated shafts. They also confirm that no further action (presumably including mitigation measures) are required in respect of these features.

The latest report categorically states at paragraph 4.16 that, "There is no risk to the development from coal mining activity." It goes on to state at paragraph 4.17 that, "This report should allow for planning permission to be granted as the application site is safe, stable and suitable for development."

The revised report acknowledges that there are number of further mine shafts present beyond the site boundary. We are disappointed to note that, despite our previous request, the report makes no attempt to define the extent of the potential zones of influence of these off-site shafts. However, given the above statements, we assume that the report author is satisfied that they do not pose a risk to the proposed development. The LPA may wish to confirm this with the applicant.

Based on the information now submitted and the professional opinions contained therein in respect of coal mining related land instability matters, and taking into account the nature of the

proposed development, the Coal Authority wishes to withdraw its objection to the planning application.

HSE - Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

United Utilities – no objection subject to conditions

Prior to the commencement of development (excluding demolition/ site clearance), details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(ii) Incorporate mitigation measures to manage the risk of sewer surcharge; and

(iii) Foul and surface water shall drain on separate systems within the site. The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and no surface water shall discharge to the public sewer either directly or indirectly.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Burnley Wildlife Conservation Forum

The site represents 50% of the northern part of the Heasandford District Wildlife Site and the other half was lost to LCC's recycling centre.

The site is covered by unimproved, neutral dry heath and grassland area and supports a variety of wildlife.

BWCF have questioned the timing of the survey and Bowland Ecology at para 2.11 and 2.12 acknowledge that the survey was outside the optimum period for completing a Phase 1 Habitat survey (April – September) therefore some species may have been missed. There appears to be an area of land within the proposed which will not be built upon and could provide some mitigation for a possible meadow. An updated survey at the site between April – September.

Reference made to an earlier survey carried out in 2017 for a previous planning approval which was never implemented.

Local Lead Flood Authority – no objection

The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of the following conditions, in consultation with the Lead Local Flood Authority:

Development is in accordance with the submitted Flood Risk Assessment The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment (S3-P01 / 2 June 2021)

Final Sustainable Drainage Strategy

Construction Phase Surface Water Management Plan No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority. Those details shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance. The development shall be constructed in accordance with the approved details.

Reasons 1. To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere; 2. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

Condition 4 - Operation and Maintenance Plan & Verification Report of Constructed Sustainable Drainage System No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed. Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework

Parks and Open Space Department – no objection subject to section 106

We would ask for a contribution to be made to improve the surface of the existing right of way at the northern boundary of the proposed development (parallel to Lydgate) - I have attached a doctored plan of the site showing the path that we would want to improve.

We would also suggest that there is some additional tree planting done on land between the path and the house on Lydgate to provide a natural barrier/screen between the commercial development and the homes.

The Brun Valley Greenway section that runs up the east/southeast side of the development needs to be kept wide enough so that there is plenty of space for cyclists/walkers, etc. without fencing being too close to the greenway. As such, can we ask that the fencing erected is set back at least 3-4 metres from the existing path.

As per the Council's Recommendations for Greenways, specifically GC2 within the Green Spaces Strategy 2015-2025, as the planning application is for a commercial development, we would want to make sure that provision is made to connect with, and extend, the greenway network.

GC2 - Ensure that new housing and commercial developments make provision to connect with, and extend, the greenway network.

The application mentions that new walking and cycling facilities and routes will need to be provided on the site, connecting the new development to the existing route network so this has been covered.

Lancashire Fire & Rescue Service

Refer to full consultation response dated 3rd Feb 2023

Whilst Lancashire Fire and Rescue Service (LFRS) are not a statutory consultee in relation to this project, we will work and engage with the developer as this project develops to ensure it complies with the statutory responsibilities that we enforce. The developer should produce a risk reduction strategy as the responsible person for the scheme as stated in the Regulatory Reform (Fire Safety) Order 2005. We would also expect that safety measures and risk mitigation is developed in collaboration with the Service.

The strategy should cover the construction, operational and decommissioning phases of the project.

During the construction phase the number of daily vehicle movements in the local area will significantly increase. Any development should not negatively impact on the Service's ability to respond to an incident in the local area. LFRS recognises the use of batteries (including lithium-ion) as Energy Storage Systems (ESS) is a new and emerging practice in the global renewable energy sector. As with all new and emerging practices within UK industry the Service would like to work with the developers to better understand any risks that may be posed and develop strategies and procedures to mitigate these risks.

