Application Number 07/2023/00565/FUL

Address Ab Inbev UK Limited

Cuerdale Lane Samlesbury

Applicant Budweiser Brewing Company Limited

Agent Mr Dominic Page

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Manchester M2 1HW

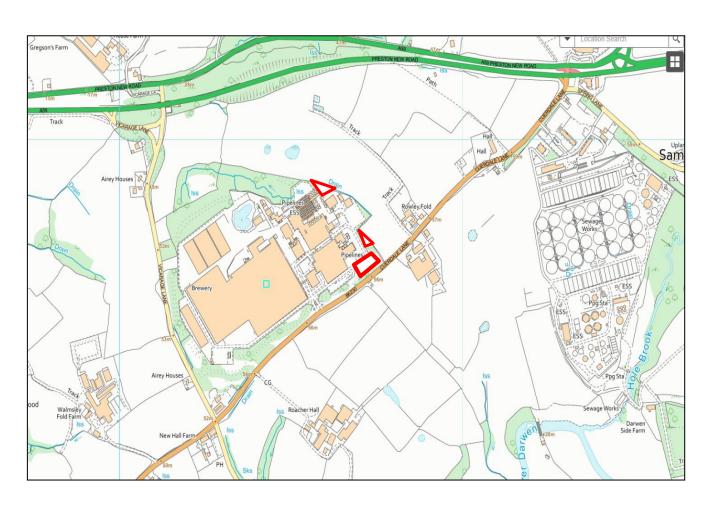
Development Erection of wastewater treatment plant

comprising technical building, methane reactor, storage and processing tanks, flare stack,

associated plant and enabling works.

Officer Recommendation Approval with Conditions

Date application valid 10.07.23 Target Determination Date 04.09.2023 Extension of Time 10.10.2023



1. <u>Introduction</u>

1.1. This application comes before committee at the request of a ward councillor. Otherwise it constitutes minor development in planning terms.

2. Report Summary

- 2.1. AB Inbev ('the brewery') is an established commercial facility (2.25ha) located north of Cuerdale Lane, Samlesbury. The well screened site is bound on all sides by deep tracts of open land and woodland and is accessed off Cuerdale Lane via a central gatehouse.
- 2.2. The application relates to 0.39ha of land to the south-eastern side of the site facing Cuerdale Lane. This area is part hardstanding/ part landscaped bund with tree screening; the hardstanding is level with Cuerdale Lane whilst the bund stands at around 2m higher.
- 2.3. Permission is sought for installation of a wastewater treatment plant, associated plant, and enabling works as described in full at Section 4 (below). The proposal is a critical part of InBev's ongoing strategy to increase capacity and input, and to secure 500 existing and future jobs at the Samlesbury site.
- 2.4. The site is designated in the Local Plan as Green Belt (Policy G1 refers). Full assessment of Green Belt development can be found at Paragraphs 9.1 and 9.3 below
- 2.5. Whilst inevitably there would be some change to the site's green infrastructure, full landscape mitigation proposals have been provided and are acceptable to the Council's Ecologist and Arborist. A landscape visual impact assessment has also been submitted. Having regard to consultee comments and the findings of accompanying reports, Officers are satisfied that proposed development would not detrimentally affect the amenity or nature conservation value of the site to such a level that this proposal warrants refusal on ecological or design grounds.
- 2.6. In response to publicity, representation has not been received from residents or Samlesbury Parish Council. Statutory consultee comments are noted at Section 8 below.
- **2.7.** In policy and spatial separation terms the proposal is considered compliant, and having regard to the comments of statutory bodies and the following commentary, it is recommended that the application should be **approved subject to the imposition of conditions.**

3. Application Site and Surrounding Area

- 3.1. The application relates to Inbev Brewery, Cuerdale Lane, Samlesbury; an extensive but tightly constrained site comprising numerous industrial and office buildings, of varying sizes, within a well-defined and heavily screened curtilage.
- 3.2. The site was allocated in the 2000 local plan by Policy D7 as 'Major Developed Site Whitbread Brewery Policy' but has since been re-classified as Green Belt (Local Plan 2015 Policy G1 refers). It is however identified separately on the Local Plan Policies Map as 'Inbev Brewery, Samlesbury'.

