

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
22/01360/FUL	Majid Mir	20 March 2023

Address: Land At Dig Gate Lane Milnrow Rochdale OL16 4NR

Proposal: Construction of a gas powered reserve energy plant (4.4MW) with associated infrastructure, access, landscaping and perimeter fencing, following excavation of land

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	Y

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N
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CONDITIONS	Pre-commencement conditions proposed?	Y
	Pre-commencement conditions agreed (or notification period expired)?	Y

RECOMMENDATION	GRANT SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY: RG

DATE: 19/05/2023

SITE

The application relates to a previously undeveloped parcel of land off the eastern edge of Kingsway Business Park. The site is bounded by Dig Gate Lane to the north, the M62 motorway to the south/east and Broadshaw Farm (a Grade II listed building) to the west. At present, the site comprises a grassy field, used for the grazing of horses. Within the wider parcel of land, to the north east of the site boundary, are a small pond, a field shelter and an electrical substation. The land slopes upwards from Dig Gate Lane.

Neighbouring land uses are predominantly commercial, with Broadshaw Farm, a grade II listed building, and the Asda Distribution Centre lying to the west of the site. To the north east is another large distribution centre. Dig Gate Lane also serves two residential properties, which are located on the eastern side of the M62, Dig Gate Farm and Dig Gate Barn.

A number of Public Rights of Way run in the vicinity of the site - MilFp322 and MilFp320 are shown running around the north and west of the land and MilFp336 also runs over the bridge that leads to MilFp320 and Dig Gate Farm.

The site falls outside of the boundary of Kingsway Business Park as defined within the most recent comprehensive permissions for development of the area (14/00542/OUT and 16/01085/VRCON). However, it does lie within the boundary of the Kingsway Business Park designation, under saved policy EC/7 of the Unitary Development Plan.

PROPOSAL

The application seeks planning permission for a gas powered reserve energy plant with associated infrastructure, landscaping and perimeter fencing following excavation on site.

The compound would comprise of:

- Containerised J625 engine – including air outlet attenuator, heat dump radiator and chimney stack with silencer (max height 10m above ground level);
- Gas kiosk;
- 5000L clean oil tank and waste oil tank
- A DNO building;
- Welfare unit; and
- Containerised switchgear room.

The site would be bounded with a 2.4m high paladin fencing around the site.

The supporting report states that the scheme is temporary in nature, and the site shall revert to the existing use following the end of the 30-year planning permission.

RELEVANT PLANNING POLICY

Planning (Listed Building and Conservation Areas Act) 1990 (as amended)

Section 66 of the above Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State 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.

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

SD1 Delivering sustainable development

DM1 General development requirements

SO1 Delivering a more prosperous economy

E2 Increasing jobs and prosperity

E3 Focusing on economic growth corridors and areas

SO3 Improving design, image and quality of place

P1 Improving image

P2 Protecting and enhancing character, landscape and heritage

P3 Improving design of new development

SO4 Promoting a greener environment

G1 Tackling and adapting to climate change

G2 Energy and new development

G3 Renewable and low carbon energy developments

G6 Enhancing green infrastructure

G7 Increasing the value of biodiversity and geodiversity

G8 Managing water resources and flood risk

G9 Reducing the impact of pollution, contamination and land instability

SO5 Improving accessibility and delivering sustainable transport

T2 Improving accessibility

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

EC/7 Kingsway Business Park

EM/7 Development and Flood Risk

EM/8 Protection of Surface and Ground Water

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

Biodiversity and Development (March 2008).

RELEVANT SITE HISTORY

18/01338/FUL Construction of a gas powered reserve energy plant (7.56MW) with associated infrastructure, access, landscaping and perimeter fencing - Resubmission of 17/01260/FUL.
Decision: Grant subject to conditions.

17/01260/FUL. Construction of a gas powered reserve energy plant (7.5MW) with associated infrastructure, landscaping and perimeter fencing.
Decision: Grant subject to conditions.

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| 14/00857/VRCON | Application to vary condition 3 of planning permission 14/00243/FUL to change the colour of the turbine from pale grey to 'traffic white' RAL 9016 standard colour.
Application withdrawn. |
| 14/00243/FUL | Installation of single wind turbine with a hub height of 22.6m and a maximum height of 34.4m and associated infrastructure.
Decision: Grant subject to conditions. |

CONSULTATION RESPONSES

Highways And Engineering

The application is supported by a Transport Statement(TS) prepared by TPS Consultants which will be the basis of Highway comments.

Having reviewed the operational requirements of the proposed development it would appear from the TS that the traffic generated will be very low once operational and the highest traffic impact is likely during the construction period. The application includes a Construction Traffic Management Plan(CTMP) which looks to minimise the impact of traffic during the 6-7 month construction period. It would appear from the CTMP and the TA that the amount of traffic generated during this period is unlikely to have an impact on highway capacity on the surrounding highway network.

In terms of the sites sustainability it is fairly remote from local amenities and public transport, however taking into account the number of operational vehicle movements this is unlikely to be an issue once the site is operational.

It would appear from the TS and the CTMP that parking provision both post development and on completion is appropriate.

The TS includes swept path analysis for the access into the site for the expected servicing vehicles which would seem to be acceptable. Swept path analysis is also included for the larger vehicles during the construction period which is also acceptable.

Dig Gate Lane along the development frontage is part of the adopted highway network and is also part of the strategic walking and cycling network which provides links into Kingsway Business Park. We would therefore require protection for its users during the construction period. The applicant has indicated that a survey will be undertaken prior to the construction period starting and any damage as a result of the construction process will be rectified by the applicant, we would ask that this is delivered via a planning condition.

The CTMP indicates that vehicles delivering to or accessing the site will be supervised by a Banksman which is acceptable. To minimise the impact on the surrounding highway network and its users we would ask for a Construction Method Statement to be produced for approval.

If the applicant needs to temporarily close any part of the adopted highway or public right of way network during the construction period these closures must be in place prior to the commencement of the required works.

The accident data produced within the TS would seem to indicate that there are no inherent road safety issues on the surrounding highway network. We do not expect that there would be any change in road safety as a result of the development.

The servicing arrangements for the proposed development are acceptable.

In conclusion Highways would raise no objection to this application subject to the suggested conditions above.

Env Health - Noise/Odours

We would have no objections to the proposal, the NIA has demonstrated that during both daytime and night-time the dominant noise of the location is the M62 motorway and subsequently the operational noise will be well below the existing background noise at sensitive receptors. I do not feel setting a dB limit would be appropriate as measuring the output, even at a suitable close distance would likely be unachievable given the high level of traffic noise.