To be added as an Informative

'The developer should produce a risk reduction strategy as the responsible person for the scheme as stated in the Regulatory Reform (Fire Safety) Order 2005. We would also expect that safety measures and risk mitigation is developed in collaboration with the Service'

Planning and Environmental Considerations:

Principle of Development:

The application site is an undeveloped parcel of land at the north eastern end of Heasandford Industrial Estate. Policy EMP1 identifies the site as an employment allocation that would be suitable for Class B1 (b and c) (light industrial and research and development), Class B2 (general industrial) and Class B8 (storage and distribution) uses. The proposed use would be considered as being as sui generis and would be contrary to Policy EMP1/6.

From a strategic perspective, Policy SP3 sets out the employment land requirement over the plan period 2012 – 2032. In order to calculate the requirement in SP3, a certain level of ongoing losses of employment premises are assumed, and as identified in the Council's most recent AMR, over the plan period to 31 March 2021, 31.71 hectares of employment land was lost - compared with the pro-rata allowance for this period of 25.11 hectares. These higher than anticipated losses would need to be balanced against gains achieved through new windfall development.

Whilst some Sui Generis uses, where they are employment in nature, can help fulfil the requirement in SP3, given the lack of employment opportunities at the proposed site post construction of 1 -2 , this would not be a case with this proposal and it is therefore contrary to Policy EMP1.

Policy CC1 of the adopted Local Plan is also relevant to the site, however it is more focussed on renewable and low carbon energy generation equipment and the on-site infrastructure that supports it, rather than any off-site separate storage and distribution infrastructure. There is the wider national agenda on support to increasing the use and supply of renewable and low carbon energy which is highlighted in Chapter 14 of the NPPF with specific reference to para 155:

To help increase the use and supply of renewable and low carbon energy and heat, plans should:

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);*
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and*
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for collocating potential heat customers and suppliers.*

In 2020 the government published “Proposals regarding the planning system for electricity storage: Government response to October 2019 follow up consultation” and announced changes to planning legislation which they described as proposals “to relax planning legislation to make it easier to construct large batteries to store renewable energy from solar and wind farms across the UK.” The change was actually to remove larger storage proposals (above 50MW) from the NSIP regime such that they would be determined by LPAs. Whilst not a formal planning policy document or subsequently mentioned in the 2021 NPPF, the document and accompanying announcement indicated strong support for these installations in principle.

Therefore, whilst the proposal would result in the loss of an allocated employment site, other aspects of local and national policy support this type of development as part achieving the decarbonization of the energy generation system and we consider it to be a suitable location for such facilities; on balance therefore, the development is acceptable in principle.

Site specific requirements

The following are specific requirements listed in policy EMP1/6:

- 8m easement around the 2 streams
- New walking and cycling facilities and routes provided on site connecting the proposed development to existing routes. Contributions will be sought for the provision of a road cycle route
- Screen planting required on the northern and eastern boundary to reduce the impact of any development upon the adjacent residential properties and surrounding landscape
- An ecological survey required as part of the application which addresses Protected Species and maintains the Ecological Network in accordance with policy NE1.

The above site specifics have all been addressed in the application submission:

