

## **PLANNING AND REGULATORY COMMITTEE**

### **19 MARCH 2024**

# **PROPOSED AMENDMENTS TO THE ARTIFICIAL LIGHTING AND CCTV SCHEME FOR SECURITY AND SAFETY PURPOSES OF THE EXISTING ENERGY FROM WASTE PLANT (PART-RETROSPECTIVE) AT WASTE INCINERATION UNIT, HANGMAN'S LANE, HANLEY CASTLE, WORCESTERSHIRE**

---

#### **Application Reference Number**

23/000014/CM

#### **Applicant**

Clinitek (Malvern) LLP

#### **Local Member**

Councillor Tom Wells

#### **Purpose of Report**

1. To consider a County Matter application for proposed amendments to the artificial lighting and CCTV scheme for security and safety purposes of the existing Energy from Waste Plant (Part-Retrospective) at Hangman's Lane Waste Incinerator Unit, Hanley Castle, Worcestershire, WR8 0AJ.

#### **Background**

2. The Incinerator was constructed in 1970 / 71. No direct evidence has been found to confirm that planning permission was granted for the Incinerator. It is likely that deemed consent was granted by the then Ministry of Housing and Local Government, in association with the loan sanction, pursuant to the Town and Country Planning Act 1962. Worcestershire County Council sold the site at auction in 2007.

3. An application for a Certificate of Lawfulness of Existing Use or Development for Use of a Waste Incinerator was refused by the County Planning Authority (CPA) on 22 December 2015 (CPA Ref: 15/000025/CL) but granted on appeal on 11 October 2016 (Appeal Ref. APP/E1855/X/16/3147848).

4. More recently an application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for the replacement of plant within an existing building, replacement of existing oil tanks, a small ancillary extension and external refurbishment (CPA Ref: 18/000033/CLP) was made by Modern Waste Solutions Ltd. This incorporated several elements of upgrading work that they wanted to carry out in

support of reopening the facility. This CLOPUD was refused by the CPA on 7 December 2018 for the following reasons:

- a) *"On the basis of the information before them the County Planning Authority are not satisfied of the lawfulness, at the time of the Application, of the operations described in the Application.*
- b) *The County Planning Authority has adopted a Screening Opinion, dated 7 December 2018 under Regulation 6 of Town and Country Planning (Environmental Impact Assessment) Regulations 2017 that the proposed operations would constitute Environmental Impact Assessment development. This is determined on the basis that the proposed use is to incinerate hazardous waste as defined in Article 3 (2) of Directive 2008/98/EC and the operations involve a change and extension to the existing incinerator facility, and all comprise essential or necessary elements of the waste disposal installation for the incineration of waste, particularly the construction of a new stack directly linked to the replacement incinerator equipment, thus the proposal falls under Schedule 1 (24) by reference to Schedule 1 (9) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.*
- c) *Therefore, in accordance with Article 3 (11) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the proposed development would not constitute permitted development and would, therefore, not be lawful".*

5. The applicant stated, in relation to the refused CLOPUD (18/000033/CLP), *"that the development, specifically the replacement of the existing stacks with a single smaller stack, was not acceptable under the terms of the CLOPUD. This was due to the fact that that this was considered to trigger the need for an Environmental Impact Assessment and, therefore, did not benefit from Permitted Development rights. However, the narrative for the refusal of the CLOPUD confirmed that many of the aspects of the proposed refurbishment did not in fact require further consent, and as such can proceed. Other aspects have been revised by the applicant to reflect the decision. The only outstanding matter for which the applicant requires clarification is that of the proposed small extension to the existing site for the undercover storage and washing of bins. It is to this matter only that this application for a CLOPUD relates".*

6. Consequently, the applicant made an application for a CLOPUD under reference 18/000064/CLP in relation to the proposal described as 'the erection of an extension to the existing incinerator buildings. The extension was to be approximately 12 metres long by 8 metres wide by 8.7 metres high, with a flat roof and clad in sheet metal to match the existing structure'. The CPA were satisfied that this was permitted development and issued the Certificate on 12 February 2019.

7. Following discussions between the CPA and the applicant, an agreement was reached on a program of refurbishment for the facility where elements fell under

permitted development rights or required no further consent. This work included the following:

- Glazing;
- Brickwork openings;
- Brickwork repairs;
- Internal plant;
- Oil tanks; and
- Cladding.

8. In May 2020, planning permission was granted (CPA Ref: 20/000004/CM) for the alteration of the existing incinerator plant in the Hangman's Lane waste facility building (on land certified by Certificate reference APP/E1855/X/16/314748 dated 11th October 2016, and as extended pursuant to certificate reference 18/000064/CLP dated 12th February 2019) by the removal of one of two flues, and the installation of a replacement flue.

