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VIRIDOR WASTE MANAGEMENT LIMITED

PILSWORTH NORTH ENERGY CENTRE (GAS POWERED PEAKING PLANT)

PLANNING AND DESIGN AND ACCESS STATEMENT

AUGUST 2020

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DRAWINGS	TITLE	SCALE
001	Topographical Survey April 2019	1:200@A1
0420-PILS-SITE	Site Location Plan	1:2,000@A1
0420-PILS-SITE	Site Location Plan	1:1,250@A3
0420-PILS-000	Existing Site Layout	1:200@A1
0420-PILS-001	Proposed Site Layout	1:100@A1
0420-PILS-002	Proposed Elevations	1:100@A1

1 INTRODUCTION

1.1 Terms of Reference

1.1.1 This Planning Statement has been prepared on behalf of Viridor Waste Management, to be known as Viridor ('the Applicant') in support of a planning application for the installation and operation of 5 No. natural gas engines at Pilsworth North Landfill, Pilsworth, Bury, Greater Manchester.

1.1.2 The site falls within the administrative boundary of Bury Council.

1.1.3 Pilsworth North Landfill is a closed site which has previously been operated as a landfill for non-hazardous domestic, commercial and industrial waste. The proposed development is located in the Energy Centre associated with the landfill which continues to manage landfill gas.

1.1.4 The aims of this report are:

- To describe the site and its surroundings;
- To describe the reasons for the proposed development;
- To describe in detail the proposed development;
- To explain how the key planning and land use issues have been addressed in developing the proposal.

1.1.5 The planning application is supported by technical assessments which have been prepared for air quality and noise.

1.2 Planning Context

1.2.1 The proposed development is located within the existing Energy Centre and will be located in place of the Cryogenic Storage Facility (pilot plant, also referred to as Energy Storage Scheme) that was in operation for approximately 4 years and ceased operations earlier in 2020. Full details of the planning history is provided in Chapter 4.

1.3 Pre-application Consultation

1.3.1 No formal pre-application consultation has taken place.

1.3.2 An email was sent by Wardell Armstrong to David Marno, Head of Development Management at Bury Council on 14 May 2020 to explain the background to the proposals and agree the content of the planning application.

1.3.3 Mr Marno confirmed that a Transport Statement would not be required and requested the following to be clarified with the submission:

- Nature of the consent (temporary or permanent)
- Details about the replacement of plant, and any ecological considerations.
- Details of the power produced.
- Green Belt statement

1.4 Requirement for EIA

1.4.1 A Screening Assessment has been undertaken by Wardell Armstrong with Viridor to determine whether or not this scheme is likely to require an Environmental Impact Assessment (EIA) and it was concluded that EIA would not be required. A formal Screening Request was not deemed necessary given that the proposal does not exceed the Schedule 2, Part 3 (a) thresholds for energy generation, given that the site area is below 0.5 ha.

2 SITE LOCATION

2.1 Description of Site

2.1.1 Pilsworth North Landfill is located to the south-west of Moss Hall Road, Bury, Lancashire. The nearest postcode is BL9 7JL.

2.1.2 The application site lies within the existing Pilsworth Energy Centre which lies on the northern edge of the existing Pilsworth North Landfill. The six-figure grid reference is SD830097.

2.1.3 The existing compound contains a series of landfill gas engines and other plant, including the pilot cryogenic energy storage plant (this has recently been dismantled). These systems generate electricity from the landfill gas collected from the adjacent landfill. An extract of the existing layout (Drawing Number 001, April 2019 Topographical Survey) is illustrated in Figure 2.1.

2.1.4 The Energy Centre comprises an area of hardstanding that accommodates generators, gas flares, storage facilities, electrical transformers and associated equipment.