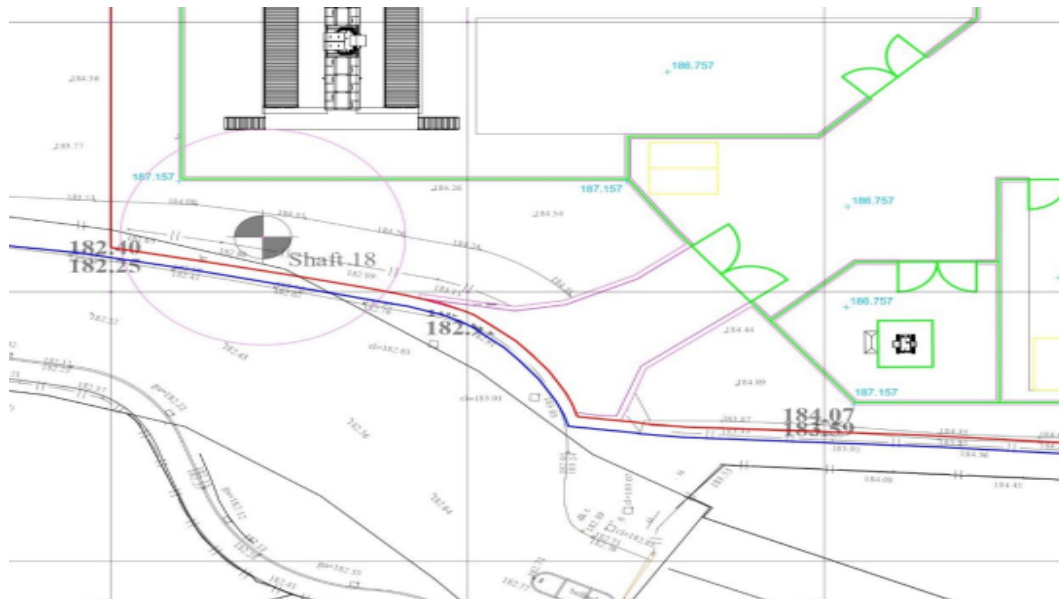
- annotated plan showing the 8m easement
- draft section 106 agreement for repairs to the footpath, tree planting and off site ecological works
- An Ecological survey has been submitted as part of the submission, however given the length of time the application has been in for determination and the time at which the survey was carried out, an updated survey will be required

Highways:

Paragraph 105 of the NPPF states that *significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes*. The site is located on an existing industrial estate and is considered to be located within a sustainable location. Aside from the construction phase the site itself will not create a large amount of vehicle trips as there are only 1-2 members of staff.

Policy IC1 requires, amongst other things, for development to promote sustainable travel by locating in areas well served by walking, public transport and cycling; to provide safe pedestrian, cycle and vehicular access; to secure adequate delivery, servicing and drop-off facilities; maintain the safe and efficient flow of traffic on the surrounding highway network; and provide or contribute towards the provision or improvement of on or off-site infrastructure. The site is also situated amongst a network of paths and public rights of way which make the site accessible by walking and cycling.

The proposal raised no highways concerns and includes a single access point from Balderstone Lane as shown below and car parking for maintenance of the site is provided within the proposed development. The highways authority consider that the proposed site access geometry and gating arrangement is acceptable subject to conditions.



Plan extract showing the proposed access point from Balderstone Lane

Ecology

The application has been supported with a Prelim Ecological Appraisal dated Feb 2021. This report has been reviewed by GMEU who provide specialist advice to the Council on ecology matters.

The NPPF states at para 109 states that; *‘The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible’*. It also states in para 118 that *‘when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments’*.

The two key local plan policies relevant to ecology are NE1 (Biodiversity and Ecological Networks) stating that all development proposals should, as appropriate to their nature and scale, seek opportunities to maintain and actively enhance biodiversity in order to provide net gains where possible and Policy NE4 (Trees, Hedgerows and Woodland) states that development should provide for the protection and integration of existing trees and hedgerows for their wildlife, landscape and/or amenity value.

The site is identified with the Local Plan as part of a grassland and woodland ecological network. The existing woodland would be retained and improved with underplanting and new tree planting. A condition is required to ensure adequate protection measures during construction.

The application site is also described as lowland heathland vegetation, a priority habitat for conservation. It provides habitat for a range of wildlife, including deer which visit the site. The consultation responses from GMEU and the Burnley Wildlife Conservation state that its main value is as habitat rather than for breeding, contributing to the Heasandford District Wildlife Site.

Policy NE1 only permits development where there is likely to be an adverse impact on a local wildlife site where the benefits of the development outweigh those impacts and there is mitigation or compensation against the adverse effects. In this case, the site is allocated for development and contributes to the supply of employment land within the plan period (up to 2032). There are therefore identified benefits in favour of its development. Whilst it is

acknowledged that there would be a loss of habitat and biodiversity at the site, it is accepted (by GMEU) that compensation for this loss can, in principle, be acceptable. The Head of Green Spaces and Amenities has identified a suitable site at Bank Hall (within Council ownership) which is a reasonable proximity to the site.

The applicant has agreed to the costs of planting and sowing to create a meadow at Bank Hall Park which would be secured through a section 106 Agreement. The applicant also agrees to tree planting around the north and east perimeters of the site, the cost of which would be included in the section 106 Agreement.