9. In February 2021, planning permission was granted (CPA Ref: 20/000044/CM) for ancillary development to include the addition of areas of concrete providing foundation pads for small scale electrical plant and equipment including a transformer compound, substation cabinet and a helix steam driven generator, containerised secure storage, and the addition of a 4-metre-high acoustic fence (retrospective) located between the existing building and the southern boundary.

10. In August 2021, retrospective planning permission was sought for the retention of lighting and CCTV provision (CPA Ref: 21/000030/CM) at the Energy from Waste Plant. The planning application was subsequently withdrawn 10 February 2023 due to fundamental amendments required to the lighting scheme as recommended by the CPA and consultees during the consideration of the planning application and on the basis that a new planning application would be resubmitted. CPA Ref: 23/000014/CM was submitted to the CPA on 3 April 2023 accompanied by a revised Lighting Impact Assessment, following consultation further amendments to the Lighting Impact Assessment were undertaken by the applicant to resolve fundamental concerns raised by statutory consultees and a further revised Lighting Impact Assessment was submitted November 2023, which is now the subject of this report.

11. The applicant states that in order to address the immediate concerns of the nearest sensitive receptors and concerns / objections raised as part of the previous planning application (CPA Ref: 21/000030/CM), that the existing external lighting provision at the site would be decommissioned and subject to the grant of planning permission a new external lighting scheme installed.

12. The facility has been issued with a Bespoke Environment Permit (BEP) by the Environment Agency, which requires the site to be operated in a safe and secure manner.

## **The Proposal**

13. The current planning application seeks part-retrospective consent to amend the existing external safety and security lighting provision and to regularise CCTV provision across the site at Hangman's Lane Energy from Waste Facility.

14. The applicant has confirmed that in order to address concerns raised by the nearest sensitive receptors and prior to the determination of the planning application that light levels at the site have been reduced as low as possible whilst maintaining operational safety.

15. The applicant states that all current lighting at the site would be decommissioned and replaced with the lighting scheme as specified within the amended Lighting Impact Assessment.

16. The current on-site lighting provision at the site consists of a total of No. 25 lighting units comprising of No. x 9 (200-watt) 8-metre-high street lighting columns, No. x 9 (50 watt) 9-metre-high floodlights, the remaining No. x 7 consist of bulkhead lighting units.

17. The amended Lighting Impact Assessment states that the proposed lighting scheme would consist of a total of No. x 15 lighting units comprising of No. x 3 Isaro Pro (15 watt) 6-metre-high street lighting columns and No. x 12 Piazza II LED (25 watt) downward facing wall / fence lights mounted at varying heights from between 2.8 metres to 6 metres, they would be fitted with deflectors and / or have inbuilt deflectors, consist of a colour temperature of 2,700 (amber lighting) and be IDA approved. Lighting columns would be fitted with backplates which would be downward facing, and wall / fence mounted lighting would be downward facing to comply with International Dark-Sky Association (IDA) guidance.

18. Lights would be fitted with Passive Infra-Red (PIR) motion sensors. Approximately half of the non-essential proposed lights would be switched off between the hours of 23:00 to 07:00, whilst the remaining lights would always be on and be dimmed to 50% except when activated by motion sensors when they would operate at 100% to assist with the operation of onsite CCTV requirements. Lighting in close proximity to the building would need to be brighter for CCTV purposes. Proposed lighting at the site would be approximately 10 lux when all of the lights are on and 2.5 lux when the lights are at 50% capacity, which is in accordance with Secured by Design Lighting Guidance for external commercial areas in rural locations.

19. The amended Lighting Impact Assessment states that modelling of impacts considered a worst-case scenario of 24-hour operation. The amended Lighting Impact Assessment refers to light sensitive receptors as being both residential and ecological.

20. The amended Lighting Impact Assessment states that the lighting design would include the following mitigation measures:

- Lighting solutions will be selected to reduce light pollution, specifically, designed luminaires would be selected to minimise the upward spread of light. The optics in the lanterns would control the distribution of light to avoid overspill, sky glow and glare;
- Glare would be kept to a minimum by ensuring the main beam angle of all lights directed towards any potential observer is not more than 85 degrees. Higher mounted heights allow lower main beam angles, which can assist in reducing glare;
- Lighting would be restricted to the task area using horizontal cut-off optics and zero tilts; and
- A curfew would be operated, and the duration of any lighting will be minimised (switch off or part night dimming).

21. A total of No. x 20 CCTV cameras are currently located on site, some of which are mounted on the building and some of which are mounted on columns. CCTV provision would remain unchanged. CCTV is monitored by a private security person.