2.1.5 The site also includes a leachate storage and treatment facility (to the north of the compound).

2.1.6 The Energy Centre also accommodates site offices and an education facility.

Surrounding Area

2.1.7 The land to the south of the site is primarily landfill with the land to the north occupied by industrial units.

2.1.8 The nearest residential dwellings are located approximately 150 metres to the north-west of the site.

2.1.9 The nearest village is Heap Bridge, located some 350 metres to the north of the site.

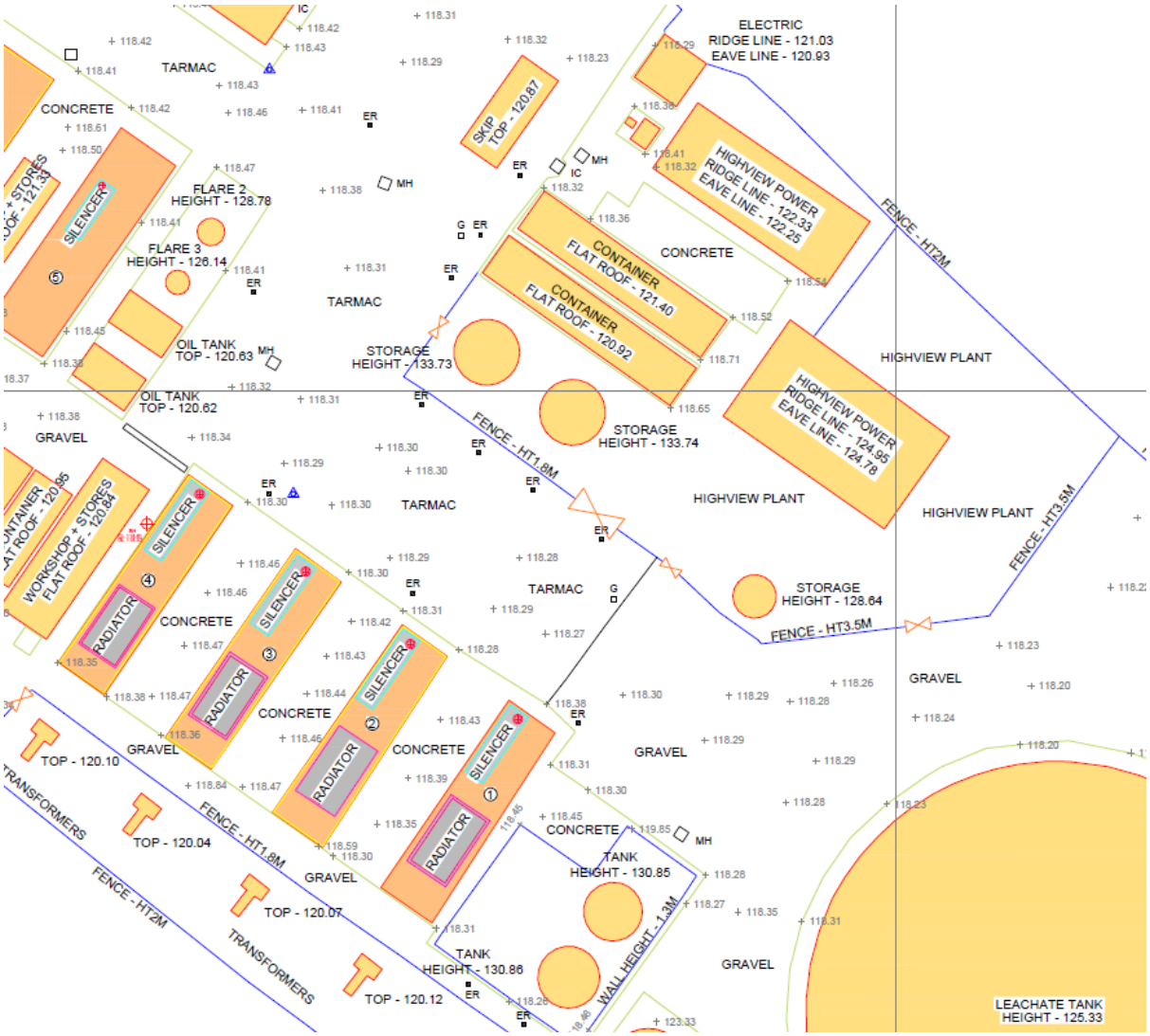

Figure 2.1 Existing Site Layout Plan (Extract of April 2019 Topographical Survey)

3 PLANNING HISTORY

3.1.1 Pilsworth North is a closed landfill site operated by Viridor under planning permission reference 30237/94.

3.1.2 The existing energy centre was approved under reference 36972/00 and is currently operated in accordance with this permission.

3.1.3 The primary consents relating to Pilsworth North are listed in Table 3.1

Table 3.1 Planning History

Planning Permission Reference	Date	Description
62211	12 January 2018	Variation of condition no.1 of planning permission 60516 for installation of a pilot energy storage scheme and associated development for extended period until 30/03/20
60516	21 November 2016	Variation of condition no.1 of planning permission 58004 for installation of a pilot energy storage scheme and associated development for extended period until 30/03/18
58004	10 December 2014	Installation of pilot energy storage system and associated development for a 2 year operational period
36972/00	16 February 2001	Extension to the energy centre, including the provision of leachate treatment lagoons and revised landfill
30237/94	20 July 1995	Extension to existing quarrying/landfilling operations
D29172	9 September 1993	Extraction of sand and gravel backfilling
28072/93	4 March 1993	Revised landfill and restoration scheme
C/27079/92	1 October 1992	Mineral extraction and backfilling
C/18859/86	17 March 1987	Sand extraction and subsequent backfilling

4 THE PROPOSED DEVELOPMENT

4.1 Introduction

4.1.1 Viridor are seeking to install gas peaking plant within the existing compound. The gas peaking plant will use natural gas to generate electricity to supply the national grid at peak demand.

4.2 Proposed Development

4.2.1 The proposed engines will be located within the compound, located in place of the pilot cryogenic energy storage plant.

4.2.2 There are currently 7 No. landfill gas engines located within the compound, as shown on Drawing Number 001 – Topographical Survey April 2019. The proposal is for an additional 5 No. natural gas engines, and to convert two of the existing landfill gas engines to natural gas over the next few years, by 2025.

4.2.3 Figure 4.1 below illustrates the existing set up, the proposed new engines and engines to be replaced. The natural gas engines are shown in pink and the existing landfill gas engines are shown in green. The 5 No. new engines are numbered 1-5, and the 2 No. landfill engines to be converted to natural gas are numbered 6 and 7.



Figure 4.1 Block Plan (Extract from Drawing Number ST17896-001A General Arrangement Permit Boundary and Site Layout)

4.2.4 The locations of the 5 No. new engines are shown on Drawing Number 0420-PILS-001 (Proposed Site Layout). There are 4 No. gas engines located on the north-eastern side of the compound and 1 No. gas engine located towards the southern boundary of the compound, adjacent to the existing landfill gas engines.

4.2.5 Each new engine comprises an engine, radiator, silencer and stack. The ancillary infrastructure comprises 3 No. transformers, an oil container and 1 No. gas kiosk. Additionally, within the red line application boundary there is an Electricity North West substation and a Ring Main Unit. The engines are connected via gas pipework as shown on Drawing Number 0420-PILS-002 (Proposed Elevations).

4.2.6 The engines will be of a similar size to the existing landfill engines, with stack heights of 6.21m (above ground level), therefore no higher than the existing engine stacks and considerably lower in height than the tanks and structures comprising the former cryogenic storage facility.