4. <u>Site Context / Planning History</u>

Inbev has a long, complicated planning history. Of relevance to this proposal however are:

• 07/2016/0782/FUL - Construction of HGV holding area, new access off Cuerdale Lane, new point of access to existing staff car parking, additional car parking and associated works. Approved Jan 2017 and varied by 07/2016/0782/FUL Feb 2018

• 07/2020/00865/SCE - Screening opinion in accordance with Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as to whether EIA is required in respect of this proposal. EIA not required

5. **Proposal**

- 5.1. The application relates to a secure, 0.39ha tract of land on the south-eastern side of the Inbev complex facing Cuerdale Lane. This area is part hardstanding/ part landscaped bund with tree screening; the hardstanding is level with Cuerdale Lane whilst the bund stands at around 2m higher.
- 5.2. West are the main site access and HGV registration area, north are Brewhouse buildings and a circulation road/car park, south is Cuerdale Lane, indirectly facing in the south-east at 160m distance is Cowells Farm, and east is open land beyond which is Rowley Fold Farm (150m). Beyond the entire complex in the west is Grade II listed New Southworth Hall (520m)
- 5.3. Permission is sought for installation of a wastewater treatment plant, enabling and landscaping works. The proposal is a critical part of InBev's ongoing strategy to increase capacity and input, and to secure 500 existing and future jobs at the Samlesbury site
- 5.4. Currently trade effluent is pumped via dedicated pipeline to Blackburn Wastewater Treatment Plant operated by United Utilities (UU) 2 miles east. The level of trade effluent requiring treatment prior to discharge into a water course now exceeds UU's agreed daily volume limit and must be treated on site before it passes to UU for final processing.
- 5.5. The proposed development comprises several structures which would run along, but be screened by the Cuerdale Lane frontage. The bund would be partially removed and reprofiled on the site side to provide renewed screening, and to allow for security fence relocation and enhanced tree and shrub planting. From west to east, structures, which would be finished in Van Dyke brown to blend in with existing buildings and woodland cover, would be:
- Odorix biofilter 2m high x 6m diameter, located west of proposed pipe bridge and existing pump house
- Pipe Bridge gantry style structure measuring 15m long x 2m wide x 7m high, running away from the site frontage into the main complex.
- Post aeration tank 6m high x 5.5m diameter
- Biogas Flare Stack Approx.: 6m high and located between the methane reactor and post-aeration tank
- Biosulfurix Tower 10m high x 2.5m diameter
- Methane Reactor 13.3m high x 10.1m diameter
- Technical Building low pitch roofed building covering 154sqm 12m wide x 13.5m deep x 4m high. This incorporates lab, testing and electrical control rooms
- Calamity Tank 8.5m high x 7.8m diameter
- Sampling area
- Equalisation Tank 12m high x 10.9m diameter
- 5.6. Landscaping and visual assessment are discussed in further detail below (see Para 9.3.5.3).
- 5.7. To explain the various structures the applicants statement includes this summary:

'The proposed wastewater treatment plant would have a capacity of up to 15 tonnes of chemical oxygen demand per day prior to treated waters being pumped to UU for final

treatment and discharge to water courses. No other waters or effluent would be discharged directly from the brewery to any watercourse'. (Statement Para 3.2)

The Treatment Process (Statement Para 3.6-3.9)

The wastewater treatment process includes pre-treatment, anaerobic treatment, biogas handling, post aeration and biofilter stages. Pre-treatment involves screening to remove larger particles and partial pre-acidification of the effluent. Automated pH monitoring is used to maintain a neutral-to-acid range, and vent air is extracted via a biofilter system.

Biogas generated will initially be handled by a flare stack, but the long-term objective is to recycle the gas within the brewery's boilers to improve efficiency and offset the use of natural gas. Excess sludge will be periodically removed by vehicle tanker and sent to a registered waste processing site. As a guide, the plant would require 1 tanker vehicle to visit the site every 6 months.

Post-aeration is completed to remove residual odour from the effluent using a covered tank for odour control. Vent air from various tanks will be treated by a biofilter using wood chips, limestone powder, and nutrients, where micro-organisms will degrade or oxidize odorous compounds. Organic acids will be completely degraded, and hydrogen sulphide will be oxidized to sulphur and sulphuric acid, which will be neutralized by lime'.

6. Summary of Supporting Documents

6.1. The application is accompanied by the suite of documents noted in condition 2.

7. Representations

- 7.1. Summary of Publicity
- 7.1.1. A site notice has been posted and five neighbouring properties consulted.
- 7.2. <u>Letters of Objection or Support</u>
- 7.2.1. None received
- 7.3. Parish Council Response
- 7.3.1. None received

8. Summary of Responses

- 8.1. **Arborist -** Mitigation for removal of established trees cannot be achieved on a 2:1 ratio due to site limitations. The applicant's solution involves enhancement of the understory within existing woodland and introduction of smaller trees and whips along the site frontage. Whilst this approach doesn't precisely adhere to the Local Plan's wording, it does present a viable option for long term mitigation. This approach is considered suitable in this context.
- 8.2. **Ecology (GMEU)** An additional bat survey of one tree was recommended prior to determination. Other ecological issues relating to nesting birds, other wildlife and biodiversity net gain can be dealt with via condition

Bats - trees on site were assessed for bat roosting potential. One tree was assessed as having moderate bat roosting potential. Further emergence surveys have been since provided and there were no bat emergences observed during nocturnal bat roost surveys, with bat activity levels being low. It is therefore considered unlikely that the tree currently

supports roosting bats. All trees on site can therefore be felled without the requirement of a licence for bats.