Env Health - Air Quality

No comments received to date

Tree Officer

No comments received to date

Conservation And Design

Summary: Additional information required.

Significance assessment:

The proposal seeks to install a gas powered reserve energy plant in the setting of Broadshaw Farmhouse, a mid-17th century grade II listed building, and the Brick-built house at Chadwick Fold, an 18th century Grade II listed building. The setting of both properties has unfortunately been adversely impacted upon due to the modern industrial developments to the west and north and by the construction of the M62 motorway.

Planning permission has previously been granted for the installation of an energy plant on the site (17/01260/FUL and 18/01338/FUL refer). The submitted planning statement confirms that both of these planning permissions have now expired. With these recent approvals it was concluded that the proposal would result in less than substantial harm through development within the setting of the listed building.

The current scheme has revised the layout and type of equipment proposed within the compound. While the overall number of flues has been reduced, there does appear to be a great number of taller structures now proposed, including the heat dump radiators and the air outlet attenuator.

The application includes some sections, but these are largely limited to the site. So that the impact can properly be assessed it would be helpful if the applicant could provide longer range sections, as provided within previous applications. It would also be helpful if they could provide comparative sections of the existing and previous schemes.

To minimise the impacts on the setting of the listed building, the overall heights of the structures should be reduced as far as possible and sited as far from the listed structure as possible. The submitted landscaping plan should be required by condition.

Response after amended plans and further details provided:

The landscaping plan

This should be submitted for approval by the Local Planning Authority prior to instatement. This should include exact species of the plants proposed, the planting schedule, and any permanent/temporary root protection. This should include amendments to the planting plan which was submitted but also should include a method statement. Any planting plan should be submitted to Ecology for consultation. The trees proposed on the highest points should be confirmed to grow at least as tall as is needed to cover the highest point of the proposed flue, most especially at elevations which face the Grade II listed Broad Shaw Farmhouse.

This should also include a hard landscaping scheme to be submitted for approval. Consideration should be given to instating one of a colour to match the natural gravel immediately outside Broad Shaw Farmhouse (natural pebble).

Lead Local Flood Authority/Drainage

The Planning Statement includes the following text:-

6.5.2 The proposed development will utilise hardstanding plinths, stone capping and a dedicated drainage system. However, there is no information about the 'dedicated drainage system'. Since much of the developed site will be gravel, this will be permeable and not need any drainage system. However, the road will be permeable and slope towards the Highway.

Some formal method of sending the new runoff to a soakaway will be required. The details can be provided at the Discharge of Conditions stage.

SUGGESTED DRAINAGE CONDITIONS

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

The drainage scheme shall include:

- (i) A sustainable drainage proposal for the hard-standing areas of the road.
- (ii) Construction details for permeable paving including sub-base details e.g. cross-section, if this type of paving forms part of the sustainable drainage system.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation/ use of the proposed development, the drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

Environmental Control (Landfill Gas)

The supplied report and recommendation for no further action is acceptable.

Rights Of Way Officer

No comments received to date

National Highways

I write regarding the recent consultation sent to National Highways for a proposed gas-powered reserve energy plant near to the M62 at Kingsway Business Park. Whilst we do not object to the proposals in principle, there are some issues that need to be addressed before we can submit a final response.

As I understand it, we previously responded with no objection to similar proposals on the site back in 2018. As such our view on the principle of this use remains the same, and we are content that there will be no traffic impact to the M62 as a result of the proposals.

Since our response to the former application, we have additional safety concerns with sites near to our network that might impact upon the safety of road users. Our approach to applications such as this is governed by the requirements within the Design Manual for Roads and Bridges (DMRB), in particular GG104 – Requirements for Risk Assessments.

Around the network we have received multiple applications for energy storage facilities and we must ensure that a Safety Risk Assessment in line with the requirements of GG104 has been undertaken. This assessment should both consider the risks associated with the site should it fail, as well as any risks which may be posed from errant vehicles leaving the motorway and striking the facility.

The result of this risk assessment would enable us to understand whether there is an impact on road safety, whether any additional safety mitigation is required, or if the safety measures currently in place would be sufficient to eliminate the risk.

I am happy to discuss the matter directly with the applicant, if you could send my details on to them. Details regarding GG104 can be found on the Standards for Highways website at <https://www.standardsforhighways.co.uk/dmr/b/search/0338b395-7959-4e5b-9537-5d2bdd75f3b9>.

Second response:

Referring to the consultation on a planning application dated 24 November 2022 referenced above, in the vicinity of the M62 motorway that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we offer no objection.

Highways Act 1980 Section 175B is/is not relevant to this application.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningNW@nationalhighways.co.uk.

National Highways' assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Reason for No Objection

National Highways does not consider that the proposed development would have an adverse impact on the safety of, or queuing on, a trunk road.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The National Planning Policy Framework supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

Gtr Manchester Ecology Unit

I would raise no objections to the application on Ecology or Arboriculture grounds. The site is of limited ecological value, and the short length of hedgerow which will need to be removed to facilitate access to the site will be compensated for by new tree and hedgerow planting.

I found the biodiversity metric provided to inform the application rather difficult to read, since it has been scanned in one page at a time, but notwithstanding this I would accept that the development will achieve a net gain in local biodiversity, given the new tree and hedgerow planting and the planned enhancements to the grassland within the site.

I would advise the applicant that no vegetation removal required to facilitate the development should take place during the optimum time of year for bird nesting (March to August inclusive). All nesting birds their eggs and young are legally protected.

Transport For Greater Manchester

No comments received to date

The Coal Authority

The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area.

If this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

GM Fire Service

No comments received to date

Greater Manchester Archaeological Advisory Service

No comments received to date

Environment Agency

We have no objection in principle to the proposed development, but we would wish to make the following comments.

The proposed plant will require a Medium Combustion Plant Directive permit to operate once the development has been constructed.

Please forward a copy of this letter to the applicant.

United Utilities

Following our review of the submitted Flood Risk Assessment (ref SHF.3050.001.HY.R.001.A, dated October 2022) the proposals are not acceptable to United Utilities. This is because we have not seen robust evidence that the drainage hierarchy has been thoroughly investigated (with regards to infiltration and discharge to watercourse, since there appears to be a water course within a similar vicinity of the site as the surface water sewer is).

Should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

CONDITION

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

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

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

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

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

The applicant can discuss any of the above with Developer Engineer, Tom Bethell, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as Main River).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewerage Sector Guidance Appendix C – Design and Construction Guidance v2-2' dated 29 June 2022 or any subsequent iteration. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. You may find the condition below a useful example.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

United Utilities also provided additional advice to be forwarded on to the applicant with any decision.