4.2.7 Drawing Number 0420-PILS-002 shows the elevations of the proposed engines.

Engines

4.2.8 Each engine has a rated thermal input of 2.605MWth. The electricity produced by the engines will be fed directly into the National Grid. The proposed engines operate during times of peak demand, and as such the engines are only operational for a certain number of hours per year.

4.2.9 The plant can be available to generate 24 hours per day, 365 days per year, however they are most likely to be required during the winter months in late afternoon/early evening when electricity demand is highest.

4.2.10 This is anticipated to be approximately 2000 hours per year; however, this is uncertain given their flexible use.

4.2.11 The electricity generation will be connected to the National Grid to maintain the security of supply, however the electricity generated will be utilised in the local area. This provides 'embedded benefits', by generating electricity close to the source of demand therefore avoiding losses associated with the transmission of electricity.

Key benefits of the Proposed Development

4.2.12 The gas peaking plant facility will help support the national grid supply and assists the local grid supply in the following ways:

- 'Shaping' – small scale temporary energy generation can help address spikes in demand and therefore assist a constant supply by producing addition energy during peak times;
- 'Firming' – this facility can be utilised to complement other intermittent supplies such as wind/solar energy by operating during periods of unfavourable climatic conditions;
- Trading – this facility can help energy companies in trading markets as it gives them flexibility to trade for other energy sources;
- Back up/Security – the system can help achieve of supply for larger consumers and provide back during unforeseen circumstances; and
- Gaps – this system can help plug gaps in infrastructure i.e. wind power is more readily accessible in northern regions.

4.2.13 To this end, this type of generating system helps smooth the vagaries of renewable energy generation and will become a key component in the transition to a greener energy supply by making renewable energy more consistent and, more importantly more viable.

4.2.14 The importance of this type of electricity generation is reflected in the National Planning Policy Framework of which paragraph 151 states:

'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 co-locating potential heat customers and suppliers.'

4.2.15 The planning policy context is considered in full in Chapter 6.

Operation

4.2.16 Operation of the new gas-peaking plant will be integrated into Viridor's Environmental Management System, ensuring that the site is operated in accordance with standard operating procedures and that routine maintenance and inspections are carried out on a regular basis. This will ensure that the new engines operate in accordance with emissions standards and minimise the risk to the environment.

4.3 Timescales

4.3.1 The proposed gas engines are anticipated to operate until the Energy Centre is no longer required to manage the landfill gas from the restored landfill and the Energy Centre is decommissioned in accordance with the wider restoration plan. The aftercare period is anticipated to be until at least there is no longer a need for landfill gas extraction and power generation. As such, planning permission is sought for a temporary period and whilst we do not know how long the gas will continue at this juncture Viridor would be willing to seek consent for a set 15 year period and would review landfill gas availability at this time.

4.4 Permitted Development

4.4.1 The current application seeks permission for the additional 5 No. natural gas engines. The two engines which will be replaced will be done so under the provisions of the General Permitted Development Order (GPDO) Part 7, Class L – Development carried out on land used for the purposes of a waste management facility consisting of (b) the installation of replacement plant or machinery.

4.4.2 The replacement of 2 No. engines has been assessed against the conditions as set out in the GPDO:

- The replacement engines will occupy a similar floor space to the previous engines, this will not exceed 15%.
- The site area of the Energy Centre compound would not increase as a result of the replacement engines.

- The height of the proposed engines and stack is lower than the plant being replaced.
- The height of the proposed engines (stack height) is 6 metres ie. below 15 metres in height.
- The development is located further than 5 metres from the boundary of the site.
- The site area occupied by the engines will be the same as the current layout, there will be no reduction in space available for the parking or turning of vehicles.
- The development is not located on article 2(3) land or in a site of special scientific interest.
- There are no listed buildings or scheduled monuments on site.
- The engines replace the existing engines located within the Energy Centre of the landfill.

4.4.3 The above review confirms that the two engines (Nos 6 and 7 shown on Figure 4.1) can be replaced as permitted development under the GPDO.

5 ENVIRONMENTAL CONSIDERATIONS

5.1 Context

5.1.1 As previously explained, the proposal does not exceed the Schedule 2, Part 3 (a) thresholds for energy generation, given that the site area is below 0.5 ha and a statutory EIA is not therefore required. The Applicant has however considered potential environmental impacts that may arise from the development.

5.2 Air Quality

5.2.1 An air quality assessment has been undertaken to accompany an Environmental Permit application for the new engines and also covers the existing landfill gas engines. The assessment considers the potential air quality effects associated with the operation of the new gas engines, with potential effects considered at a number of existing sensitive human and ecological receptors.

5.2.2 Concentrations of nitrogen dioxide (NO_2) and sulphur dioxide (SO_2) have been predicted at the closest residential properties as well as at relevant statutory designated habitat sites. In addition, concentrations of carbon monoxide (CO) have been predicted at the assessed residential properties.

5.2.3 The assessment shows that with all existing and proposed gas engines in place, pollutant concentrations will be below the relevant air quality objectives at all existing human receptors assessed. In addition, significant pollutant contributions can be screened out at all existing ecological receptor points considered in the assessment, including the Rochdale Canal SAC/SSSI, and the Hollins Vale LNR.

5.2.4 The overall air quality effects associated with the emissions from the engines are not therefore considered to be significant.

5.3 Noise

5.3.1 A noise assessment has been carried out to support the environmental permit application. To determine noise impact associated with the application, an assessment has been carried out in accordance with BS4142 at the receptor locations. The assessment was supported by noise monitoring carried out at the receptors, and with the use of noise modelling software.