Other Protected Species – GMEU agree that all other protected species can be reasonably discounted due to lack of suitable habitat on or within the zone of influence of the development.

Contributing to and Enhancing the Natural Environment - A mitigation plan has been provided away from the site but within the wider Inbev boundary. The consultants state that this will achieve net gain, which GMEU accept is feasible. They are however aware that the wider site has had a series of minor developments involving tree removal with enhancement of retained areas and would like clarification that none of the areas proposed for enhancement are already being enhanced under previous permissions. Officers confirm this to be the case.

Precautionary conditions relating to nesting birds, invasive species, lighting, nesting opportunities and reasonable avoidance measures are recommended

8.3. **Environmental Health** finds air quality and odour assessments to be acceptable. When assessing operational noise, the noise impact assessment (Lighthouse Acoustics 0121/APR6 15 June 2023), identifies the need for attenuation measures. Prior to installation the applicant should advise the LPA of the measures they intend to put in place and how these mitigate the effects of the installation at nearby noise sensitive receptors. This can be secured via a pre commencement condition.

Conditions relating to construction hours and management also recommended.

8.4. Growth Lancashire (Council's heritage advisor) has assessed the proposal having regard to duty imposed by, and the requirements of heritage protection policies noted below at Para 9.2.5. Comments in summary are:

GL read the supporting documents including the planning statement, application form, visual impact assessments (x4), acoustic report, landscaping plan and existing and proposed elevations. The key heritage consideration is whether the proposal preserves the significance of the grade II listed buildings Rowley Fold Farmhouse and New Southworth Hall.

Setting - Historic England's advice describes 'setting' as being the surroundings in which a heritage asset is experienced, which may be more extensive than its immediate curtilage and need not be confined to areas with public access. Whilst often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.

The site - The application site is located at the corner of the established brewery site; a large-scale site already developed with several industrial processing buildings of multiple storeys. The proposal will involve the removal of approximately 58 mature trees to accommodate the plant.

Rowley Fold Farmhouse is located approx. 100m to the northeast of the site. It is a two storey C18 farmhouse facing Cuerdale Lane but set back in its plot and bounded by hedgerows. It is primarily experienced within its grounds and at close range from the garden. The surrounding rural landscape makes some contribution to its significance, reflecting the relationship between the agricultural land and its use, but this contribution is secondary to the contribution made by the garden frontage. The application site in its current form does not contribute to significance as a modern industrial site. It is screened by trees along the eastern site boundary but is partially visible in the summer months and more visible in the winter months. The additional plan involves tree removal but the landscaping plan indicates

that all existing trees along the eastern boundary will be retained. Additionally, new planting will assist in re-screening the site should there be some glimpsed views towards the proposed development.

The planning statement confirms that there will be some adverse visual impacts on Rowley Fold during the construction phase but by year 15 of operational phase this will either be neutral or slightly beneficial. Building heights are restricted, would be read as a continuation of existing built development and will not rise above the existing tree canopies. Given the limited contribution made by the asset's wider setting, the industrial, modern character of the proposed development site and the potential for screening following planting, there is likely to be a very low to negligible impact on the significance of the grade II listed Rowley Fold Farmhouse. Additional landscaping will likely mitigate the marginal visual harm.

New Southworth Hall (Grade II C16/17) - given the distance to the listed building, and the intervening industrial development, there are not predicted to be any impacts on the significance of this listed building. Any inter-visibility of the proposed new development, as indicated in the visual impact assessment, will be read as part of the existing industrial development.

Of note is the modern setting to both listed buildings experienced alongside a busy main road, with the M6 approximately one mile to the west. The setting of both assets, while in open countryside, is somewhat marred by the presence of traffic and traffic noise. In this context, any additional noise as outlined in the acoustic report is not considered to cause any further impact on the setting and its limited contribution to the significance of either of the designated assets.

As required, considerable weight has been given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the reasons outlined above, GL consider the proposed development is likely to amount to very low/negligible level of harm on the significance of the grade II listed Rowley Fold Farmhouse, and no harm to the significance of the grade II listed New Southworth Hall. The harm identified would be at the bottom end of the *less than substantial* scale. Regardless any harm needs to be given *great weight* as per NPPF P.199. NPPF P.202 allows the level of harm (in this case very low) to be weighed against any public benefits of the scheme. If after undertaking that exercise the LPA consider a positive balance is achieved then the proposal will be deemed to have met the requirements contained under Chapter 16 of the NPPF and would be in accordance with policy G17 of the Local Plan and Policy 16 of the Central Lancashire Core Strategy.