The light pollution created by the flood lighting will be minimised to the number of times any staff will visit the site which is estimated to be approximately 3 times a year. A condition will be attached to the permission requiring the flood lights to be switched off at any other time.

Conditions are also recommended to require a detailed Landscape Creation and Management Plan for the application site, as well as precautionary measures to protect badgers and birds. The ecology consultant in their own report notes that the survey was not carried out at the correct time of year, therefore an updated Phase 1 Report will be conditioned so that no species are missed.

The latter would ensure that protected species are not put at risk. Subject to these measures and conditions, the identified adverse impacts of loss of habitat would be mitigated by an off-site scheme of meadow creation, and new planting to the north and east sides of the site and on-site measures to optimise appropriate landscaping at the site. These measures would, in total, ensure that the development complies with Policies NE1 and NE4.

Noise

An objection has been received with concerns regarding noise created by the development. The concerns mainly related to how the existing noise level has been established as it dated to Dec 2017 and that the originally submitted Noise Assessment concluded that the predicted increase in noise levels equated to a 'significant' impact for the majority of residents. However, with mitigation it was considered noise could be reduced to acceptable levels.

The Noise Report dated June 2021 was updated in July 2022 following issues in the report concerning low frequency noise. This report contained detailed of a survey carried out in June 2022.

The development proposes noise attenuation to reduce noise at the site in the form of a 4 m acoustic fencing along the north east and west of the site. The assessment states that this barrier will reduce the noise levels at the nearest residential receptors to below background for the worst-case scenario, which is merchant trading starting from 06:00 hours.

However, the barrier does not negate the need for additional sound reduction at sources. The conclusion of this report was that predicting the impact using computerised modelling which includes this mitigation, based on this assessment, the impact is considered acceptable and noise should not be considered a constraint to development of the battery storage scheme.

The Environmental Health Officer has commented at various stages in the application process and now has confirmed that they have no objection subject to conditions.

Impact on ground conditions

Policy CC5 requires appropriate assessment to identify the risks posed by unstable land. Following the submission of a further coal mining risk assessment, the Coal Authority accept that the site can be safely developed subject to conditions which

require further intrusive site investigations and details to be agreed with the local planning authority. Pre-commencement conditions are necessary to ensure that this is carried out.

Impact on Residential Amenity

Policy SP5 requires development to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users.

The nearest properties from the northern boundary of the site are the rear of properties along Lydgate approximately 70m away. The land rises and there is a bank of mature trees and shrubs which can be seen on photo 3. To the east of the site are the rear of properties along Talbot Drive and Shore Drive. In between the sites is an area of protected open space and recreation ground and the land generally starts to fall down to Walshaw Clough.

The relative distance and levels between the nearest properties at Lydgate and the development is sufficient to avoid any significant impact from overshadowing and there would be no significant impact on daylight/sunlight or privacy.

Issues raised around low level noise has been considered by the Council's EH team, whom are satisfied with the updated reports provided by the applicant. With appropriate conditions, it is considered that the proposals will comply with policy SP5.

Impact on Visual Amenity

Policy SP5 seeks a high standard of design. The site is set on the edge of an established industrial estate however as the site is located on the northern edge of the wider site, it's backdrop are houses and open countryside.

The development will be clearly visible from Balderstone Lane, and as the site has a slight gradient, will have an impact. Landscaping will help to soften the edges of the development over time. The proposed development has been purposely designed for its function as a battery storage facility in terms of the layout and amount of development. It is considered that suitable materials are proposed such as the Moss Green fencing and storage containers to help reduce the impact of the development.

The size and scale of the development has taken into account the topography of the land and the view of the site from the properties on Lydgate. The existing woodland would provide effective screening for a large part of the year and filtered views of only the upper part of the development in winter months which will be seen in context with the industrial estate. The woodland would be improved as referred to above and will continue to provide and effective barrier between residents and the industrial estate.

Other Matters

Flood Risk

A Flood Risk Assessment has been submitted with the application which indicates that the site is capable of being adequately drained. Sustainable drainage measures are incorporated based on site topography and current proposed development plan, the required storage can be achieved with an underground geo-cellular storage tank.

The Lead Local Flood Authority has been consulted on the application and have no objection to the development subject to a number of conditions being attached to the decision notice.