Cadent Gas Limited (National Grid)

No comments received to date

Strategic Planning

No comments received to date

Health And Safety Executive - (Haz Sub Consents)

Your development does not intersect a pipeline or hazard zone, HSE Planning Advice does not have an interest in the development.

Electricity North West

No comments received to date

Strategic Transport Planning Co-Ordinator

No comments received to date

REPRESENTATIONS

Letters of notification were sent to neighbouring properties, site notices were placed in the vicinity of the site and press notices were released. One objection has been received. The objection has been summarised below:

- ② Dig Gate Lane is a private single track lane for access to the dwellings of Dig Gate Farm and Dig Gate Barn. Dig Gate Lane was diverted and reconstructed by North West Development Agency on the construction of Kingsway Business Park.
- ② At the time of its construction there was to be a 10ft access gate and pedestrian gate situated at the bottom of Dig Gate Lane off the roundabout but it was later situated half way up Dig Gate Lane just after the access to the public footpath. The measurements were amended to a 12 ft vehicle gate and a small pedestrian gate given the fact there are no pavements.
Officer comments: This a private matter. Furthermore, the part of Dig Gate Lane where the proposed access will be located has been identified as being a part of the adopted highway.
- ② The field/site of the proposed development does NOT form part of the Planning Permissions for Kingsway Business Park.
Officer comments: Discussed in the principle section of the report. The site not being a part of a previous application for the Kingsway Business Park, does not restrict applications. The site is a part of the Kingsway Business Park designation within the UDP Proposals Map.
- ② The field was privately owned and was an agricultural field for the grazing of horses and sheep. Has been used to graze horses for the past 15 years. Horses are "sitting tenants" with an indefinite grazing license.
- ② Identified as protected open land on the Kingsway Business Park Plan.
- ② Land was meant to act as a buffer between the M62 Motorway and the Employment Units.
- ② The field was in effect "land locked" with no suitable access from the Business Park.
- ② HGVs caused damage when trying to use the lane.
- ② Damaged caused by contractors.

- ☐ Dig Gate Lane is the only access to the proposed site and we feel it does not provide a suitable access for this type of construction works.
- ☐ There are no pavements and the lane is also a public footpath used by many walkers wanting to access the various footpaths onto the Business Park.
- ☐ Dig Gate Lane does not provide access to Kingsway Business Park. Signs have recently been erected stating no access to HGV's and not suitable for HGVs.

Officer comments: Some of the comments made are not material planning consideration as such have not been considered in the decision making process. Where comments do relate to material planning considerations, they have been discussed in the highway section.

- ☐ Services all run up the embankments of Dig Gate Lane and across the proposed new access to the works.

Officer comments: The maintenance of the services and potentially rerouting the services is not a material planning consideration.

- ☐ We feel Rochdale Planning Department have had a conflict of interest here after having owned and passed the initial plans for this work from this applicant.

Officer comment: The application is assessed on its planning merit. The ownership or former ownership of the site is of no relevance when a decision is made on a planning application.

- ☐ Vital information has been withheld and that the applicant is attempting to mislead the planning department in various statements.

Officer comments: A number of the points were made by the objector. The points repeated the comments above. Additionally, private agreements in regards to the land are a private legal matter and not a material planning consideration.

ANALYSIS

Principle of Development

Energy

It is noted that the government is seeking to update the National Policy Statement for Energy, however, the government is consulting on proposed amendments. Nevertheless, the National Planning Policy Statement for Energy sets out the critical need for the UK to continue to have secure and reliable supplies of electricity as the country makes the transition to a low carbon economy. In order to manage the risks of achieving security of supply it is noted that a safety margin of spare capacity to accommodate unforeseen fluctuations in supply or demand is required, alongside a diverse mix of technologies and fuels. The document establishes that it is clear that there must be some fossil fuel generating capacity to provide back-up for when generation from intermittent renewable generating capacity is low and to help with the transition to low carbon electricity generation.

The UK electricity grid has historically relied on large centralised power plants to meet energy demand; however, recent shifts in energy mix (including a significant increase in renewable energy generation) have meant that demand and supply are becoming increasingly challenging to balance. National Grid therefore requires the development of fast responding, flexible generation assets such as that proposed. These small generating sites are designed to be able to respond at very short notice

to ensure power demands are met. The proposed plant is not therefore intended to operate constantly; instead, the site is designed to support and supply the local network either at peak times or at times of insufficient supply, allowing for increased primary reliance on renewable

The plants therefore assist in reducing Carbon Emissions (by allowing a greater reliance on renewable energies in the main part) and are far more flexible in response times and minimum run time than traditional large scale power generating plants.

Policy G3 of the Rochdale Core Strategy sets out the Council's desire to promote renewable, low and zero carbon energy generating developments in order to help meet CO₂ reduction targets and contribute towards energy security for Greater Manchester and the North West. Paragraph 152 of the NPPF requires that the planning system support the transition to a low carbon future, minimising vulnerability and improving resilience. Paragraph 158 requires that local planning authorities should 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.

Whilst the proposed plant would not represent renewable or zero carbon energy generation itself, as set out above, energy reserve facilities are seen as critical to supporting such development elsewhere. The development can therefore be viewed as supportive and complementary to overarching energy policy both at a local and national level.

Land designation

The application site lies within the Defined Urban Area, as designated under the Rochdale Unitary Development Plan Proposals Map. The site falls outside of the actual boundary of Kingsway Business Park, as defined within the most recent comprehensive permission for development of the area (18/00943/VRCON). However, it does lie within the boundary of the Kingsway Business Park designation, under saved policy EC/7 of the Unitary Development Plan, which runs up to the boundary with the M62 motorway.

Policy E2 of the Core Strategy establishes that the Council will seek to focus employment development in economic growth corridors/areas which offer high quality sites with good access, such as Kingsway corridor. Policy E3 builds upon this, and in reference to the Kingsway corridor promotes the co-ordinated development of Kingsway Business Park for B1, B2, B8 and other employment uses (Use Class B1 has since been revoked with the uses falling within Use Class B1 or E(g)). The policy also promotes the development of and investment in infrastructure to support businesses. Policy EC/7 of the UDP establishes that the site should be utilised for general and light industry, offices, distribution and storage, research and development, and associated and complementary uses.