8.4. **Health & Safety Executive** - HSE confirm that proposed development does not lie within the Consultation Zone of any major hazard sites or major accident hazard pipelines and based on this information HSE do not require consultation and have no comments to make.

According to HSE records however, proposed development is near to a major accident hazard pipeline (11 Feeder Carnforth/Nether Kellet Comp gas pipeline operated by National Grid Gas plc) and it is recommended that the pipeline operator is consulted. See Cadent comment below

- 8.5. **Cadent -** the application is in close proximity to Cadent gas asset/s. Cadent have no objection to this proposal from a planning perspective but recommend an informative note to prevent damage to their assets or interference with their rights.
- 8.6. Lead Local Food Authority has no objection
- **8.7. LCC Highways -** The proposed works are of small scale within this large established industrial site. LCC are of the opinion that the size and nature of the proposals at this location

should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site and there are no highway objections to the application

8.8. United Utilities - Following review of the submitted Drainage Strategy, UU confirm the on-site solution is acceptable. The applicant must however continue discussion with United Utilities regarding the wider drainage proposals and how this affects existing effluent received from Inbev at Blackburn Wastewater Treatment Works, (a UU facility). To secure the submitted drainage, conditions are recommended.

9. <u>Material Considerations</u>

9.1. Site Allocation Policy

- 9.1.1. The site is designated under Policy G1 (Green Belt) of the South Ribble Local Plan 2012-2026.
- 9.1.2. Both the National Planning Policy Framework (NPPF) and Local Plan Policy G1 (Green Belt) impose a general presumption against inappropriate development in Green Belt areas unless there are very special circumstances which clearly outweigh the harm. to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal. Paragraph 149 of the NPPF indicates that a local planning authority should regard the construction of new buildings in the Green belt as inappropriate development. There are exceptions to this one of which is 'limited infilling or partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use which would not have a greater impact on the openness of the green belt' (Local Plan G1: F / NPPF: Para 149).
- 9.1.3.In addition, both documents note that 'certain other forms of development are also not inappropriate where they preserve Green Belt openness including engineering operations G1:10.29/NPPF Para 150).
- 9.1.4. Policy G1 also includes a caveat which states that 'there are a number of major developed employment sites within the green belt. These sites can be developed within their curtilage and... should continue to secure jobs and prosperity'. The Inbev site whilst washed over by Green Belt is identified in the local plan as 'InBev Brewery, Samlesbury' and was allocated in the 2000 local plan by Policy D7 as 'Major Developed Site Whitbread Brewery Policy'. This acknowledgement that the site has been in long term industrial use which carries significant weight in the planning balance.
- 9.1.5. It is considered that in terms of Green Belt development, this proposal benefits from exemption by virtue of its status as previously developed land, and that subject to suitable environmental mitigation, and keeping in mind the site's very proximate industrial backdrop with few views through the site, would not impact on Green Belt openness more than the current situation. Although alterations to landscaped bunding are needed to facilitate development, these are primarily within the operational boundary rather than on the Cuerdale Lane side of the security fence.
- 9.1.6. Whilst the proposal benefits from exemption as noted above, and therefore the applicant does not need to demonstrate that there are very special circumstances, in Officers opinion these do also exist, as follows:
- AB Inbev is an established employment site which should be offered operational protection proposals are well designed, subject to appropriate landscaping and ensure the longevity of the business

- Operational limits imposed by United Utilities are outside of the brewery's control, yet have the potential to prevent expansion, increased capacity and input; the proposed development would help secure 500 existing and future jobs at the Samlesbury site.
- Low level physical changes are the minimum required and are not considered to impact in terms of Green Belt openness.
- The site is extremely constrained by its current local plan allocation, and is at a point where land is no longer available unless the business either moves into more open land adjacent to the facility or development occurs in an upwards direction
- Alterations to areas immediately outside the secure fence line would be limited to soft landscape mitigation

9.2. Additional Policy Background

Additional policy of marked relevance to this proposal is as follows:

9.2.1. Economic Policy

- 9.2.1.1. The NPPF at Para 11: presumes in favour of sustainable economic growth and development. Chapter 6 (Building a strong, competitive economy) of the same document commits to securing growth, job creation and prosperity in order to meet the challenge of global competition.
- 9.2.1.2. Para 81 states that 'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
- 9.2.1.3. Para 82 goes on to say that planning should 'seek to address potential barriers to investment such as inadequate infrastructure (point c)..' and 'be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices and to enable a rapid response to changes in economic circumstances (point d)'
- 9.2.1.4. Central Lancashire Policy 10 (Employment premises and sites) and Local Plan E2 (Employment Areas and Sites) offer similar protection to employment sites, promoting development to ensure their retention, with Policy E2:8.24 stating that 'industrial and business premises within the borough are essential to its prosperity, and the ability for existing firms to expand is seen as a main component of job retention and creation'
- 9.2.1.5. Core Strategy Policy 9 (Economic Growth and Employment) provides for economic growth and employment with Samlesbury being identified as a regionally significant employment area, whilst Policy 15 (Skills and Economic Inclusion) aims to identify and mitigate against skills shortages. This is supported by the Central Lancs Employment & Skills SPD.