Fire Safety

The Council consulted Lancashire Fire and Rescue on the application. As a service they are responding to all battery energy storage sites with a standard response, which is relatively new and the service will keep up to speed with any new legislation which comes out in the future. Recommendations from the service ask for Risk Reduction Strategy as stated in the Regulatory Reform (Fire Safety) Order 2005.

Planning Obligations

A summary of the measures to be subject to a section 106 Agreement (as referred to elsewhere in the report) are:-

Off-site ecology compensation to create meadow land: £16,303,47

Planting: £2,500

Path resurfacing: £2,500

These contributions are necessary to mitigate against the identified impacts of the development and have been agreed with the applicant.

Recommendation:

Whilst the proposal would result in the loss of an allocated employment site, other aspects of local and national policy support this type of development as part achieving the decarbonization of the energy generation system. The Council consider it to be a suitable location for such facilities and on balance, the development is acceptable in principle.

Recommendation: Delegate authority to the Head of Housing and Development Control to grant planning permission subject to the following:-

- a) a section 106 agreement to secure off-site ecology mitigation, off-site planting and the improvement of paths; and,
- b) conditions

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. All materials to be used in the approved scheme shall be as stated on the approved drawings received and shall not be varied without the prior written approval of the Local Planning authority

Reason: To ensure that the development will be of a satisfactory appearance and to comply with policies SP5 and HS5 of Burnley's Local Plan 2018

Drainage

4. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment (S3-P01 / 2 June 2021). The measures shall be fully implemented prior to first occupation of any building and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

5. No development shall commence until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority.

The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

Those details shall include, as a minimum:

- a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and deliver suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates and groundwater levels in accordance with industry guidance. The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

6. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.
Those details shall include for each phase, as a minimum:
- a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.
 - b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance. The development shall be constructed in accordance with the approved details.

Reasons: 1. To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere;

2. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

7. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.
The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of a final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework

Landscaping & Ecology

8. Prior to the commencement of the development a detailed landscape plan shall be submitted to and approved in writing by the local planning authority. The plan shall include; proposals to re use substrates on the site and to re-create some areas of acid grassland, a planting plan, specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species,

planting sizes and proposed numbers and densities where appropriate, and implementation timetable.

All soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

Reason: In accordance with policies NE1 of Burnley's adopted Local Plan

9. Prior to the commencement of the development, a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

Reason: In order to ensure that provision is made to allow satisfactory maintenance of the landscaping hereby approved in accordance with policy NE1 of Burnley's adopted Local Plan.

10. Prior to any external site clearance, a construction management plan showing areas where earth is to be moved from and to, the storage and disposal of soil shall be submitted in writing and approved by the Local Planning Authority.

Reason: In order to avoid retained areas of habitat in accordance with Policy NE1 of Burnley's Local Plan (July 2018)

11. Any vegetation clearance including trees, shrubs and undergrowth (eg bramble) should avoid of the breeding season (March- August inclusive) unless it can be demonstrated that there is no nesting activity present. All wild birds are protected whilst nesting (Wildlife & Countryside Act 1981)

Reason: To ensure that there is no harm to nesting birds which are protected by the Wildlife and Countryside Act 1981 and in accordance with Policy NE1 of Burnley's Local Plan (July 2018)

12. The submitted Ecological Report (Prelim Ecological Appraisal – Feb 2021) shall be updated during the months of April – September only and shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the optimum number of species are survey in line with JNCC 2010 and in accordance with policy NE1 of Burnley's adopted Local Plan.

13. The proposed flood lights shall only be activated in accordance with the details within the planning statement (June 2021) submitted with the application. Any other use of the flood lights would require details of such use to be submitted and approved by the Local Planning Authority.

Reason: In the interest of visual amenity.

14. Prior to any site clearance, a pre commencement survey of the site for the presence of badgers shall be carried out by a suitably qualified person and to appropriate standards and shall be submitted to and approved in writing by the Local Planning Authority. In the event that evidence is found of badgers on any part of the site then no development shall be commenced on the site until a Method Statement to detail the

measures to be carried out to avoid any possible harm to badgers during the course of development have been submitted to and approved in writing by the Local Planning Authority. Once approved, the method statement shall be implemented in full at all times until completion of the development.