## **The Site**

22. The application site is located within a predominantly rural area approximately 5 kilometres south-east of Great Malvern and approximately 10.6 kilometres south of Worcester.

23. The application site measures approximately 1.2 hectares, of which 0.2 hectares consists of the refurbished three storey building and stacks, constructed during the 1970s. The facility fell into disuse for approximately 23 years before being bought by the current owner and undergoing refurbishment for use as a small-scale waste management facility.

24. The building is situated centrally within the site and surrounded by hardstanding surfacing utilised for car parking and circulation space. A 4-metre-high close boarded acoustic fence is located along the majority of the southern boundary, which then steps up onto an earth embankment, causing a kink in the fence line, with the remaining three perimeters bordered by a green chain link fence. Grassed areas with mature deciduous trees are located around the site's boundaries, beyond which lies predominantly open countryside and scattered residential properties.

25. The topography of land surrounding the site is generally flat with far ranging views over low lying hedgerows, scattered mature trees and agricultural land. The Malvern Hills National Landscape (Area of Outstanding Natural Beauty [AONB]) can be seen approximately 3.6 kilometres to the west of the site.

26. The site is accessed from Hangman's Lane / Sink Lane (U61605), located to the south and adjacent to the application site. The roads located in the immediate vicinity are classed as 'quiet rural' and 'single carriageway' and contain no major sources of light. Land located to the north, east and west of the site have been classified as Grade 3 agricultural land and consist of no major sources of light.

27. The Institute of Lighting Professionals Guidance Note 01/21: (for the reduction of obtrusive light) specifies Environmental Zones. For the purposes of this planning application, Environmental Zone E1 (Natural - relatively uninhabited rural areas, National Parks, AONB, International Dark Skies buffer zones etc.) would be considered applicable.

28. Public Right of Way Footpath HK-515 runs north to south immediately to the west of the site. Footpath HK-516 adjoins the southern side of Hangman's Lane / Sink Lane, running broadly north to south-east.

29. There are no statutory wildlife designated sites within 2 kilometres of the proposal, with the nearest being Brotheridge Green Disused Railway Line Site of Special Scientific Interest (SSSI) located approximately 3 kilometres south of the site. Brotheridge Green Meadows SSSI is located approximately 3.1 kilometres south of the site; Ashmoor Common SSSI is located approximately 3.2 kilometres north-east of the site; and The Malvern Hills SSSI is located about 5.2 kilometres west of the site.

30. The site and surrounding land lie within the Malvern Chase with Laugherne Valley Biodiversity Delivery Area.

31. Pool & Mere Brooks Local Wildlife Site (LWS) is located approximately 150 metres north of the site, beyond which is located Highfield Farm Meadows LWS approximately 600 metres to the north of the site. Guarlford Green & Rhydd Green LWS is located approximately 1.1 kilometres north of the site; Dripshill Wood LWS is located approximately 1.4 kilometres north of the site; South Wood LWS is located approximately 1.7 kilometres north of the site; The Cliffey Wood & Cliffs LWS is located approximately 1.4 kilometres north-east of the site, beyond which is the River Severn LWS located approximately 1.6 kilometres north-east of the site; and Chestnuts Farm Meadows LWS is located approximately 1.9 kilometres south of the site.

32. The following Grade II Listed Buildings include the Lychgate at the Church of Our Lady and St Alphonsus; the Presbytery adjacent to the Church of Our Lady and St Alphonsus; the Roman Catholic Church of Our Lady; and St Alphonsus with attached covered way (Grade II\* Listed) all lie within approximately 1.25 kilometres south-west of the site. Grade II Milestone is located approximately 1.5 kilometres east of the site. Grade II Listed Horton Manor Farmhouse and Northend Farmhouse are located approximately 1.25 kilometres south and 1.4 kilometres south-east of the site, respectively.

33. Walnut Lodge is the nearest residential property located approximately 35 metres opposite the application site directly south of the site entrance on Hangman's Lane with Broadacres Farm lies approximately 220 metres further south of the site across the intervening Acres Farm Road. Sink Farm is located approximately 380 metres east of the site and The Orchards is located approximately 440 metres south-west of the site.

34. Further residential properties are located to the rear of the site beyond relatively flat intervening agricultural land and an unnamed single carriageway road and include Blackmore End Farm and Blackmore End Farmhouse both located approximately 580 metres north-west of the site; Blackmore End Cottage is located approximately 370 metres north and to the rear of the site; Honeypot Farm and Priestfield Farm are located approximately 440 metres and 470 metres north of the site, respectively.