9.2.2. Design Policy

9.2.3.1. Core Strategy Chapter 7 (Requiring Good Design) and Local Plan Policy G17 (Design of New Buildings) both attach great importance to the design of the built environment, requiring proposals to take account of the character, appearance and amenity of the local area, and to highways and pedestrian safety. Proposals shall not by virtue of their design, height scale and proximity have a detrimental impact on the existing building, neighbouring buildings or the street scene.(G17a) Where there is a detrimental impact on

landscape features, and on balance it is considered acceptable to remove these features, then mitigation measures can be provided (G17e).

9.2.3. Environmental Protection Policy

- 9.2.3.1. NPPF Chapter 15 (Conserving and Enhancing the Natural Environment), Core Strategy 29 (Water Management) and Local Plan G16 (Biodiversity/Nature Conservation) seek to conserve, enhance and manage the natural environment, reduce flood risk and protect site biodiversity; as reflected by Core Strategy Policy 22 (Biodiversity and Geodiversity). In addition, Local Plan Policy G13 (Trees, Woodlands and Development) states that development will not be permitted where it affects protected trees and woodland without suitable mitigation.
- 9.2.3.2 NPPF Paragraph 174 states that planning should contribute to, and enhance the natural and local environment by amongst other things 'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures' (para d) and 'preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability'.
- 9.2.3.3. Separately, Core Strategy Policy 30 (Air Quality) aims to improve air quality through a number of measures. Also with particular reference to noise impact, NPPF Para 185 requires planning to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life (point a) and limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation (point c).
- 9.2.3.4. In terms of landscape character, Core Strategy Policy 21 (Landscape Character Areas) requires that new development is integrated into existing patterns appropriate to the character, type and designation within which it is situated.
- 9.2.3.5. Core Strategy Policy 28 (Renewable and Low Carbon Energy Schemes) supports proposals for renewable and low carbon energy schemes, and states that 'planning permission will be granted where (a) the proposal would not have an unacceptable impact on landscape character and visual appearance of the local area, including the urban environment; (b) the reason for the designation of a site with statutory protection would not be compromised by the development; (c) any noise, odour, traffic or other impact of development is mitigated so as not to cause unacceptable detriment to local amenity; and (d) any significant adverse effects of the proposal are considered against the wider environmental, social and economic benefits, including scope for appropriate mitigation, adaptation and/or compensatory provisions.

9.2.4. Heritage Protection Policy

9.2.4.1 The principal statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. In coming to a decision, the local planning authority should consider the principal Act which states that 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

- 9.2.4.2 Para 197 of NPPF 2023 states in determining planning applications LPAs should take account of the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.2.4.3 Paragraph 199 further states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation, whilst Para 200 identifies that any harm to heritage assets requires clear and convincing justification. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (Para 202).
- 9.2.4.4 Core Strategy Policy 16) Heritage Assets) and Local Plan Policy G17 (Design Criteria for New Development (criterion d) both support this aim of protecting and seeking opportunities to enhance the historic environment, heritage assets and their settings by safeguarding heritage assets from inappropriate development that would cause harm to their significance.

9.3. Other Material Considerations

9.3.1. Green Belt Development and Economic Protection

- 9.3.1.1. Adopted national and local planning policy aims to preserve where practicable existing employment sites, as long as development proposals accord with other planning policy such as that afforded to Green Belt protection.
- 9.3.1.2. It is unfortunate that the site's Green Belt allocation constrains the site to such a level that now development can only be installed where there is space for it. Space at the Inbev site is extremely limited and tends now to comprise of more visible areas which were previously avoided but now cannot be discounted. The alternative at this stage is for works to sit atop other buildings which visually would be less acceptable. It is however considered that as the industrial facility is well established, provides significant employment and helps to support the local economy, proposed changes should be supported, and that subject to relevant landscaping, benefits to the business's long-term future should be offered considerable weight in the planning balance.
- 9.3.1.3 Despite its Green Belt location, the proposal complies with Green Belt policy by virtue of its policy exemption as a previously developed site. Notwithstanding that exemption the applicant can also safely demonstrate that there are very special circumstances which outweigh the harm to the Green Belt, and whilst proposed changes would be significant, they would not be excessive in the context of this large industrial site.