Reason: To ensure adequate protection for badgers which are protected under the Protection of Badgers Act 1992, in accordance with Policy NE1 of Burnley's Local Plan and the NPPF. The pre commencement survey is required prior to the commencement of the development to ensure the objective of the condition in protecting badgers can be realised.

Highways

15. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
- i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding
 - v) Measures to control the emission of dust and dirt during construction
 - vi) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - vii) Details of working hours
 - viii) Routing of delivery vehicles to/from site

Reason: In the interests of highway safety in accordance with policy SP5 of Burnley's adopted Local Plan

16. No works shall commence on site until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the local planning authority. The approved wheel cleaning facilities shall then be used by all traffic associated with the construction of the development for the duration of the construction period.

Reason: In the interests of highway safety in accordance with policy SP5 of Burnley's adopted Local Plan

17. The existing stoned vehicle site access on Balderstone Lane shall be physically closed and any damaged kerbing replaced prior to the first use of the development hereby permitted.

Reason: In the interests of highway safety in accordance with policy SP5 of Burnley's adopted Local Plan

18. Prior to commencement of development, a scheme shall be submitted to and approved in writing to the local planning authority for the new site access, details to include; the paving, surface water drainage and the relocation of the street lighting column. The works shall then be constructed in accordance with the approved plans.

Reason: In the interests of highway safety in accordance with policy SP5 of Burnley's adopted Local Plan

19. No heavy commercial vehicle traffic, plant, machinery or earthmoving equipment associated with the construction of the development shall enter or leave the site, and no external construction work shall take place on any Sunday, Bank Holiday or public holiday. On any other day, no such traffic, plant, machinery or equipment shall enter or

leave the site and no external construction work shall take place except between the following times: Monday to Friday 07.00 and 19.00; and Saturday 08.00 and 17.00

Reason: In the interests of highway safety and residential amenity in accordance with policy SP5 of Burnley's adopted Local Plan

Environmental Health

20. The development hereby permitted shall be designed so that the rating levels for cumulative noise from external plant and from any equipment shall not exceed the existing background noise level (LA90) at the external façade of any noise sensitive premises, as assessed in accordance with British Standard 4142(2014) or any subsequent replacement national standards
21. An operational noise survey is to be undertaken, once the development is fully functional, to affirm the noise levels and impact as predicted by the amended noise assessment dated 20/7/22, and to affirm that the nearest receptors are not significantly adversely affected by air-borne or structure-borne sound.

Informative

The developer should produce a risk reduction strategy as the responsible person for the scheme as stated in the Regulatory Reform (Fire Safety) Order 2005. We would also expect that safety measures and risk mitigation is developed in collaboration with the Service.

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Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017

APPLICATION: FUL/2021/0375
PROPOSAL: Proposed erection of a Battery Energy Storage System (BESS)
AT: Balderstone Lane, Burnley
APPLICANT: Widdow Hill BESS Ltd

Screening Opinion

This is the Screening Opinion of the Local Planning Authority for the proposed erection of a Proposed 152MWh battery storage contained within 36 battery units measuring 10.6m in length and 2.6m in width, associated transformers, electrical equipment, switch room, control room, 2.4m high palisade fencing, site drainage, 8 mounted CCTV cameras on 6m high poles, floodlighting on buildings and access track

Background

The above planning application was made valid on the 13th July 2021.

Battery storage is not explicitly listed within Schedule 2 of the EIA Regulations. Schedule 2, Class 3 a) refers to: '*industrial installations for the production of electricity, steam and hot water.*' Whilst the proposal is not for the actual production of electricity, the storage of electricity plays its part in the process of production.

Furthermore, it is considered that the proposals fall within the category of Energy Industry at 3 (a) of Schedule 2 where the following thresholds are applicable:-

(i) The area of the development exceeds 0.5 hectare.

The overall application site area for the proposed development is 1.3 hectares

In conclusion, the proposed development would exceed the threshold at 3 (a)(i), in which case a Screening Opinion is required pursuant to Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. No screening request has been submitted either prior to or with the planning application. As such, a screening assessment has been carried out which utilises the information submitted to accompany the planning application.

Assessment

The information contained within the planning application (FUL/2021/0375) has been considered alongside the selection criteria in Schedule 3, part 2 (Selection criteria for screening schedule 2 development) of the 2017 Regulations and advice in the National Planning Practice Guidance.