It is noted that the proposed use itself would not represent a conventional employment use – no staff would be based on site on a permanent basis, with engineers visiting the site only for maintenance/repairs. However, the development is considered to represent ancillary infrastructure which would be complementary to the existing uses within the vicinity of the site. Commercial uses within Kingsway are significant consumers of electricity and the proposed development will benefit existing and future businesses (and in turn nearby residents) by providing valuable electricity generating capacity and security/resilience of supply for the local distribution network.

The site lends itself to the proposed development, given the proximity to the now partially developed Kingsway Business Park and the associated utility and access infrastructure. The applicant has highlighted the difficulty experienced in finding such sites, where the impacts of the development can be suitably accommodated (e.g. sufficiently separated from sensitive receptors), but the relevant utility connections are readily available.

Further to the above, it is noted that the site has previously been granted planning permission for gas powered reserve energy plant (18/01338/FUL and 17/01260/FUL) but 7.5MW rather than the proposed 4.4MW. The planning history of the site is a material planning consideration.

In light of the above considerations, the proposal is considered to represent a suitable use for the site, and is considered to accord with the relevant land designation policies within the development plan.

Air Quality

Policy G9 of the Core Strategy establishes that the Council will reduce all forms of pollution, and require that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution. The policy also acknowledges that the Council will focus on measures to reduce air pollution in Air Quality Management Areas (AQMA). The site itself does not sit within an AQMA, although the site is located within close vicinity to the M62 motorway corridor which is within the AQMA. Paragraph 180 of the NPPF states that planning decisions should 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.

The application is supported by a comprehensive Air Quality Assessment (AQA), submitted in order to determine whether the proposed development would meet the required air quality standards or air quality environmental assessment limits for the protection of human health, vegetation and habitats. Detailed modelling has been presented in terms of the emitted pollutant process contribution and predicted environmental concentration.

It is noted that the proposed plant is intended will operate for a maximum of 4,000 hours per annum. Additionally, the report noted that it is a gas peaking plant and as such will only operate at times of peak demand through the year. As such, when the facility is not generating power it will be inactive (in stand-by mode) and will not produce noise or emissions. The submitted AQA, however, is based on a 'worst case scenario', where the generators were operating continuously.

The report identified the South Pennine Moors SAC and Rochdale Canal SAC within the maximum distance set out in the EA guidance 'Air emissions risk assessment for your environmental permit'. The report noted the annual NO_x (oxides of nitrogen) concentrations and the 24-hour mean NO_x concentrations the report stated they can be screened out as being insignificant according to the set criteria. As such, the report considered that all NO_x impacts on ecological designations were not significant. In regards to acid deposition impacts on ecological receptors, they were also considered to be not significant. In regards to human receptors, the report noted that both the annual mean NO₂ (Nitrogen Dioxide) and 1-hour mean NO₂ concentration levels were negligible and considered to be not significant.

Finally, in regards to construction dust, the report stated that as the construction period is unlikely to be over a long period of time or require extensive earthworks or construction, the impact is likely to be transient and not significant.

The report concluded that the relevant EQS (Environmental Quality Standard) were not exceeded at any location within the assessment extents at human receptors. However, the report did note that the EQS for nitrogen deposition on ecological designations was exceeded as a baseline condition. The report however stated that the process contribution from the plant emissions could be screened out as insignificant. In regards to predicted impacts on existing pollutant concentrations, the report considered that it to be not significant at all sensitive receptor locations for all pollutants and assessment periods. In the final conclusion, the reported stated that the overall air quality impacts of the proposal would be not significant.

Taking note of the above, the development site is located adjacent to the M62 motorway and although there is a minor impact on emission levels as a result of this development, it is minimal compared with the impact of the M62. Additionally it is noted that the AQA indicates that the NOX Air Quality objective would not be exceeded as a result of the development. Accordingly, the proposal is considered to meet the requirements of Policy G9 of the Core Strategy.

Amenity

Paragraph 180 of the NPPF also states that Planning policies and decisions should ensure that new development is appropriate for its location, taking into account the likely 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. Paragraph 127 also seeks to ensure that planning decisions create places which promote health and well-being, with a high standard of amenity for existing and future users. Policies DM1 and G9 of the adopted Rochdale Core Strategy seek to ensure that new development is compatible with surrounding land uses, both in terms of its impact upon those uses and the impact of the surrounding land uses upon the amenities of future residents / users, also requiring that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution. Additionally, policy DM1 of the Core Strategy requires that proposals should not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.

Noise and Disturbance

The application is supported by a Noise Impact Assessment (NIA) containing an assessment based on BS 4142:2014 (Methods for rating and assessing industrial and commercial sound). The noise levels generated by the proposed development during operations to support the National Grid power supply during peak demands/power outages, have been predicted to the nearby sensitive receptors using the calculation methodology outlined in ISO 9613:1996 (Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation).

The report noted that the generator package has been designed to achieve a noise specification of 70dB(A) measured at 10m from the side of the container. The report expected that the ancillary items (switchgear container, welfare room, DNO room and gas kiosk) would cause no significant noise emissions and therefore were not included within the assessment.

Four noise sensitive residential receptors were identified (no. 3 White Horse Meadows, Chadwick Fold Farm, Dig Gate Barn and Dig Gate Farm). Environmental baseline noise surveys were undertaken at nearest accessible locations to the

nearest noise sensitive residential receptors. The survey identified two locations. The first location (MP1) was by warehouses north of the M62 and to the east of the site. The second location (MP2) was to the east of the site on Dig Gate Lane.

In regards to location MP1, the report noted that at both day-time and night-time, the noise climate was dominated by road traffic noise from the M62, road traffic passing the monitoring position and some wind in the nearby trees. In regards to location MP2, the report noted that the day-time noise climate was dominated by road traffic noise from the M62, some distant banging sounds from the commercial units with the Kingsway Business Park, reversing warning system audible at times and some wind in the nearby trees. The noise climate during the night-time was dominated by road traffic noise from the M62 with some wind noise in nearby trees. The report did not identify any audible activity from within the business park.

The report concluded the predicted sound rating levels for the development are below the prevailing background noise levels indicating that the specific sound would have a low impact depending on the context.

The report also provided an assessment of the predicted internal noise levels generated during rare emergency night-time operations. The assessment was made against the guideline values for internal ambient noise levels for sleeping in bedrooms outlined in BS8233. The assessment predicted internal noise levels generated during the night time would meet the guideline values for sleeping condition in bedrooms at all receptors assessed. As such the report concluded that mitigation measures to reduce potential impacts were unnecessary.

The overall conclusion of the report was that based upon the findings of the assessment against the guidance contained in the relevant standards, it was considered that the proposed development would be able to operate without adversely affecting the nearby sensitive receptors assessed in terms of acoustic impact.