35. The application site is situated within Flood Zone 1 (low probability of flooding).

### **Summary of Issues**

36. The main issues in the determination of this application are:

- Location of the development
- Residential amenity, landscape character and visual impact
- Historic environment
- Ecology and biodiversity.
- Highways and Public Rights of Way
- Climate change

### **Planning Policy**

#### **National Planning Policy Framework (NPPF)**

37. The National Planning Policy Framework (NPPF) was revised in response to the Levelling-up and Regeneration Bill: reforms to national planning policy consultation on 19 December 2023. This revised NPPF replaces the previous NPPF published in March 2012, revised in July 2018, updated in February 2019, revised in July 2021 and updated in September 2023. The government expect the National Model Design Code to be used to inform the production of local design guides, codes and policies.

38. The revised NPPF sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions and should be read as a whole (including its footnotes and annexes). Annex 1 of the NPPF states that "*The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication*".

39. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), 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).

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

40. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and 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.

41. So that sustainable development is pursued in a positive way, at the heart of the NPPF is 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; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:



- the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

42. 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.

43. The following guidance contained in the NPPF is considered to be of specific relevance to the determination of this planning application:

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed and beautiful places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

### **National Planning Policy for Waste**

44. The National Planning Policy for Waste was published on 16 October 2014 and replaces “Planning Policy Statement 10 (PPS 10): Planning for Sustainable Waste Management” as the national planning policy for waste in England. The document sets out detailed waste planning policies, and should be read in conjunction with the NPPF, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

### **The Development Plan**

45. The Development Plan is the strategic framework that guides land use planning for the area. In this respect, the current Development Plan that is relevant to this proposal consists of the adopted Worcestershire Waste Core Strategy Development

Plan Document, the adopted South Worcestershire Development Plan and the 'made' (adopted) Hanley Castle Parish Neighbourhood Development Plan.

46. Planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF and National Planning Policy for Waste are material considerations in this planning decision.

47. With regard to the weight to be given to existing policies adopted prior to the publication of the NPPF, Annex 1 states "*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*".

### **Worcestershire Waste Core Strategy Development Document**

48. The Waste Core Strategy was adopted in November 2012 and sets out planning policies against which applications for waste development in the county must be judged. The Waste Core Strategy policies relevant to the proposal are:

Policy WCS 1: Presumption in favour of sustainable development

Policy WCS 2: Enabling Waste Management Capacity

Policy WCS 4: Other recovery

Policy WCS 6: Compatible land uses

Policy WCS 8: Site infrastructure and access

Policy WCS 9: Environmental assets

Policy WCS 10: Flood risk and water resources

Policy WCS 11: Sustainable design and operation of facilities

Policy WCS 12: Local characteristics

Policy WCS 14: Amenity

Policy WCS 15: Social and economic benefits

### **South Worcestershire Development Plan**

49. The South Worcestershire Development Plan (SWDP) covers the administrative areas of Worcester City Council, Wychavon District Council and Malvern Hills District Council. The SWDP was adopted in February 2016. The SWDP policies that are of relevance to the proposal are set out below:

Policy SWDP 1: Overarching Sustainable Development Principles

Policy SWDP 2: Development Strategy and Settlement Hierarchy

Policy SWDP 4: Moving Around South Worcestershire

Policy SWDP 5: Green Infrastructure

Policy SWDP 6: Historic Environment

Policy SWDP 8: Providing the Right Land and Buildings for Jobs

Policy SWDP 12: Employment in Rural Areas

Policy SWDP 21: Design

Policy SWDP 22: Biodiversity and Geodiversity

Policy SWDP 23: The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)  
Policy SWDP 24: Management of the Historic Environment  
Policy SWDP 25: Landscape Character  
Policy SWDP 27: Renewable and Low Carbon Energy  
Policy SWDP 28: Management of Flood Risk  
Policy SWDP 29: Sustainable Drainage Systems  
Policy SWDP 30: Water Resources Efficiency and Treatment  
Policy SWDP 31: Pollution and Land Instability

### **Hanley Castle Parish Neighbourhood Development Plan**

50. The Hanley Castle Parish Neighbourhood Development Plan (NDP) covers the Parish of Hanley Castle and was 'made' (adopted) on 22 January 2019. The NDP policies that are of relevance to the proposal are set out below:

Policy MnGR 8: Siting of Local Businesses  
Policy RE 1: Sympathetic Design  
Policy RE 2: Settlement Identity  
Policy RE 3: Replacing Natural Features Lost Through Development  
Policy BHN 3: Preserving Ancient Trees, Woodland, Trees, Hedges  
Policy Des 1: General Building Design Principles  
Policy Des 2: Renewable and Low Carbon Energy  
Policy Trf 1: Highways and Traffic Principles  
Policy Trf 2: Footpaths/Bridleways/Cycle paths

### **Draft Planning Policy**

#### **Emerging South Worcestershire Development Plan Review**

51. Worcester City Council, Wychavon District Council and Malvern Hills District Council are reviewing the South Worcestershire Development Plan. The South Worcestershire Development Plan Review will cover the period to 2041. On 27 September 2023, the South Worcestershire Development Plan Review was submitted to the Secretary of State for independent examination in public under Regulation 22 of the Town and Country Planning (Local Planning) England Regulations, 2012 (as amended). The dates for the examination in public are not yet known.