Consideration against the selection criteria of Schedule 3 of the Regulations is required. Schedule 3 lists the selection criteria as:

- Characteristics of the development
- Location of the development
- Types and characteristics of the potential impact

These are discussed within the sub-headings below:-

Characteristics of the development

The site is located within the defined settlement boundary as designated in Burnley's adopted Local Plan. The site sits within an existing Protected Employment Site (EMP2/4), Heasandford & Innovation Drive and has a specific employment allocation (EMP1/6).

The site is considered to be in a sustainable location and access to the site is proposed from Balderstone Lane. The surroundings uses to the site are commercial and the LCC household waste recycling centre associated with the wider employment site. To the north of the site is an elongated protected green space which forms a natural buffer between the site and residential properties on Lydgate, Horning Crescent and Croasdale Avenue. To the immediate eastern edge of the site the defined settlement boundary marks the beginning of open countryside.

There are obvious site level changes, from the north falling to the south (Balderstone Lane). There have already been some preliminary site clearance and levelling off as part of a previous planning approval (APP/2018/0296). To the eastern boundary of the site flows Walshaw Clough which flows southwards to join the River Don, and to the western boundary of the site is a small brook which culverts close to Balderston Lane.

Footpath No. 154 runs to the northern and western boundaries of the site with Footpath No. 152 running vertically. Note that both footpaths lie outside the application boundary but clearly views from the footpaths will be directly affected by the proposals.

Location of development

Ecology and Biodiversity

The site is part of the Lancashire Ecological Grassland and Woodland Network and designated as such in the Local Plan policy NE1. The area in which the site is located is described as 'stepping stone habitat' (see figure 2 below). These stepping stone habitats are described as 'high quality habitats' occurring along the network. the site is also covered in a Ecological - Woodland designation in which policy NE1 is applicable.

There are no statutory designated sites located within 1 km of the site. The site falls within the Impact Risk Zone (IRZ) for the South Pennine Moors Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC), located 3 km south east of the site. The protected area is designated for its mosaic habitat of blanket bogs, upland dry heaths, old sessile oak woods and species rich acidic flushes and mires. However, the proposed works do not fall into any of the categories that require consultation with Natural England, therefore, no further consideration regarding the Impact Risk Zones is required.

There are two non-statutory Biological Heritage sites (BHS) within 1 km of the site; River Don Brun Valley (BHS) is located 240 m south east of the site and Michelin Factory and Smallshaw Industrial Estate Grounds (BHS) is located 520 m south west of the site comprising of a single pond.

The Preliminary Ecological Appraisal conducted in Feb 2021 by Bowland Ecology sets out the methodology for the report, results, evaluation and assessment of potential impacts and conclusions and recommendations.

The site was formerly designated as part of the Heasandford District Wildlife Site because the area supported important lowland heathland and acid grassland habitats. These habitats were in decline and have now been subject to significant losses caused by the recent site remediation works associated with a previous planning application. Despite some losses of habitat on the site, the application site is described as lowland heathland vegetation, a priority habitat for conservation. It provides habitat for a range of wildlife, including deer which visit the site. The consultation responses from GMEU and the Burnley Wildlife Conservation state that its main value is as habitat rather than for breeding, contributing to the Heasandford District Wildlife Site.

Mitigation

Contributions from the Council's Parks and Open Space team for additional tree planting. Furthermore, The Brun Valley Greenway section that runs up the east/southeast side of the development needs to be kept wide enough so that there is plenty of space for cyclists/walkers, etc. without fencing being too close to the greenway. As such, can we ask that the fencing erected is set back at least 3-4 metres from the existing path.

The existing woodland would be retained and improved with underplanting and new trees. A condition is required to ensure adequate protection measures during construction. Conditions are also recommended to require a detailed Landscape Creation and Management Plan for the application site, as well as precautionary measures to protect badgers and birds. The latter would ensure that protected species are not put at risk. Subject to these measures and conditions, the identified adverse impacts of loss of habitat would be mitigated by an off-site scheme of meadow creation, and new planting to the north and east sides of the site and on-site measures to optimise appropriate landscaping at the site. These measures would, in total, ensure that the development complies with Policies NE1 and NE4.

Any light pollution created by the flood lighting will be minimised to the number of times any staff will visit the site which is estimated to be approximately 3 times a year. A condition will be attached to the permission requiring the flood lights to be switched off at any other time.