The Council's Environmental Health Officer also raised no objections to the proposal. The Environmental Health Officer noted that the report demonstrated that during both daytime and night-time the dominant noise of the location is the M62 motorway and subsequently the operational noise would be below the existing background noise at sensitive receptors. As such the Environmental Health Officer did not consider it appropriate to set a dB limit by condition.

Neighbour Amenity

Given the relatively isolated position of the site, in relation to residential dwellings, it is not considered that the built-form of the development would have any adverse impacts by way of overbearing impact, overshadowing or loss of outlook. It is noted that the site is separated from the adjacent Broadshaw Farm by approximately 35m.

Conclusion

Considering the above, it is considered that the proposal would not unduly impact on the amenity of any of the neighbouring properties and as such it is considered that the proposal would accord with Policies DM1 and G9 of the Core Strategy and the National Planning Policy Framework.

Heritage and design

The site is adjacent to a grade II listed building of Broad Shaw Farmhouse. The site is also considered to be within the setting of Chadwick Fold. The impact on the designated heritage asset is a material planning consideration. Policy P2 of the adopted Core Strategy states that the Council will protect the Borough's heritage by conserving, enhancing and promoting key heritage assets, both statutory and non-statutory, including consideration of their wider settings. Paragraph 199 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation'.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) 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.

The setting of a listed building is defined by the NPPF as:

'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

Paragraph 202 of the NPPF directs that 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. The Court of Appeal decision in the case of *Barnwell vs East Northamptonshire DC* [2014] (2) clarified that decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise'.

Broad Shaw Farmhouse was first listed in 1967; the listing text of which reads as follows:

SD 91 SW MILNROW MOOR BANK LANE (south side)

3/101 Broad Shaw Farmhouse and 24/1/67 adjoining barn (formerly listed as - Broad Shaw Farmhouse)

II Farmhouse and adjoining barn. "GWAW 1651 ICIW" on door lintel. Hammer-dressed stone with graduated stone slate roof. 2-unit plan with 3 bays and 2 storeys and wing to rear which includes barn. Quoins. Door to left obscured by brick addition has dated lintel, chamfered surround, and obtuse-angled head with recessed spandrels. 5 and 4-light double- chamfered mullion windows with 2 mullions removed in the former and a hoodmould in the latter. Similar 6, 3 and 3- light first floor windows each with 1 or 2 mullions missing. Kneeler. Gable chimney stacks, the right projecting. An arched light to rear left (possibly a fire window) is inscribed G, C and W, other windows in gables and rear have 2 or 3-lights. The rear wing, once a separate dwelling has various chamfered mullion windows (largely altered) to front and rear and the barn, a round-headed cart entry. The house retains chamfered floor beams and a moulded fire surround with obtuse-angled lintel in the parlour. The rear wing has an Cl8 fireplace and a timber-framed crosswall. Inclined

strut roof trusses to the barn one of which is diagonally braced in a manner suggesting that it was formerly a timber-framed structure.

It is noted that the significance of Broad Shaw Farmhouse lies in its historic interest as a seventeenth century farmhouse which was historically situated in a rural location surrounded by fields. The construction of the M62 motorway to the east has eroded the wider setting to some extent. However, there is still a buffer between the motorway and listed building, which includes the application site. To the west of the farmhouse and at a lower level, the large scale industrial developments on the Kingsway Business Park have also eroded its setting. It is noted that to the west of the listed building is a recently constructed Asda's Distribution Centre. Green paladin fencing has been constructed around the grounds of the listed building.

The application was supported by a Historic Environment Assessment, which also noted that security fencing had been constructed around the grounds of the building, and that there is a car park and former garden area within the grounds of the listed building. As such the report concluded that it no longer had a character of a working farm or domestic use. Additionally, the report noted that the field pattern in which the farmstead was historically sited has been modified and none of the historic pattern is extant. And with the addition of the large modern industrial buildings of Kingsway Business Park, the surrounding area detracts from the once rural character. As such the report considered although the land of the site does offer slight retention of the former rural landscape, with the backdrop of the industrial buildings and the M62, the site no longer provides any meaningful rural context that allows the listed building's historic function and landscape association to be understood. As such, the report considered that the site makes a neutral contribution to the heritage value of the listed building and the proposed development would have a neutral impact on the historic environment. It is accepted that the setting of the listed buildings has been adversely impacted upon due to the modern industrial developments to the west and north and by the construction of the M62 motorway.

The appearance of the proposed power plant will be utilitarian. However, it is noted that in this respect the development would not be out of character when considered against the backdrop of the adjacent large scale distribution and manufacturing warehouses contained elsewhere within Kingsway Business Park. Further to the above, it is noted that paladin fencing, similar to that used on the listed building would be installed around the site. The impact on the setting is low as the proposed development is cut into the hillside and will be less visible from this aspect. However, both the proposed the structures and listed building will be highly visible from Dig Gate Lane and the nearby roundabout.

With the previous applications that were granted planning permission (17/01260/FUL and 18/01338/FUL), the supporting reports concluded that the proposals would result in less than substantial harm through development within the setting of the listed building. The previous proposal had numerous chimneys, one large structure and numerous transformers. This proposal does not have as many chimneys and has smaller structures scattered around the site. The highest structure for this proposal (10m) would be the same as the previous application. There revised scheme with minor amendments to the height is considered to be more sympathetic as the visual mass within the site will be reduced.

Furthermore, the proposal includes a landscape plan that would see trees planted to the east, south and west of the site. Most notably the trees to the west and south would allow for screening between the development and the listed building. A landscaping plan was provided with the proposal, however, it was considered that additional information and enhancements are required. The Conservation Officer, recommended that a condition is applied to any approval requiring a new hard and

soft landscaping plan which should include exact species, planting schedule, details of root protection and method statement. The Conservation Officer added that the trees at its highest points should be confirmed to grow at least as tall as is needed to cover the highest point of the proposed flue, especially at elevations which face the Grade II listed Broad Shaw Farmhouse. In regards to the hard landscaping, the Conservation Officer recommended the inclusion of a colour to match the natural gravel immediately outside Broad Shaw Farmhouse (natural pebble).

The site is proposed to be bounded by paladin fencing. The fencing would be similar to that found on the neighbouring listed building and similar in appearance to those used elsewhere around the business park. The fence will be of an appropriate height, at up to 2.4m. It is noted that this would be viewed within the context of the dense, deep buffer planting, and is deemed necessary in order to ensure security of the site given that it would be largely unmanned.