52. Having regard to the advice in the NPPF, Section 4, as the South Worcestershire Development Plan Review is still at an early stage of preparation, only limited weight should be applied to the policies.

53. The emerging South Worcestershire Development Plan Review policies that, for the avoidance of doubt, are of relevance to the proposal are set out below:

- Draft Policy SWDPR 01: Climate Change Mitigation and Adaption
- Draft Policy SWDPR 03: The Spatial Development Strategy and Settlement Hierarchy
- Draft Policy SWDPR 05: Design and Sustainable Construction
- Draft Policy SWDPR 06: Transport

- Draft Policy SWDPR 07: Green Infrastructure
- Draft Policy SWDPR 08: Historic Environment
- Draft Policy SWDPR 10: Health and Wellbeing
- Draft Policy SWDPR 26: Design
- Draft Policy SWDPR 27: Biodiversity and Geodiversity
- Draft Policy SWDPR 28: The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)
- Draft Policy SWDPR 29: Management of the Historic Environment
- Draft Policy SWDPR 30: Landscape Character
- Draft Policy SWDPR 31: Amenity
- Draft Policy SWDPR 33: Renewable and Low Carbon Energy
- Draft Policy SWDPR 34: Management of Flood Risk
- Draft Policy SWDPR 37: Air Quality

### **Emerging Hanley Castle Parish Neighbourhood Development Plan (2016-2030)**

54. The Hanley Castle Parish Neighbourhood Development Plan (NDP) is undergoing review and consultation as part of a Regulation 14 submission (2024). The emerging policies that would be of relevance to the proposal once the NPD has been adopted are set out below:

- Policy MnGR 8: Siting of Local Businesses
- Policy RE 1: Sympathetic Design
- Policy RE 2: Settlement Identity
- Policy RE 3: Replacing Natural Features Lost Through Development
- Policy BHN 3: Preserving Ancient Trees, Woodland, Trees, Hedges
- Policy Des 1: General Building Design Principles
- Policy Des 2: Renewable and Low Carbon Energy
- Policy Trf 1: Highways and Traffic Principles
- Policy Trf 2: Footpaths/Bridleways/Cycle paths

### **Other Documents**

#### **Waste Management Plan for England (2021)**

55. The Government, through Defra, published the latest Waste Management Plan for England in January 2021. The Waste Management Plan for England is required to fulfil the requirements of the Waste (England and Wales) Regulations 2011 and together with its associated documents, local authorities' waste local plans and, combined with the equivalent plans produced by the devolved administrations in Scotland, Wales and Northern Ireland, and Gibraltar, it ensures that waste management plans are in place for the whole of the UK and Gibraltar. It supersedes the previous Waste Management Plan for England (2013).

56. While the Our Waste, Our Resources: A Strategy for England (2018) sets out a vision and a number of policies to move to a more circular economy, such as waste prevention through policies to support reuse, repair and remanufacture activities, the Waste Management Plan for England focuses on waste arisings and their management. It is a high-level, non-site specific document. It provides an analysis of

the current waste management situation in England and evaluates how the Plan will support implementation of the objectives and provisions of the Waste (England and Wales) Regulations 2011. It will be supplemented by a Waste Prevention Programme for England, which will set out the Government's plans for preventing products and materials from becoming waste, including by greater reuse, repair and remanufacture supported by action to ensure better design to enable this to be done more easily.

### **Our Waste, Our Resources: A Strategy for England (2018)**

57. This Strategy is the first significant government statement in relation to waste management since the 2011 Waste Review and the subsequent Waste Prevention Programme 2013 for England. It builds on this earlier work, but also sets out new approaches to long-standing issues like waste crime, and to challenging problems such as packaging waste and plastic pollution. The Strategy is guided by two overarching objectives:

- To maximise the value of resource use; and
- To minimise waste and its impact on the environment.

58. The Strategy sets five strategic ambitions:

- To work towards all plastic packaging placed on the market being recyclable, reusable or compostable by 2025;
- To work towards eliminating food waste to landfill by 2030;
- To eliminate avoidable plastic waste over the lifetime of the 25 Year Environment Plan;
- To double resource productivity by 2050; and
- To eliminate avoidable waste of all kinds by 2050.