5.3.2 The results of the assessment found that, when considered in context, and with the use of appropriate exhaust silencers, the actual noise impact at the receptors is considered to be ‘low’.

5.3.3 When these impacts are compared to the noise exposure hierarchy criteria set out in the National Planning Practice Guidance (NPPG), the noise impact would be considered to be the 'Lowest Observed Effect Level (LOAEL) and therefore the application is considered to be acceptable in noise terms.

5.4 Landscape and Visual

5.4.1 The proposed development is located within an existing compound and the land use of the site will not change as a result of the proposed development. There is existing screening in place and there is a lack of perceptibility of the site from the surrounding landscape.

5.4.2 The proposed gas peaking engines and associated equipment is of a similar scale to the existing plant within the Energy Centre compound, for example the existing landfill gas engines which the proposed natural gas engines will be located adjacent to. The maximum height of the proposed engines is 6.2m. The proposed engines will be considerably smaller in scale and height than the cryogenic storage facility which has recently been dismantled, of which the tanks were 19m high. The proposed engines are also considerably smaller than the other structures within the Energy Centre compound, including the 12m high leachate tank.

5.4.3 A Landscape and Visual Impact Assessment was undertaken to support the application for the cryogenic storage facility and found that the development would not substantially affect the landscape character of the area, nor the openness of the Green Belt. The overall effect on the Green Belt was assessed as slight adverse to imperceptible.

5.4.4 The site is screened visually by the adjacent landfill profile to the west and south, and existing screening vegetation to the east and north, which ensures that the proposed development would result in very few effects on visual receptors. The previous assessment found that there were no visual receptors of any kind which would experience more than a slight adverse impact and the majority of receptors in the study area would experience either an imperceptible or neutral/no visual impact. None of the visual effects identified were assessed as being substantial.

5.4.5 There are not anticipated to be any adverse landscape and visual impacts from the proposed development.

5.5 Ecology

5.5.1 A high-level review of the proposed development was undertaken to inform an appraisal of potential ecological impacts. No site visit was undertaken but video and photographs of the site and aerial mapping were reviewed.

5.5.2 The application site comprises an existing gas peaking plant set in a fenced compound on hardstanding. Adjacent habitats comprise mature broadleaved woodland to the north, with grassland, scattered scrub and two ponds on the restored landfill to the south.

5.5.3 The nearest statutory designated site for nature conservation is Hollins Vale Local Nature Reserve (LNR), approximately 1.6km to the southwest.

5.5.4 The proposed development will be constructed entirely within the existing compound. Existing structures will be removed (the process of dismantling the existing plant has begun) and new gas engines will be installed. Access will be via existing routes. No semi-natural habitats will be affected.

5.5.5 The structures on site offer negligible potential to support roosting bats due to an absence of suitable features such as crevices or roof voids. The proposed development is very unlikely to result in any impacts to bats or their roosts and no detailed surveys are required.

5.5.6 As no vegetation removal is required, there is a very low likelihood of nesting birds being impacted. It is unlikely that birds would nest on the existing structures given their composition and the suitable nesting habitat on adjacent land.

5.5.7 There are ponds on the grassland to the south of the site, the closest being approximately 60m to the southwest. It is possible these ponds could support great crested newt *Triturus cristatus*, but even if this species is present, any impacts are unlikely as the hardstanding on site does not provide suitable terrestrial habitat.

5.5.8 It is concluded that no impacts to any sites designated for nature conservation, protected or notable species are likely to result from the proposed development.

5.6 Flood Risk and Drainage

5.6.1 The new engines will be constructed upon the existing hardstanding, therefore there will be no changes to the current surface water drainage scheme.

5.6.2 According to the Environment Agency mapping, the site is located in Flood Zone 1, therefore it is at the lowest risk of flooding and development is deemed to be acceptable.

5.7 Traffic and Transport

5.7.1 There will be no increase in vehicle movements as a result of the proposal.

5.7.2 It is anticipated that a maintenance engineer will attend site once per week at most during the operational phase.

5.7.3 During construction, the number of vehicle movements is anticipated to be between 10 and 20 in total, based upon approximately 3 deliveries per genset.

5.8 Ground Conditions

5.8.1 No earthworks are proposed as part of the current application. A Contaminated Land Assessment and Ground Investigation were undertaken in 2014 and submitted to support the previous applications. Please refer to the Wardell Armstrong letter dated 24th October 2014 (Ref. LE11889/LET-003/RB). Overall, based on the information obtained from the Desk Study and the Ground Investigation, it is considered that the site does not propose a significant risk to human health and the environment. No remedial action measures are necessary.

6 PLANNING POLICY CONTEXT

6.1 Introduction

6.1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) states that the determination of applications should be made in accordance with the Development Plan unless material considerations indicative otherwise.

6.1.2 There is a presumption in favour of development which accords with the Development Plan subject to other material considerations.

6.1.3 With respect to this proposal, the following Government policies are relevant and as such constitutes material considerations:

- National Planning Policy Framework (NPPF, 2019);
- National Planning Policy Statement on Energy (EN-1) (2011);
- National Planning Policy for Waste (2014).

6.2 National Policy

National Planning Policy Framework (NPPF) (2019)

6.2.1 At the national level, the National Planning Policy Framework (NPPF) (2019) sets out the Government's policies for England and how it expects them to be applied.

6.2.2 The NPPF re-emphasises that Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Achieving sustainable development (Chapter 2)

6.2.3 The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

6.2.4 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of

the different objectives. These are an economic objective, a social objective, and an environmental objective (paragraph 8).

6.2.5 These objectives are not criteria against which every decision can or should be judged (paragraph 9).

6.2.6 Planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area (paragraph 9).

6.2.7 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 10).