9.3.2. **Design**

9.3.2.1. The scheme would be of industrial design, in an industrial setting. When viewed from Cuerdale Lane however, the structures – which would be set against a backdrop of other buildings up to 25m high, and behind a partially (current) / fully (long term) landscaped and tree lined bund – would not be readily visible from outside of the site. In terms of character of the area, whilst some visual impact is inevitable, it would be limited and would not in these circumstances be sufficient to warrant refusal on design grounds.

9.3.3. Relationship with Neighbouring Properties and/or Heritage Assets

9.3.3.1. The closest residential properties to the proposal site are Roacher Hall and Cowells Farms (200m and 160m respectively). Rowley Fold Farm (Grade II) is also present approximately 150m east but screened by woodland and open land; such distances are more

than acceptable separation for a scheme of this nature when taking into account existing and proposed landscape screening and the sites current use.

- 9.3.3.2 There are other properties within similar distance of the site, but these are screened by brewery buildings and would not be affected.
- 9.3.3.3. Planning permission exists to the west at New Southworth Hall, for restoration of the Grade II listed building to office use (completed) with erection of 2 no: dwellings (not implemented). Dwellings if built would be around 160m distance and screened by deep woodland.
- 9.3.3.4. Impact upon designated heritage assess, their setting and the amenity of residents in both designated and non-designated properties has been assessed and is found to be at acceptable levels.

9.3.4. Highways, Access and Parking

9.3.4.1. The applicants statement notes that one tanker would access the facility for sludge removal every 6 months or so, but once operational there should be no significant traffic generation. No further traffic assessment is considered necessary. LCC have no objections to the proposal on highways safety and capacity grounds

9.3.5. Natural Environment, Ecology and Ground Conditions

- 9.3.5.1. Trees There are no trees protected by Tree Preservation Order, and although tree numbers are high these are generally not of high quality. An AIA, mitigation and protection plan have been provided.
- 9.3.5.2. 58 trees would be removed mostly category C (least favourable), including a good proportion showing signs of Ash Die Back disease. Only 1 category B tree would be removed. 18 new trees, significant understorey, hedgerow and meadow planting would provide a tiered canopy to infill gaps in the existing frontage and adjacent wooded areas, resulting in visual continuity. Conditions to protect the remaining woodland and require suitable mitigation are also recommended.
- 9.3.5.3 *Ecology* The accompanying Preliminary Ecological Assessment notes that the site is mostly hardstanding, amenity grassland and mixed scrub with some broad leaf tree cover, but that it is connected to the wider landscape of the area, and forms part of a much wider woodland block. A badger report has been provided, and Great Crested Newt pond assessment undertaken; the latter finding it unlikely that GCN and amphibian species would be present in the woodland defined by the site. The area provides low quality bat foraging and commuting, and bird nesting habitat.
- 9.3.5.2. In addition to enhancements immediately adjacent to the developable area, Biodiversity Nett Gain (BNG) is proposed at two locations within the site. These are noted separately on the red edge plan attached to this report. The first is a 0.05ha block of woodland to the south in poor condition. The aim is to upgrade to 'moderate'. The second is a 0.08ha piece of amenity grassland and 0.4ha of scattered trees in 'poor' condition. Overall BNG would amount to 6.08% habitat increase including two new native species hedgerows with trees. Conditions to secure the BNG are recommended.
- 9.3.5.3. Landscaping and Visual Impact Assessment The application is accompanied by full Landscape Visual Impact Assessment and proposed landscape mitigation plans.
- 9.3.5.4. The applicants statement suggests that during year 1 (construction), moderate visual impact is to be expected to the residents of Roacher Hall, Cowells and Rowley Fold

Farms which are between 150m and 200m away. By year 15 (operational stages) it is anticipated that there would be negligible/minor beneficial visual effects to any proximate receptor groups when taking into account proposed landscaping and long-term growth levels. Conditions to require replacement of lost shrubbery/trees within the first 5 years would also offer some security that measures would be suitable.

- 9.3.5.5. Proposed bund reprofiling would result in similar bund heights of around 2-3m when viewed from outside/inside the site, but with a less steep gradient slope within. Proposed replacement planting, appropriate material use consistent with existing elevations and in colours to blend in with woodland, and restricted building heights to prevent tree canopies being breached all ensure that views from outside the site would in the long term be similar to the current situation. Views inside the site would be largely unscreened, but this is to be expected in a large industrial facility.
- 9.3.5.6 Whilst in the short term there will undoubtedly be a reduction in visual amenity as the bund is reprofiled and trees lost to allow for this process, on balance, having assessed the applicants analysis of landscape and visual related issues, proposals are considered compliant with the landscape and visual amenity protection aspects of planning policy. In addition, if the long-term objective is to recycle the gas within the brewery's boilers to improve efficiency and offset the use of natural gas, this would accord well with Core Strategy policy 28 which promotes more sustainable development and renewable energy production in line with the Councils own climate change agenda