There is no known contamination from the site that would need to be dealt with. The site has been subject to historic surface coal mining activities which could potentially lead to issues of land instability, particularly where unrecorded mining shafts may exist. The proposed development involves little intrusive works to mount the proposed solar array on an aluminium frame but it would be necessary to ensure even minimal works (including any ground works for the siting of substations, battery storage, inverters, kiosk and associated equipment) are not adversely affected by past coal mining legacies. The Coal Authority has been consulted on the application and recommend a Condition to require further assessment to be carried out prior to the commencement of development. The scale of the likely impact is confined to the application site and adequate mitigation can be secured through a planning condition.

The application site falls within Flood Risk Zones 1. Flood Zone 1 has the lowest risk of flooding. A Flood Risk Assessment has been requested as the site is major development. Surface water will be consulted upon with the LLFA. There will still be areas of existing landscaping maintained within the site, ie not all the site area will have built form upon it. Measures for surface water pre and post construction will be detailed in a Construction

Management Plan. The impacts of the construction and operation of the development on flooding is therefore not of a magnitude that requires any further assessment through Environmental Impact Assessment.

Risk to human health as a result of potential contamination to the land, water or air is likely to be low. There are no identifiable significant risks to human health that would require an Environmental Impact Assessment.

The cumulative impact of the combined development has been taken into account and would not lead to a significant cumulative impact and an Environmental Impact Assessment would not be needed to address these issues.

Types and characteristics of the potential impact

The impacts that have been identified (on ecology, resources, pollution, noise, visual impact, traffic impacts, contamination, ground conditions, health risks, risk from major accidents) and discussed above.

The impact of the proposal on natural resources, biodiversity, visual impact, pollution, waste, noise, traffic, historic assets, flooding, the risk of major accidents, the risk to human health are clearly definable and are unlikely to lead to transboundary impacts. The impacts of the development from the construction process have been identified and can be adequately mitigated.

Pollution and nuisances

The Site is not located within an Air Quality Management Area (AQMA).

Any emissions generated during construction, including dust and vehicle emissions will be managed in accordance with standard best practice. There will be no emissions from the battery storage facility during operation and the impact from construction will be temporary and not significant in nature.

In accordance with Lancashire Fire and Rescue, a fire risk assessment will be commissioned to inform the development. The assessment will make any recommendations to be incorporated into the final design of the proposed storage facility that might be required.

Control of noise, especially background noise will be covered by conditions which have been detailed by Environmental Health officer, informed by a technical noise assessment.

Human Health

As minimal human interaction is involved with the installed equipment, there are considered to be no additional risks of accidents associated with the operation of the battery storage facility.

There is a small risk that accidents may occur during construction and operation however measures in accordance with Health and Safety legislations will be implemented and best practice measures to minimise the risk of accidents.

The closest residential properties to the Site are located on Lydgate approximately 70 to the north of the site. The immediate surrounding area is industrial/employment which borders

onto the open countryside. During the construction phase, the works are not anticipated to result in any significant risks to human health

Cultural Heritage and Archaeology

The Site is not located within any statutory or non-statutory heritage assets. The proposal is not considered to give rise to any significant effects to these cultural heritage and archaeological sites.

Conclusion

The characteristics of the development and the site's location and the potential impacts of the development have been considered. The local planning authority is satisfied that the magnitude and complexity of the likely impacts are at a local level and both short term impacts from the construction phase and longer terms impacts on the landscape, natural resources, biodiversity, pollution, waste, noise, flooding, public health, historic assets and archaeology, risk of accidents and hazards are capable of being assessed through a series of individual reports and assessments.

No significant cumulative impacts have been identified that would require Environmental Impact Assessment (EIA). It is not considered that there would be significant transboundary impacts resulting from the proposal. The nature and degree of mitigation measures will be determined partly through the individual assessment reports and can be controlled by planning conditions and other mechanisms such as a legal agreement where necessary.

The proposed development has therefore been screened with reference to the relevant criteria in Schedule 3 and for the reasons explained above, the local planning authority is of the opinion that it is not likely to have significant effects on the environment and as such, the proposed development **is not EIA development** within the meaning of the Regulations. Environmental Impact Assessment is therefore not required.

Prepared by Paula Fitzgerald

Date of Issue: 14th February 2023

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