6.2.8 Decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11).

6.2.9 Paragraph 12 explains how the Local Planning Authority's Development Plan is the starting point for decision making:

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed'.

Building a strong, competitive economy (Chapter 6)

6.2.10 The NPPF (paragraph 80) states that planning 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'.*

6.2.11 Planning decisions should recognise and address the specific locational requirements of different sectors (paragraph 82).

Protecting Green Belt land (Chapter 13)

6.2.12 As set out in Chapter 13 of the NPPF, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

6.2.13 Green Belt serves five purposes, as detailed at paragraph 134 of the NPPF:

a) To check the unrestricted sprawl of large built-up areas;

b) To prevent neighbouring towns merging into one another;

c) To assist in safeguarding the countryside from encroachment;

d) To preserve the setting and special character of historic towns; and

e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.2.14 Paragraph 144 sets out the government's policy on development proposals affecting Green Belt, and that inappropriate development can only take place in the Green Belt in very special circumstances (VSC). VSC will not exist '*unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations'*.

6.2.15 There are a number of exceptions listed at paragraphs 145 and 146, however the proposed development does not fall under any of these exceptions.

6.2.16 Paragraph 147 states:

'When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources'.

6.2.17 Whilst the proposed gas peaking plant is not included within the definition of renewable sources, gas peaking projects do complement renewable energy and makes it a viable energy source as outlined in section 4.2 above.

6.2.18 At Annex 2 of the NPPF, renewable and low carbon energy is defined, stating 'low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels)'. It is considered that gas fired generation used at peak times fits this category.

6.2.19 Further consideration of Green Belt in the context of the Development Plan is considered below at paragraphs 6.3.10- 6.3.17, and demonstration of VSC is provided in section 7.3 of this report.

Meeting the challenge of climate change, flooding and coastal change (Chapter 14)

6.2.20 Relevant to this application, paragraph 148 states that '*the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure'.*

6.2.21 Paragraph 154 states that when determining planning applications for renewable and low carbon development, local planning authorities should:

a) Not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) Approve the application if its impacts are (or can be made) acceptable.'

6.2.22 As such, it is considered that the proposal aligns with national policy in the context of balancing renewable and low carbon energy sources.

National Policy Statements – Overarching Statement (EN-1) (July 2011)

6.2.23 Whilst the National Policy Statements (NPSs) provide the primary policy framework for determining applications for energy generation infrastructure in excess of 50MW, paragraph 1.2.1 of EN-1 states that the NPS is likely to be a material consideration in decision making on smaller scale applications made under the Town and Country Planning Act 1990.

6.2.24 EN1 recognises the 'critical' need for secure and reliable supplies of electricity as we make the transition to a low carbon economy, and that to manage the risks and to achieve security of supply we need sufficient electricity capacity to meet demand at all times.

6.2.25 Section 3 of EN-1 considers the need for energy infrastructure to be urgent, and states at paragraph 3.6.1 that as the UK makes the transition to a low carbon economy some of the new conventional generating capacity needed is likely to come from new fossil fuel generating capacity in order to maintain security of supply and to provide flexible back-up for intermittent renewable energy.

6.2.26 Section 4 of EN-1 emphasises the presumption in favour of granting consent to applications and states at paragraph 4.1.3, that when weighing adverse impacts of a development against its benefits, decision takers should take into account:

- Its potential benefits including its contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and
- Its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts'.

6.2.27 The potential environmental impacts have been considered in detail in Section 5 of this Planning Statement and concludes that there are no anticipated significant environmental impacts. Importantly the landscape impacts and impact on Green Belt are limited and are capable of being reversed in a reasonable timescale, in accordance with Paragraph 5.9.16 of EN-1.

National Planning Policy for Waste (NPPW) (2014)

6.2.28 The NPPW sets out detailed waste planning policies. Whilst the proposed development is not for waste development, the site is located within a former landfill site and the wider Energy Centre continues to capture landfill gas and generate low carbon energy.

6.2.29 The NPPW encourages the waste industry and local planning authorities to consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together, and with complementary activities.

6.2.30 Paragraph 6 of the NPPW states that:

Green Belts have special protection in respect to development. In preparing Local Plans, waste planning authorities, including by working collaboratively with other planning authorities, should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development. Local planning authorities should recognise the particular locational need of some types of waste management facilities when preparing their Local Plan.

6.3 The Development Plan

6.3.1 The adopted development plan comprises the saved policies of the Bury Unitary Development Plan dated 1997. The UDP acts as a guide for the future development or

protection of land in the Borough and its policies currently form the basis for the Council's decisions on planning applications until a new Local Plan is adopted.

6.3.2 Following the publication of the original NPPF in 2012, in March 2013 the Council prepared an assessment to determine consistency between the UDP policies and those set out in the NPPF. This sets out any instances where the NPPF should take precedence over the UDP policies.

Of relevance to this application, is that when assessing proposals for new development in the Green Belt (UDP Policy OL1/2), the NPPF's definition of what should be considered to be exceptions to inappropriate development should take precedence (over the Bury UDP).

Bury Unitary Development Plan (UDP) (1997)

6.3.3 The UDP is split up into a number of different policy sections. The relevant policies are considered in relation to the proposed development.

Part 2 – Chapter 6: ENVIRONMENT

EN1 – BUILT ENVIRONMENT

The Council will seek to protect, preserve and enhance the character, appearance and amenity of the Borough's built environment.

6.3.4 The proposed development will not be detrimental to the character, appearance or amenity of the built environment. The proposed peaking plant is considerably smaller in scale and less visually intrusive than the plant which it is replacing.