9.3.6. Air Quality, Noise and Light Pollution

- 9.3.6.1 Air Quality The accompanying air quality report (AQA) identifies 4 human and 3 ecological odour sensitive receptors within 470m. The AQA finds that proposed development includes a series of odour control measures and assesses the pathways of emissions. It concludes that the likely odour impact from development would be 'negligible' at all receptors, and that combustion emissions would be 'insignificant'. No further modelling is therefore required.
- 9.3.6.2 *Noise Impact Assessment (NIA)* The NIA finds that plant would be treated with acoustic attenuation to ensure noise does not exceed acceptable levels. As the final contractor has not been identified a condition to control details which can be verified during tender is felt acceptable. The NIA finds that there would be no adverse residual impacts resulting from development.
- 9.3.6.3 *Light Pollution* Only low-level lighting is proposed to meet Health and Safety standards additional high-level lighting is not suggested
- 9.3.6.4. Environmental Health comments re: noise and air quality are noted above at Para 8.3

10. Conclusion

- 10.1. AB Inbev ('the brewery') is an established, but well screened commercial facility located to the northern side of Cuerdale Lane, Samlesbury; a semi-rural open area with only sporadically placed neighbours of adequate spatial separation. Although the facility is designated under Local Plan Policy G1 as Green Belt, it has benefited from its allocation as an employment site for many years.
- 10.2. Green Belt policy seeks to protect Green Belt from inappropriate development, but includes exceptions to the rule, or is discretionary where the applicant can demonstrate that very special circumstances exist to allow for non-conforming development. It is considered that both exemption and very special circumstances do exist, as detailed within this report.

- 10.3. The proposed development would not have an undue impact on the amenity of neighbouring properties, the character and appearance, water management or nature conservation of the area, and is not expected to alter the current situation with regards to highways safety and the free flow of traffic. It has been fully assessed by the Councils statutory consultees as acceptable subject to conditions.
- 10.4. On balance, and taking into account the above discussion, it is considered that this application is considered compliant with the Central Lancashire Core Strategy, South Ribble Local Plan (policies as identified below) and the National Planning Policy Framework and is therefore recommended for **approval subject to imposition of conditions**.

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

- The development hereby permitted 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.
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans and suite of documents:

Air Quality Assessment (422.005388/00001 V2: May 23 SLR)

Arboricultural Impact Assessment (10217-R018D-BV-LB April 23 Tyler Grange)

Preliminary Ecological Assessment (Tyler Grange LLP May 23 10217-R19A-NB-ECG-CW) and Bat Survey (10217-R21-ECG)

Ground Investigation Report (WWT-PPC-00-XX-RP-G-0002 Rev 1 Aug 22 (Patrick Parsons)

Landscape Visual Impact Assessment (Tyler Grange CIP April 23)

Noise Impact Assessment (Lighthouse 0121.Aprb Rev 2)

Planning Statement (Gerald Eve July 2023)

Planting Proposals (10217-P48d Tyler Grange) including Appendix 5: visual Assessment Criteria Table and photo viewpoint sheets PVP7-10

Plans: Patrick Parsons Prefix 10605-

- o Existing elevations 904/P4
- o Existing site sections 901/P5
- o Location plan 900/P5
- o Proposed elevations 905/P5
- o Proposed drainage 910/P1
- o Proposed sections 903.2/P4
- Site layout and sections 903.1/P5
- o Topography Survey 902/P3

REASON: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with Policy 17 of the Central Lancashire Core Strategy and Local Plan 2012-2026 Policy G17

 Development and post development planting shall be undertaken in accordance with the recommendations of approved Arboricultural Impact Assessment (10217-R018D-BV-LB April 23 Tyler Grange) and accompanying landscaping plans in the first planting season following completion of the development, or first occupation/use, whichever is the soonest. The approved replacement tree planting and landscaping scheme shall be maintained by the applicant or their successors in title thereafter for a period of 5 years to the satisfaction of the local planning authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the local planning authority. The replacement tree or shrub must be of similar size to that originally planted.

REASON: In the interests of the amenity of the area in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G8 in the South Ribble Local Plan 2012-2026

4. Should the development not have commenced within 24 months of the date of this permission, a re-survey be carried out to establish whether bats or other protected species are present at the site shall be undertaken by a suitably qualified person or organisation. In the event of the survey confirming the presence of such species details of measures, including timing, for the protection or relocation of the species shall be submitted to and agreed in writing by the Local Planning Authority and the agreed measures implemented.