In conclusion, with the fencing around the site and the added landscape that would see extensive tree and shrub planting outside this fencing to the north, west and south of the development, it would greatly reduce the impact on the setting of the listed building by shielding the structures from view when the plants have matured. Nevertheless, until the plants have matured, the utilitarian design of the development with structures clearly visible and prominent when viewed within the context of the listed building, would have less than substantial impact on the setting of the listed building.

In regards to Chadwick Fold, a grade II listed building, it is sited a considerable distance away from the site (approximately 370m) and the M62 motorway is located in between the two. As such, it is considered that the proposed development would have a neutral impact on the setting of the listed building.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits. It is noted that the proposed levels changes and significant vegetative screening would somewhat reduce the magnitude of the impact of the development on Broadshaw Farm. In looking at the public benefits of the proposal, as noted previously, there is a critical need for the UK to continue to have secure and reliable supplies of electricity as the country makes the transition to a low carbon economy. Whilst the UK electricity grid has historically relied on large centralised power plants to meet energy demand, recent shifts in energy mix (including a significant increase in renewable energy generation) have meant that demand and supply are becoming increasingly challenging to balance. Small generating sites, such as that proposed, are designed to be able to respond at very short notice to ensure power demands are met and therefore assist in reducing carbon emissions (by allowing a greater reliance on renewable energies in the main part).

The situation is clearly finely balanced, however the countervailing factors to the presumption against development in this particular case are considered to meet the test set out under the NPPF. Taking into account the requirement under the Listed Building and Conservation Areas Act and the policy test set out under the NPPF, the public benefits of the proposal are considered to outweigh the less than substantial harm to the setting of the adjacent Broadshaw Farm.

In light of the above, specifically the proposed mitigation measures, the proposal is considered to accord with the requirements of Policies P2, P3 and DM1 of the Core Strategy, along with the design aspirations established under Policy EC/7 of the Unitary Development Plan.

Ecology and trees

Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Policy G7 of the Core Strategy states aims to protect and enhance the borough's wildlife habitats and species and key natural resources and features. Policy G7 states that no development should result in a net loss of biodiversity or geodiversity interest in the borough and overall development in the borough should result in a net gain. Furthermore, policy G7 states that developments proposals which would affect a species protected by law or its habitat will not be permitted unless it can be demonstrated that there is no adverse impact on the species concerned and damage to habitats is minimal and alternative habitat provision is effective in maintaining those species.

The site is undeveloped land consisting of short, species-poor grassland which is being used as grazing land by horses and other animals. At the north of the site is a hedgerow and trees. A seasonal field pond is located to west of the site.

The application is supported by a set of reports, including an Arboricultural Survey, Impact Assessment and Method Statement, and an Ecological Impact Assessment. It is noted that the Rochdale Canal (Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and Site of Biological Importance (SBI)) is located approximately 1.4km to the north of the site. The Ecological Impact Assessment identified no impacts on the Rochdale Canal SAC, SSSI and Local Wildlife Site or South Pennine Moors SAC and SPA. Additionally the report found no risk to any drainage or pollution impacts, no risk of operational recreational pressures, and no likely air quality impacts.

The report noted that there are several bat records within 2km of the site, however, no potential roosting features were noted on the site. Additionally, there was no evidence of badgers or any of the other protected species on the site. As such it was recommended that there was no need for any mitigation proposals.

Additionally, the Ecological Impact Assessment concluded that the site provides opportunity to incorporate appropriate measures to mitigate any potential impacts to ecological features and to demonstrate 'biodiversity net gain in accordance with NPPF and local planning policy. However, the report has made a number of recommendations. These are as follows:

- ② Produce a Construction Environment Management Plan (CEMP) which includes consideration of biodiversity will be produced prior to the commencement of construction activities, including site clearance works.
- ② A sensitive lighting strategy will also be required to minimise potential operational degradation of this feature.
- ② The retained trees and hedgerow shall be protected throughout the construction phase and a sensitive lighting scheme implemented;
- ② In regards to badgers, best practice precautionary measures are recommended for the construction phase.
- ② Site clearance is conducted outside of the nesting season, or if necessary within the nesting season, an Ecological Clerk of Works (ECoW) to advise and supervise works to ensure no active nests to be affected. No further detailed Breeding Bird Survey deemed necessary in this instance.
- ② Dry Pond to the east may provide opportunities for Pond Mud Snail) - Precautionary measures recommended during the construction phase to minimise the risk of killing/injury of other Priority Species and degradation of habitat.

In regards to the Arboricultural Survey, it identified a number of trees on site which are generally young to semi-mature, unmanaged and in good condition. The report noted that some low value hedgerows will need to be removed to allow for the access to the site to be created. The report considered that these negligible impact on the local landscape and character of the site. The report also noted that construction work on site is likely to cause damage to the trees on the site. The report recommended that all methodologies specified in the Arboricultural Method Statement (AMS) that has been included in the report should be adhered to. As such it is considered appropriate to include a condition requiring adherence to the AMS.

The GMEU Officer raised no objection on ecology or arboriculture grounds. The GMEU Officer noted that the site is of limited ecological value, and the short length of hedgerow which will need to be removed to facilitate access to the site will be compensated for by new tree and hedgerow planting. As with the recommendations in the report, the GMEU Officer also advised that no vegetation removal required to facilitate the development should take place during the optimum time of year for bird nesting (March to August inclusive). It is considered that suitably worded condition would suffice in regards to this recommendation. An advisory can also be added to remind the application that all nesting birds their eggs and young are legally protected.

In regards to biodiversity enhancement, the GMEU Officer accepted that the development is able to achieve a net gain within the site.

Taking note of the above, subject to the inclusion of an acceptable conditions it is considered that the proposal would meet the requirements of Policy G7 of the Core Strategy and the requirements of the National Planning Policy Framework.

Contamination

Core Strategy Policy G9 states that the Council will ensure that any risks arising from contaminated land or land instability are identified, and that any appropriate actions to address these risks are taken, prior to development taking place.

The application included a Preliminary Land Contamination Assessment. The report identified no significant contamination risks. As such the report recommended that an intrusive investigation is not considered necessary to assess ground contamination. The Council's Environmental Protection Officer considered that the recommendation for no further action was acceptable.

It is therefore considered that the proposal would meet the requirements of Policy G9 of the Core Strategy and the requirements of the National Planning Policy Framework.