EN1/1 – Visual Amenity

Development will not be permitted where proposals would have a detrimental effect on:

- *Public views of prominent or important buildings, especially those in areas of architectural or historic interest;*
- *The visual amenity both within, or viewed from, areas of environmental interest such as the Green Belt, Special Landscape Areas or the river valleys.*

6.3.5 The site is well screened by the intervening landscape and existing bunding around the site. The proposed engines are smaller in scale than the existing cryogenic facility and therefore no detrimental effects on public views or visual amenity are anticipated. A Landscape and Visual Impact Assessment (LVIA) was undertaken for the previous

development at the Energy Centre and did not identify any significant landscape and visual impacts.

EN4 – ENERGY CONSERVATION

The Council will encourage development which contributes to energy conservation in the Borough. The use of renewable energy resources and the incorporation of energy efficiency measures in built development and the transport system will be encouraged.

EN4/1 – Renewable Energy

The Council will encourage proposals for the provision of renewable energy sources, subject to compliance with other policies and proposals of the Plan. In particular, the Council will seek to ensure that proposals:

- *Do not involve an unacceptable loss of amenity, for example through visual intrusion and noise;*
- *Would not have an unacceptable adverse impact on the setting of scheduled ancient monuments, Conservation Areas, Listed Buildings and archaeological remains;*
- *Would not have an unacceptable adverse impact on areas of Green Belt, Special Landscape Areas and areas of ecological importance;*
- *Would not result in a health or safety risk, or nuisance to the public;*
- *Where necessary, include an environmental assessment as part of the planning application;*
- *Would not have an unacceptable adverse impact on the Borough's natural environment.*

6.3.6 The proposed development would not result in any unacceptable adverse impacts in relation to heritage, landscape, the natural environment or public amenity. Further detail on the environmental assessments undertaken in support of this application are detailed in Chapter 5.

6.3.7 There would be no health and safety risk to the public as the development will be constructed within the existing Energy Centre compound which is fenced off and inaccessible to members of the public.

6.3.8 In accordance with the guidance associated with EN4/1, the structures associated with the proposed gas peaking plant would be removed once inoperative, i.e. upon

completion of landfill gas operations and associated aftercare at the landfill, in line with the existing arrangements for the entire Energy Centre. As such planning permission is sought for a temporary period.

EN7 – POLLUTION CONTROL

The Council will seek to control environmental nuisance and minimise pollution levels associated with development by limiting the environmental impact of pollution, wherever possible, in conformity with current legislation and prescribed standards.

EN7/1 – Atmospheric Pollution

In seeking to limit atmospheric pollution the Council will not permit development which:

- *Would result in unacceptable levels of atmospheric pollution; and/or*
- *Is not compatible with the achievement of the Council's long term air quality standards.*

6.3.9 As detailed in section 5.2, an air quality assessment has been undertaken which confirms that the proposed development will be compliant with air quality objectives at the nearest sensitive human and ecological receptors.

EN7/2 – Noise Pollution

In seeking to limit noise pollution the Council will not permit:

- *Development which could lead to an unacceptable noise nuisance to nearby occupiers and/or amenity users;*
- *Development close to a permanent source of noise.*

6.3.10 A noise assessment has been undertaken which demonstrates that noise impact is considered to be 'low' and is within acceptable limits, as detailed in section 5.3.

Part 2 – Chapter 7: OPEN LAND

6.3.11 The Open Land section of the UDP sets out the Council's strategy towards protecting open land and safeguarding the Green Belt. The relevant policies are included here.

OL1 – GREEN BELT

The Council will maintain a Green Belt, ensuring that it fulfils the following strategic purposes:

- *to check the unrestricted sprawl of large built-up areas;*

- *to prevent neighbouring towns from merging into one another;*
- *to assist in safeguarding the countryside from further encroachment;*
- *to preserve the setting and special character of historic towns;*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

6.3.12 The proposed development is located within an existing Energy Centre and does not encroach any further into the Green Belt.

6.3.13 Although the NPPF's definition of what should be considered to be exceptions to inappropriate development should take precedence (over the Bury UDP and Policy OL1/2, consideration of the policy is included for completeness.

OL1/2– New Buildings in the Green Belt

The construction of new buildings inside the Green Belt is inappropriate development, unless it is for one or more of the following purposes:[1]

- *agriculture and forestry (except where permitted development rights have been withdrawn);*
- *essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of Green Belt and which do not conflict with the purposes of including land in it;*
- *limited extension, alteration or replacement of existing dwellings, provided that this would not result in disproportionate additions over and above the size of the original dwelling, or, in the case of replacement of existing dwellings, the new dwelling is not materially larger than the one it replaces;*
- *limited infilling in existing villages as set out under Policy OL1/3.*

6.3.14 It is considered that whilst energy generation is not listed as one of the exceptions, the use of land in this case would preserve the openness of the Green Belt and would

[1] the NPPF's definition of what should be considered to be exceptions to inappropriate development should take precedence over Policy OL1/2

not conflict with the purposes of including it, given the existing use of the site for energy generation and the wider environmental benefits associated with this, the proposals should be considered in view of Paragraph 147, if very special circumstances are demonstrated.

6.3.15 The UDP goes onto clarify under OL1/2 that '*proposals not falling into one of the exception categories is inappropriate development and is, by definition, harmful to the Green Belt. Any development proposals considered to be inappropriate development will only be permitted in very special circumstances'*.

6.3.16 Furthermore, the UDP states that '*very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'* It is considered that Very Special Circumstances exist for the proposed development, as set out below (section 7.3) and as considered in Section 5 there is no other harm associated with the proposals (see also section 7.6).