59. It contains 8 chapters which address: sustainable production; helping consumers take more considered action; recovering resources and managing waste; tackling waste crime; cutting down on food waste; global Britain: international leadership; research and innovation; and measuring progress: data, monitoring and evaluation.

60. Chapter 3 – 'Resource Recovery and Waste Management' is the most relevant chapter to this proposal. This states that whilst recycling rates in construction have improved since 2000, from 2013 onwards recycling rates have plateaued. The government wishes to drive better quantity and quality in recycling and more investment in domestic recycled materials markets. The government wants to promote UK-based recycling and export less waste to be processed abroad.

61. The government seeks to:

- Improve recycling rates by ensuring a consistent set of dry recyclable materials is collected from all households and businesses;
- Reduce greenhouse gas emissions from landfill by ensuring that every householder and appropriate businesses have a weekly separate food waste collection, subject to consultation;
- Improve urban recycling rates, working with business and local authorities;

- Improve working arrangements and performance between local authorities;
- Drive greater efficiency of Energy from Waste (EfW) plants;
- Address information barriers to the use of secondary materials; and
- Encourage waste producers and managers to implement the waste hierarchy in respect to hazardous waste.

### **The Government Review of Waste Policy in England 2011**

62. The Government Review of Waste Policy in England 2011 seeks to move towards a green, zero waste economy, where waste is driven up the waste hierarchy. The waste hierarchy gives top priority to waste prevention, followed by preparing for re- use, recycling, other types of recovery (including energy recovery) and last of all disposal.

### **South Worcestershire Renewable and Low Carbon Energy Supplementary Planning Document (SPD)**

63. The South Worcestershire Renewable and Low Carbon Energy SPD sets out guidance on how the requirements in Policy SWDP 27 (Renewable and Low Carbon Energy) of the SWDP should be applied. It includes guidance on what must be provided in Energy Assessments; issues that need to be considered when examining the potential for decentralised energy and heat networks in large scale development proposals to comply with SWDP 27(B); the various renewable and low carbon energy technologies and the planning issues associated with each technology that will need to be addressed.

### **Planning for Health in South Worcestershire Supplementary Planning Document (SPD)**

64. The South Worcestershire Planning for Health SPD was adopted in September 2017, and primarily focuses on the principal links between planning and health. The SPD addresses nine health and wellbeing principles, one of which is focussed on air quality, noise, light and water management. The SPD presents guidance on how these matters can be improved via the planning process, including ‘designing development proposals to avoid significant adverse impact from pollution ...’.

### **Malvern Hills Area of Outstanding Natural Beauty (AONB) Management Plan (2019 – 2024)**

65. The Malvern Hills AONB was designated in 1959 and covers an area of 105 square metres and includes parts of Herefordshire, Worcestershire and Gloucestershire. The purpose of the Management Plan sets out to conserve its special qualities, manage the pressures of these qualities and where possible, improve the AONB for current and future generations of people who live in and visit the area.

66. The extent of the setting of the AONB has not been defined but is not fixed and is likely to vary depending on issues being considered. If the quality of the setting declines, then the appreciation and enjoyment of the AONB diminishes. There may even be a detrimental effect on the purposes for which the area has been designated or the special qualities that define it. Section 85 of the Countryside and Rights of Way

Act (CRoW) requires public bodies to consider whether any activities outside the AONB may affect land within it.

67. The AONB Management Plan contains 12 policies each grouped within three themed sections; the natural and cultural environment; community life; and enjoying and understanding. The key policies applicable to this application are considered to be Policies BDP2 & BDP5 - Light Pollution, which states that there are 3 types of light pollution;

- skyglow – the pink or orange glow we see for miles around towns and cities, spreading deep into the countryside, caused by a scattering of artificial light by airborne dust and water droplets
- glare – the uncomfortable brightness of a light source
- light intrusion – light spilling beyond the boundary of the property on which a light is located, sometimes shining through windows and curtains.

68. The AONB Management states that the need for external lighting for buildings, car parks and recreation grounds need careful assessment on a case-by-case basis. Planning policies should aim to minimise the impact of light pollution from artificial light inside the AONB but should also address sources of pollution that originate outside of the area and affect the designation.

#### **Malvern Hills Area of Outstanding Natural Beauty (AONB) Guidance on Lighting**

69. This guidance document has been produced to help implement this policy and to help deliver the Malvern Hills AONB Management Plan which ‘formulates local authority policy for the management of the AONB and for the carrying out of their functions in relation to it’ (Section 89 of the Countryside and Rights of Way Act, 2000). The AONB Management Plan is a material consideration in relation to development control and forward planning. The purpose of the document is to promote good practice in external lighting and to reduce light pollution.