Impact on Accessibility & Highway Safety

With any application for new development it is important to assess the impact on highway safety and under policy T2 of the adopted Core Strategy it is established that 'In all circumstances, the safety, accessibility and amenity of those who live or have business in the area will have priority, while providing reliable journey times for those travelling through'. Whilst Paragraph 111 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

The proposed access to the site would be some 7m wide, and appropriate visibility splays for the likely speed of traffic on Dig Gate Lane are achievable. The swept path

analysis for the access into the site for the expected servicing vehicles which would seem to be acceptable. Swept path analysis is also included for the larger vehicles during the construction period which is also acceptable.

During operational stage, it is anticipated that there will be occasional deliveries to site during normal business hours to replenish consumables. When the site is operational, the planning statement notes that there will be limited traffic impacts, with only scheduled maintenance visits to the site. There will be no permanent staff based on site, and the facility will be managed and monitored remotely. As noted by the highways department, the site is fairly remote from local amenities and public transport, however it is considered it is unlikely to be an issue once the site is operational

The application is supported by a Transport Statement (TS) and a Construction Traffic Management Plan. The Transport Statement believed that the traffic generated will be very low once operational and the highest traffic impact is likely during the construction period. The statement concluded that the proposal 'will not result in a 'severe residual cumulative impact.'" The Construction Traffic Management Plan(CTMP) provides which looks to minimise the impact of the proposal It is considered prudent to include a condition requiring the CTMP is adhered to in full .

The highways department raised no objection to the proposal, noting that the based upon the CTMP and the TS, the amount of traffic generated during this period is unlikely to have an impact on highway capacity on the surrounding highway network.

However, the highways department noted that Dig Gate Lane along the development frontage is part of the adopted highway network. Additionally, there are public rights of ways that are located around the site. MilFp322 and MilFp320 are shown running around the north and west of the land. The highways department have requested that these are protected. It is considered appropriate that an advisory is included reminding the applicant that the public rights of way should not be disturbed, diverted or excavated prior, during and following completion of the proposed works and should be available for public use at all times. And if the applicant needs to temporarily close any part of the adopted highway or public right of way network during the construction period these closures must be in place prior to the commencement of the required works. It should be noted that MilFp336 also runs over the bridge that leads to MilFp320 and Dig Gate Farm - if access to the land is required over this route also, all steps are to be made to ensure access to members of the public is maintained without interference of traffic, (banksman) and any damage is rectified immediately and all deposits of soil and/or materials dropped is removed. The supporting CTMP has included details and photographs of the road and public right of way. Considering the engineering work required as a part of the application, it is considered appropriate to include a condition requiring that and damage is 'made good' and that evidence of this is provided.

Further to the above, the servicing arrangements for the proposed development are acceptable and the parking area to be provided on site is considered sufficient to accommodate staff and visitors to the facility.

Given the proximity of the adjacent M62 motorway, Highways England was also consulted, and raised no objection.

In light of the above, and with the addition of the necessary conditions, the proposal is considered to comply with policies DM1 and T2 of the Core Strategy, and the National Planning Policy Framework.

Flood Risk & Drainage

Policy G8 requires that new development does not lead to any form of increased flooding or impeded natural water and flood risk management. In this regard it is important that development includes drainage that is appropriate for the site and that utilised sustainable urban drainage solutions where ever possible. The site is not within an area at increased risk of flooding.

The site falls wholly within Flood Zone 1 and is therefore at a low risk of flooding (less than 1 in 1000 or 0.1% annual probability of river or sea flooding in any year). In regards to flooding from surface water, the northern part of the site falls within the 1 in 30 years national surface water area.

The application was supported with a Flood Risk Assessment. The report concluded that the proposed development will increase the area of impermeable surfaces and therefore increase the amount of runoff without mitigation. Additionally, the Planning Statement states that 'the proposed development will utilise hardstanding plinths, stone capping and a dedicated drainage system and be used for low sensitivity industrial use'. However, as noted by the Drainage Officer, although much of the developed site will be gravel and therefore permeable, the access will slope towards the Highway. As such, a formal method of sending the new runoff to a soakaway will be required.

United Utilities were also consulted and stated that robust evidence that the drainage hierarchy has been thoroughly investigated has not been provided, and as such has recommended a condition is added to any approval.

Subject to the inclusion of the relevant condition, and the subsequent implementation of the duly approved drainage scheme, the proposal is considered to comply with the relevant policies of the Core Strategy, the Unitary Development Plan and the National Planning Policy Framework.

Archaeology

The application has been supported by a Historic Environment Assessment. The report noted that the site has a low potential for the survival of any as yet unknown heritage assets with archaeological interest. Additionally consultation was carried out with the Greater Manchester Archaeological Advisory Service (GMAAS) with the previous application for the site (17/01260/FUL). The application was supported by a High Level Archaeology and Heritage Assessment. The GMAAS had confirmed that on examination of their records and the archaeology assessment, they conclude that there is a very low level of archaeological interest and that no further archaeological mitigation is required.

Conclusion

The proposed development, a reserve energy facility, would make a valuable contribution to securing a low carbon energy mix, allowing for increased reliance on and development of renewable energy generating facilities. The use is considered to represent an ancillary and complementary use to the neighbouring Kingsway Business Park and makes satisfactory use of the site. The application has demonstrated that the air quality impacts of the development would be acceptable – with no adverse impacts on human health or vegetation/ecosystems. Similarly the acoustic impacts of the development would not give rise to an adverse impact on amenity, subject to the implementation of an appropriate condition.

In accordance with paragraph 202 of the NPPF, the public benefits of the proposal are considered to demonstrably outweigh the identified less than substantial harm to the setting of the adjacent Grade II listed Broadshaw Farm and the proposed land level alterations and significant buffer screening are considered to provide appropriate mitigation for the visual impacts of the development. The highways impacts of the proposal are deemed acceptable, and matters of flood risk, drainage and ecology can be dealt with by way of application of appropriate conditions.

On this basis, the proposal is considered to represent sustainable development and, in accordance with the provisions of the National Planning Policy Framework, should be approved without delay.