REASON: To ensure the protection of schedule species protected by the Wildlife and Countryside Act 1981 and so as to ensure work is carried out in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

- 5. Development shall be undertaken in line with the recommendations and reasonable avoidance measures of approved Preliminary Ecological Assessment (Tyler Grange LLP May 23 10217-R19A-NB-ECG-CW) and Bat Survey 10217-R21-ECG REASON: To ensure adequate provision is made for these protected species in accordance with Policy 22 of the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
- 6. No tree felling, clearance works, demolition work or other works that may affect nesting birds shall take place between March and August inclusive, unless the absence of nesting birds has been confirmed by surveys or inspections. REASON: To protect habitats of wildlife, in accordance with Policy 22 in the Central Lancashire Core Strategy
- 7. Details of two bat and three bird roosting opportunities within the site shall be provided and agreed in writing by the Local Planning Authority. These shall be installed prior to first use of the facility hereby approved and retained thereafter. REASON: To ensure adequate provision is made for these protected species in accordance with Policy 22 of the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026
- 8. Before any site activity (construction or demolition) is commenced in association with the development, barrier fencing shall be erected around all trees to be retained on the site as detailed in the Tree Protection Plan which has been agreed by the Local Planning Authority. The fencing shall be constructed and located in compliance with BS 5837 2012 Trees in Relation to Design, Demolition and Construction Recommendations. Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant, removal or addition of soil may take place. This includes ground disturbance for utilities. The fencing shall not be moved in part or wholly without the written agreement of the Local Planning Authority. The fencing shall remain in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development.

REASON: To prevent damage to trees during construction works in accordance with Policy G13 in the South Ribble Local Plan 2012-2026

9. No deliveries of construction materials or removal of construction waste shall be undertaken outside the hours of 09:00 - 17:00 Monday to Friday. No deliveries or removal of waste shall be carried out at weekends or nationally recognised Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and NPPF

10. Any construction works associated with the development shall not take place except between the hours of: 0800 hrs to 1800 hrs Monday to Friday and 0800 hrs to 1300 hrs Saturday

No construction works shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing with the Local Planning Authority

REASON: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise in accordance with Policy 17 in the Central Lancashire Core Strategy

- 11. Prior to any works above ground being carried out, details of measures to mitigate the effects of the installation at nearby noise receptors, having regard to approved noise impact assessment (Lighthouse Acoustics 0121/APR6 15 June 2023), shall be provided to, and agreed in writing with the local planning authority. Once agreed these measures shall be implemented before first use of the water treatment plant, retained and maintained thereafter
 - Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 17 of the Central Lancashire Core Strategy and NPPF
- 12. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 10605-905, Rev P1 Dated March 2023 which was prepared by Patrick Parsons. 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 a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

RELEVANT POLICY

NPPF National Planning Policy Framework

Central Lancashire Core Strategy

- 7 Affordable and Special Needs Housing
- 9 Economic Growth and Employment
- 10 Employment Premises and Sites
- 16 Heritage Assets
- 17 Design of New Buildings
- 21 Landscape Character Areas
- 22 Biodiversity and Geodiversity
- 28 Renewable and Low Carbon Energy Schemes
- 29 Water Management
- 30 Air Quality

South Ribble Local Plan

- E2 Protection of Employment Areas and Sites
- G13 Trees, Woodlands and Development
- G13 Trees, Woodlands and Development

G17 Design Criteria for New DevelopmentG16 Biodiversity and Nature Conservation

Note:

Other application Informative

- 1. Attention is drawn to the condition(s) attached to this planning permission. In order to discharge these conditions an Application for Approval of Details Reserved by Condition form must be submitted, together with details required by each condition imposed. The fee for such an application is £116. The forms can be found on South Ribble Borough Council's website www.southribble.gov.uk
- 2. Cadent Ga Note's: Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations - This decision does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications. Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements. If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter

- 3. The applicant is advised that under the terms of the Wildlife and Countryside Act 1981, and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds, roosting birds or other protected species. The work hereby granted does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that any aspect of the development would disturb any protected species
- 4. Lead Local Flood Authority Note: LLFA's response does not cover highway drainage, matters pertaining to highway adoption (s38 Highways Act 1980) and/or off-site highway works (s278 Highways Act 1980). Should the applicant intend to install any sustainable drainage systems under or within close proximity to a public road network (existing or proposed), then they would need to separately discuss the use and suitability of those systems with the relevant highway authority
- 5. Health & Safety Executive Note: If hazardous substances are to be stored at the waste water treatment plant in excess of the controlled quantity specified in the Planning (Hazardous Substances) Regulations 2015, the applicant will need to apply for hazardous substance consent to the local planning authority as the hazardous substance authority.
- 6. Eco Note 2: If the presence of bats, barn owls, great crested newts or other protected species is detected or suspected on the development site at any stage before or during development or site preparation, works must not continue until Natural England has been contacted regarding the need for a licence.

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