70. This guidance document has been produced to help implement Policy BDP5: Lighting: of the Malvern Hills District AONB Management Plan, states that “*Lighting schemes should be kept to a minimum and only installed where absolutely necessary. Light pollution should be avoided through adherence to good design and practice, for example, dimming or turning light off wherever possible*”.

#### **Hanley Castle Parish Building Design Guide 2017**

71. The Hanley Castle Parish Building Design Guide aims to ensure that new development meets the requirements set out in the NPPF and the SWDP. Policies of that of relevance to the proposal are set out below:

Section 10. Lighting

## Consultations

72. Worcestershire County Council carried out public consultation on the planning application between 21 April and 16 May 2023. Following consideration of comments received, the applicant submitted a revised Lighting Impact Assessment which the CPA considered would be material to the determination of the planning application and undertook further public consultation between 17 November and 11 December 2023.

73. **Local County Councillor Tom Wells** no comments received.

74. **Hanley Castle Parish Council** object to the amended Lighting Impact Assessment (the subject of this report) and the previously submitted and now superseded Lighting Impact Assessment on the same grounds. They state that they support original comments and concerns raised by Malvern Hills District Council submitted during the first consultation which took place between 21 April and 16 May 2023.

75. Hanley Castle Parish Council state that their major concern relates to unnecessary light pollution from the site being situated in a rural area where there is no apparent street lighting or such like, to diminish the impact of the site being illuminated. They state that the applicant has not considered Hanley Castles Adopted Neighbourhood Plan as part of the submission, specifically Design 1 – General Building Design Principles, which requires developments to minimise, wherever possible, light pollution and that the applicant has not considered Section 10 – Lighting, of the Hanley Castle Parish Building Design Guide which sets out that non-essential lighting should be switched off at night and that hoods or shields should be fitted to external lights to minimise light spillage.

76. Hanley Castle Parish Council state that they are concerned about lighting a site that is not currently operational and consider that motion sensors would be more appropriate and would reduce the unnecessary lighting of the site. Motion detection would enable the site to remain secure whilst minimising the impact on neighbouring properties and request that they are fitted throughout the site and not just located on the south of the site as proposed.

77. Hanley Castle Parish Council state that they continue to support Malvern Hills District Council's original comments, in which they requested a revised lighting plan showing light spill and Lux levels which would have enabled the impact of the proposed lighting scheme to be properly considered.

78. Hanley Castle Parish Council also reiterate Malvern Hills District Council's original request that should the County Council be minded to grant planning permission and to minimise impact on the surrounding area that lighting should be switched off between 18:00 and 07:00 hours with no lighting of the site on Saturdays, Sundays and Bank Holidays and that motion detector lighting should be used outside



of those proposed hours. Hanley Castle Parish Council request that a boundary fence is installed around the whole site of sufficient height to reduce light spill during the winter months when there is minimal tree cover. Hanley Castle Parish Council state that ideally the fence should be acoustic to reduce noise from machinery should the site become operational.

79. **Guarlford Parish Council (Neighbouring)** no comments received.

80. **Malvern Hills District Council** have not commented with regard to the amended Lighting Impact Assessment and subsequent public consultation which took place between 17 November and 11 December 2023.

81. Malvern Hills District Council provided comments made in respect of the superseded Lighting Impact Assessment recommending deferral of the application and requesting further information. Their original comments are set out below:

82. Malvern Hills District Council stated no objection to the principal of CCTV cameras or the external emergency lighting essential for workers safety.

83. Malvern Hills District Council noted that CPA Ref: 20/000004/CM stated that *“there will be no lighting associated with the proposed development”*, therefore, Malvern Hills District Council stated that they were disappointed that once planning permission was granted lighting was subsequently installed.

84. Malvern Hills District Council stated that local residents were concerned about the amount of unnecessary night-time lighting given the minimum level of outside activity and yet the site remains illuminated. Malvern Hills District Council note that lighting hoods and / or deflectors are not installed which had been observed by the Councils Portfolio Holder after visiting the site.

85. Malvern Hills District Council note that the planning statement does not refer to the Hanley Castle Parish Neighbourhood Plan (adopted 22 January 2019), specifically Des 1 - General Building Design Principles, which sets out that development should minimise, wherever possible, light pollution. They state that consideration should also be given to Section 10 – Lighting of the Hanley Castle Design Guide which sets out that non-essential lighting should be switched off at night and that hoods or shields should be fitted to external lights to minimise light spillage and should be taken account of in proposed developments to ensure that the tranquillity and rural character of the landscape is retained. Consideration should be given to limiting the impact of lighting on ecology, in particular bats, which were identified to be present in the building and surrounding area.