OL1/5 Mineral Extraction and Other Development in the Green Belt

Within the Green Belt other development, not including buildings will be inappropriate unless:

- *It maintains openness and does not conflict with the purposes of including land in the Green Belt; or*
- *In the case of mineral extraction, it does not conflict with the purposes of including land in the Green Belt, and high environmental standards will be maintained and the site well restored.*

Proposals for other development not falling into one of the above categories is inappropriate development and is, by definition, harmful to the Green Belt. Any development proposals considered to involve inappropriate development will only be permitted in very special circumstances.

6.3.17 As set out in the justification of Policy OL1/5, *the statutory definition of development includes engineering and other operations, and the making of any material change in the use of land, for example car parks or other areas of hardstanding and garden extensions. Such development will not be considered inappropriate if it maintains the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt set out under Policy OL1*.

6.3.18 It is considered that the proposed development, should not be considered inappropriate as the openness of the Green Belt is maintained, and would not conflict with the purpose of including the land in the Green Belt, given the existing use and surroundings of the site.

6.4 Emerging Policy

Bury Local Plan

6.4.1 Bury Council is currently preparing the Bury Local Plan which will replace the adopted UDP.

6.4.2 A Key Issues and Policy Framework report was published in August 2017. Under Energy and Physical Infrastructure, a number of key issues were outline, including:

- a requirement for the Local Plan to consider the potential for renewable and low carbon energy generation; and
- inadequate capacity within utility infrastructure

6.4.3 In October 2018 a number of Topic Papers were published for consultation. The paper most relevant to the current proposal was Topic Paper 5 – Energy and Physical Infrastructure.

6.4.4 Paragraph 3.24 of the Paper states that there are areas within Bury, including the town centre and the northern part of the Borough, where the electricity utilisation loads are at over 90%. Demand for electricity is likely to increase as there is a move away from gas for heating and an increased demand from electric vehicles. The Paper acknowledges that there is inadequate capacity within utility infrastructure.

7 PLANNING ASSESSMENT

7.1.1 It has been demonstrated in Chapter 6 that the proposed development is consistent with the Development Plan and is consistent with the principles accepted in the previous consents.

7.1.2 Further consideration is now given to the key policy considerations for the determination for the proposal which are considered to be:

- Principle of Development in the Green Belt
- Very Special Circumstances including environmental benefits
- Impact on Openness
- Landscape / Visual impacts
- Other harm

7.2 Green Belt

7.2.1 As set out in Chapter 13 of the NPPF, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

7.2.2 At the national level, the NPPF (para 144) sets out the government's policy on development proposals affecting Green Belt, and that inappropriate development can only take place in the Green Belt in very special circumstances (VSC). VSC will not exist *'unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations'*.

7.2.3 There are a number of exceptions listed at paragraph 145, however the proposed development does not fall under any of these exceptions.

7.2.4 Paragraph 146 of the NPPF lists certain other forms of development which are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes mineral extraction and engineering operations, however again the proposed development does not meet any of these criteria.

7.2.5 Paragraph 147 of the NPPF states:

When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to

demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

7.2.6 Therefore, on consideration of the above, whilst the proposal forms a low carbon technology, the proposed development constitutes inappropriate development requiring very special circumstances to be demonstrated including those resulting from production of renewable energy.

7.3 Very Special Circumstances

7.3.1 In this regard, and despite the previously developed nature of the existing energy centre within Pilsworth North, the matter of VSC has been given careful consideration. It is considered that the proposed development meets the requirements of VSC for the following reasons:

1. Wider environmental benefits and renewable energy benefits

7.3.2 In relation to paragraph 147 of the NPPF, the wider environmental benefits of the scheme must be given due consideration. The gas engines will generate electricity in times of peak demand to help balance the national grid. This is necessary particularly due to the increasing use of renewable energy sources, which can fluctuate rapidly and be less predictable in output.

7.3.3 The technology supports and complements the more efficient use of renewable energy sources and assists in reducing the reliance on electricity from non-renewable sources, which assists in reducing CO_2 emissions.

7.3.4 The proposals therefore address the critical need for secure and reliable supplies of electricity as we make the transition to a low carbon economy, and help to manage the risks and to achieve security of supply needed for sufficient electricity capacity to meet demand at all times.

7.3.5 The proposal utilises an existing site and therefore prevents other sites which are not previously developed being utilised for similar purposes.

2. Locational Requirements

7.3.6 The application site is located within an existing Energy Centre which itself is located within a compound of a landfill site, all of which has been operational for a number of years, with the development of the Energy Centre deemed acceptable by Bury Council in 2014. As such the site is previously developed land and is already being utilised for

energy production through similar engines which utilise landfill gas. The surrounding compound is already industrial in nature and appearance, and thus there is a precedent set at this site.

7.3.7 Furthermore there is an existing grid connection on site, which enables the generated electricity to be transmitted efficiently, a characteristic of the site which is sought after for such developments where both services are required, together with minimal planning impacts.

7.3.8 It is considered that the benefits of the proposal weigh substantially in favour of the proposal, and outweigh the substantial weight attributed to development in the Green Belt, particularly given the limited impact on the openness of the Green Belt given the context of the existing Energy Centre and landfill site.

7.3.9 It is considered that these reasons are sufficient to outweigh the combined harm caused by reason of inappropriateness, where the harm is tempered by the fact that there is existing development on the site and the proposed engines will be smaller in scale and extent, including height, than the cryogenic pilot plant which has recently been dismantled.

7.3.10 The proposed development would not result in the provision of any undesirable precedents that could weaken Green Belt policy. The proposed facility would not create a platform to support inappropriate development elsewhere in the Green Belt, given that its location is within an existing energy centre site and the development would be wholly related to and symbiotic with the current use of the site.