RECOMMENDATION

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. This permission relates to the following plans:-

- Location Plan. Drawing no: SHF.3050.001.PL.D.001
- Existing Site Plan. Drawing no: SHF.3050.001.PL.D.002
- General arrangement of J624 engine and equipment – Proposed site plan. Drawing no: C5059-GA-007. Received by email on 16/05/2023
- General arrangement of J624 engine and equipment – Elevations/sections. Drawing no: C5059-GA-501. Received by email on 06/04/2023
- General arrangement of J624 engine and equipment – View looking west. Drawing no: C5059-GA-005. Received by email on 06/04/2023
- General arrangement of J624 engine and equipment – View looking south. Drawing no: C5059-GA-004. Received by email on 06/04/2023
- General arrangement of J624 engine and equipment – View looking east. Drawing no: C5059-GA-003. Received by email on 06/04/2023
- General arrangement of J624 engine and equipment – View looking north. Drawing no: C5059-GA-002. Received by email on 06/04/2023
- 624 Engine Container. Drawing no: C5059-GA-009. Received by email on 06/04/2023
- DNO building. Drawing no: C5059-GA-010. Received by email on 18/05/2023
- 500kVA transformer. Drawing no: C5059-GA-011. Received by email on 18/05/2023
- GAS kiosk. Drawing no: C5059-GA-012. Received by email on 18/05/2023
- Welfare container. Drawing no: C5059-GA-013. Received by email on 18/05/2023
- 5000L waste oil tank & clean oil tank. Drawing no: C5059-GA-014. Received by email on 15/05/2023
- Containerised switchgear room. Drawing no: C5059-GA-015. Received by email on 18/05/2023

and the development shall be carried out in accordance with these drawings hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted

Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

3. Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) and structures have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and preserving the historic significance of the building in accordance with Policies DM1, P2 and P3 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

4. No development shall take place until details of a sustainable surface water drainage scheme and a foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The drainage schemes shall include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365.
- (ii) Foul and surface water shall drain on separate systems.
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels.
- (iv) Mitigation measures to manage the risk of sewer surcharge where applicable,
- (v) hard-standing areas of the access road.
- (vi) Construction details for permeable paving including sub-base details

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter.

Reason: To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, saved Policy EM/7 of the adopted Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

5. The development hereby approved shall not be carried out otherwise than in strict accordance with the Arboricultural Method Statement (AMS) in the 'BS 5837:2012 Arboricultural Survey, Impact Assessment and Method Statement', ref no: 3050-001-ENZ-XX-00-RP-AR-45-101, dated August 2022, and by Enzygo Environmental Consultants. The fencing shall be retained throughout the period of construction.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area and in accordance with Policies G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

6. The development hereby approved shall not be carried out otherwise than in strict accordance with the Construction Traffic Management Plan, ref no: 'P1962_20220802_Dig Gate Lane, Rochdale – CTMP', dated 'October 2022' and by TPS Transport Consultants Ltd.

Reason: To minimise detrimental effects to the amenities of surrounding occupiers and the area in general and detriment to the natural environment through the risks of pollution and dangers to highway safety during the construction phase in accordance with Policies DM1, T2, G7 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

7. No development (including any site clearance or preparation works) shall take place until such time as a detailed Construction Management Plan (CMP), which shall include the following:
 - a) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - b) measures for the protection of the natural environment from accidental spillages, dust and debris;
 - c) any external lighting of the site.
 - d) measures for the protection of existing Rights of Way and highway in the vicinity of the site (including a photographic survey of the condition of the Rights of Way and highway prior to commencement of development) and;
 - e) Measures for the implementation of a buffer zone to the adjacent pond during construction and operational works.

has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved CMP without the prior written permission of the Local Planning Authority.

Reason: To minimise detrimental effects to neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase in accordance with Policies DM1, P3, T2, G8 and G9 of the emerging Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement: As the proposals require ground works and engineering works an understanding will therefore be necessary of what measures will be put in place prior to commencement of any building or engineering works on site.

8. No development shall take place (including any site clearance or preparation works) until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved CEMP during the construction period.

Reason: To minimise the detrimental effects to the natural environment through risks of pollution during the construction phase in accordance with Policies DM1, G7 and G9 of the Core Strategy and the National Planning Policy Framework.

Reason for Pre-Commencement: Site clearance poses a threat to the surrounding natural environment and a scheme therefore needs to be agreed in advance of any works taking place.

9. The hereby approved development shall not come in to use until a scheme for the resurfacing and/or repair to the road surface and public right of way which have deteriorated in the intervening period (between pre and post development), shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to first use of the development hereby approved.

Reason: Construction associated with the development has the potential to cause deterioration of the road and public right of way. The developer is required to undertake works of repair to the surface where deterioration arises as a result of the construction work undertaken in order to facilitate safe and convenient use of the public right of way by members of the public, and use of the highway by vehicle traffic and in accordance with the requirements of Policy T2 of the adopted Core Strategy.

10. No clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during the period of works on site.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

11. Notwithstanding the details shown on the approved plans and the requirements of condition 2 of this permission, no above ground construction works shall take place until samples and / or full specification of materials to

be used for the boundary treatment have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall also include details of gates to be utilised. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

12. (a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not come in to use until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.

(b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

(c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity and preserving the historic significance of the building in accordance with Policies DM1, P2 and P3 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

13. Notwithstanding the details shown on the approved plans, the development hereby permitted, no above ground works shall take place until details of the type, siting, design and materials to be used in the construction of any retaining structures have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the duly approved details and retained as such thereafter.

Reason: In the interests of amenity and in compliance with Policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

14. No external lighting shall be installed on the buildings or elsewhere on the site unless a scheme for such lighting has first been submitted to and approved in writing by the Local Planning Authority. The approved lighting details shall thereafter be fully implemented in accordance with the approved detail and retained as such thereafter.

Reason: In the interests of the conservation of protected species and protecting amenity in accordance with Policies G7, DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

15. The generating engines hereby approved shall be fuelled by natural gas, and no other fuels.

Reason: The permission is granted on the basis of detailed technical reports – any change in fuel could alter the developments impacts in relation to air quality and amenity.

Procedure Statement

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

Notes for Applicant:

1. The Environment Agency have advised that the proposed plant will require a Medium Combustion Plant Directive permit to operate once the development has been constructed.
2. The applicants are reminded that all nesting birds their eggs and young are legally protected under the Wildlife and Countryside Act 1981.
3. All bats and their roosts are protected under the Wildlife and Countryside Act 1981; the Countryside and Rights of Way Act 2000; the Natural Environment and Rural Communities Act 2006; and by the Conservation of Habitats and Species Regulations (2010).
4. The applicants are advised that they will have to ensure that the legitimate use of the public rights of way network in the area are available to the general public at all times and there are no risks whilst exercising this right. The public rights of way should not be disturbed, diverted or excavated prior, during and following completion of the proposed works. It should be noted that it is an offence to obstruct a public right of way. The applicant is advised to contact the Council's public rights of way officer for further guidance.
5. If the applicants needs to temporarily close any part of the adopted highway or public right of way network during the construction period these closures must be in place prior to the commencement of the required works. Additionally, if temporary traffic/pedestrian management arrangements are required, please liaise with the Council's Highway Department before undertaking such work.