7.3.11 The very special circumstances are considered to be:

- The need to generate electricity to balance the grid as a result of the intermittency of renewable energy generation;
- The site is located within an existing Energy Centre within a former landfill site and therefore the proposals will not erode the Green Belt;
- The site is well screened and the reduced scale of the development at this site will consequently only have a limited impact on openness;
- The proposed development is temporary and therefore any impact on the openness of the Green Belt would not be adversely impacted in the long term.
- Given the existing use of the site and the surrounding land use for waste management has been approved as acceptable use in the Green Belt, whilst

the proposed development is not directly identified as appropriate, it forms part of a wider development which has been deemed acceptable.

7.3.12 Taking these points into consideration, although the proposal constitutes inappropriate development in the Green Belt, the existing use of the site and the benefits of the proposal are considered to constitute Very Special Circumstances.

7.4 Impact on Openness

7.4.1 The NPPF states that the most important attribute of Green Belt is its openness. Therefore, considering the proposed gas engines impact on the openness of the Green Belt, whilst taken alone the proposed structures would unavoidably have some impact on the openness of the Green Belt, in consideration of the visual impact identified above and that the site under consideration already includes a number of buildings and structures associated with the permitted landfill the openness of Green Belt in this location is already compromised.

7.4.2 Notwithstanding this, no additional floorspace is required to accommodate the engines within the Energy Centre compound and the development will replace the footprint of the plant recently vacated by the cryogenic storage facility.

7.4.3 The site benefits from screening from the landfill profile to the south and west, and vegetation to the east and north, which reduces the visual impact of the development and therefore, reduces the impact on openness.

7.4.4 It is considered that overall as the development is located on an area of existing and well screened development with significant structures already in place, it would not have an impact on the openness of the Green Belt.

7.5 Landscape and Visual Impact

7.5.1 A Landscape and Visual Impact Assessment was undertaken to support the application for the cryogenic storage facility and found that the development would not substantially affect the openness of the Green Belt. The overall effect on the Green Belt was assessed as slight adverse to imperceptible.

7.5.2 The form, bulk and general design of the proposed development is in keeping with the existing energy generation facilities within the compound, and the scale of development is smaller than the existing plant.

7.5.3 The proposed gas engines and stacks are substantially smaller than the existing cryogenic facility which they are replacing, with a maximum height of 6.2m (stacks) compared to the cryogenic tanks (19m) and the retained leachate tank (12m).

Scale of construction

7.5.4 The installation of engines is not considered a major construction given the existing site infrastructure and limited vehicle movements associated with delivery of components.

Decommissioning

7.5.5 The engines will be operational until the landfill aftercare period is complete, at which point the site and wider Energy Centre will be restored in accordance with the approved restoration scheme. The aftercare period is anticipated to be until at least there is no longer a need for landfill gas extraction and power generation. As such, planning permission is sought for a temporary period and whilst it is not yet known how long the gas will continue at this juncture Viridor would be willing to seek consent for a set 15 year period and would review landfill gas availability at this time.

7.6 Other Harm

7.6.1 Consideration has been given to the potential for environmental impacts as a result of the proposed development (Chapter 5).

Residential amenity

7.6.2 Air quality and noise impact assessments have been undertaken, with potential effects considered at existing sensitive human and ecological receptors. The assessments conclude that there will be no significant impact on amenity and the proposed development will be acceptable.

Access and traffic

7.6.3 No new access is required, and traffic movements will be limited to the construction period and will not generate any additional traffic movements during the long-term operations.

Protected Species

7.6.4 No protected species are anticipated to be at risk from the implementation of the proposed development. A high-level desk study has been undertaken, a summary of which is provided in Chapter 5.

Services

7.6.5 Extensive works are not required to implement changes to services (e.g. grid connection) at the site.

7.6.6 Consideration has also been given to the potential for flood risk and ground conditions impacts. Given the nature of the proposed development with an existing site, and for reasons detailed in Chapter 5, no environmental harm is anticipated from the proposed development.

7.7 Planning Balance

7.7.1 Whilst the proposed development is located within the Green Belt, as identified in previous applications for the Energy Centre, it can be concluded that the balance of policy consideration identifies significant policy support for the proposed development at national and local level. This policy support must be weighed against the potential conflict with Green Belt policy.

7.7.2 Very Special Circumstances can be demonstrated in this case in compliance with para 144 and 147 of the NPPF and approval of this development would not affect the openness of the Green Belt, nor would there be any *other harm resulting from the proposed development.*

8 CONCLUSION

8.1.1 Viridor Waste Management Ltd is applying for planning permission for the operation of 5 No. gas powered engines to contribute to the National Grid in times of peak demand.

8.1.2 The proposed development is located within an existing Energy Centre located within the closed landfill site at Pilsworth North.

8.1.3 A number of environmental assessments have been undertaken to support the application and demonstrate that there will be no detrimental effects to visual amenity, the natural environment or public amenity as a result of the development.

8.1.4 The proposed development would be in accordance with national support for energy development to support the country's transition to a low carbon economy.

8.1.5 It has been demonstrated that the proposed development is consistent with the Development Plan and represents sustainable development in accordance with the principles accepted by previous development of the Energy Centre.

8.1.6 Notwithstanding Green Belt policy, there are clear circumstances that outweigh the harm caused by the development on the openness of the Green Belt, and it is considered that Very Special Circumstances exist. It is therefore considered that the proposed development is offered a high level of support by the NPPF and the Development Plan.

8.1.7 The site will continue to be operated to the high standards required by the Environmental Permit and the quality and environmental management systems implemented by Viridor to minimise any adverse impact on the environment and disturbance to local residents.

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