86. Malvern Hills District Council state that the (superseded) Lighting Impact Assessment provided a table of the proposed lighting and Lux levels but they noted that the proposed lighting was shown in Lumens which made comparison of the existing and proposed lighting scheme impossible to ascertain. On that basis Malvern Hills District Council requested further information with regard to design and whether

hoods / shields would be fitted to reduce light spill; the proposed Lux levels of each light; during what hours the lighting would be operational; whether motion detectors would be installed; and methods provided to reduce light spill.

87. Malvern Hills District Council stated that should the County Council be minded to grant planning permission that lighting is conditioned to be switched off between 18:00 and 07:00 hours, with no lighting on Saturdays, Sundays and Bank Holidays to minimise impact on the surrounding area and that should access be required outside of the proposed hours that motion detection sensors are installed.

88. Malvern Hills District Council acknowledged that the proposed lighting scheme would ensure the safe and continued use of the site and associated economic impacts but considered that further consideration should be given to the impacts of the proposal / scheme on the location of the site in accordance with the Hanley Castle Parish Neighbourhood Plan. They stated that any comments received from consultees and local residents should be taken into consideration and satisfactorily addressed prior to the determination of the application.

89. **The County Highways Officer** has no objection.

90. **The County Ecologist** has no objection to the amended Lighting Impact Assessment and notes and welcomes the removal of Eterna bulkhead lighting and the introduction of Thorn's dark sky compliant lanterns. The County Ecologist states that the use of 2,700 kilowatt Correlated Colour Temperature (CCT) and 0% Upward Light Ratio should offer a comparative reduction in skyglow contribution and should also reduce the levels of blue-light output from the site. The deactivation of half these units at night, between the hours of 07:00 and 23:00, is a welcomed approach, as is the use of motion-triggered sensors within the remaining lanterns, the uplift from 50% output to 100% should provide bright illumination only 'as-and-when' night-time operations require, which is compliant with design principles set out in Institute of Lighting Professionals Guidance Note 8/23.

91. The County Ecologist considers that based on the revised modelling outputs, the selection of ecological receptors identified, and in light of the additional mitigation measures proposed, that they concur that adverse impacts to biodiversity in the locality from effects of artificial-light-at-night are likely to be minimised to an acceptable level.

92. The County Ecologist recommends that post-installation, a verification inspection should be undertaken by a suitably competent lighting engineer to ensure that operational light levels are compliant with modelled expectations as set out in the amended Lighting Impact Assessment. This could be secured by a requirement for the scheme to be undertaken in accordance with the amended Lighting Impact Assessment and by imposition of a condition requiring a Statement of Conformity within 6 months of commencement of development for approval by the CPA. The Statement of Conformity should verify that illumination and luminance across the scheme function as proposed and approved, which would accord with Paragraphs 55,

56 and 185c of the National Planning Policy Framework and Policy SWDP 22 of the South Worcestershire Development Plan.

93. **Worcestershire Regulatory Services (Contaminated Land)** have no objection.

94. **Worcestershire Regulatory Services (Light Nuisance)** have no objection to the amended Lighting Impact Assessment in terms of light nuisance, advising that it appears satisfactory and predicts that the proposed scheme should not adversely impact on the nearest sensitive receptors.

95. Worcestershire Regulatory Services note that the Lighting Impact Assessment states that luminaire intensity at receptor R1 (at first floor level) would be compliant with Institute of Lighting Professionals guidance. Worcestershire Regulatory Services consider that it would not be compliant with the Institute of Lighting Professionals guidance due to the recommended post-curfew hours of 23:00 hours limit of zero, however, Worcestershire Regulatory Services state that this is to be expected and would at any rate, operate at a very low level. Worcestershire Regulatory Services advised that the statement should be updated to reflect their comments and subsequent revised Lighting Impact Assessment sought. Taking into account their previous recommendations and with regard to the updated Lighting Impact Assessment Worcestershire Regulatory Services state that the amended Lighting Impact Assessment (revision B) now correctly states that the post curfew luminaire intensity at receptor R1 (first floor) would be above the recommended limit due to the need for external lighting provision at the site to be operational during the night (post curfew hours).

96. In response to a letter of representation objecting to the proposal on the grounds that the number of receptors used for data analysis within the amended Lighting Impact Assessment is insufficient and that six receptors located approximately 400 metres to the north of the site should have been included within the amended Lighting Impact Assessment and conclude that further assessment should be undertaken. Worcestershire Regulatory Services state that at a distance of approximately 400 metres and being located behind the site that they do not consider that the receptors being referred to would be adversely impacted and advise the CPA that they would not alter or amend their consultation comments outlined above as a result of the inclusion of the six receptors within a further amended Lighting Impact Assessment.

97. In conclusion, Worcestershire Regulatory Services advise that all of the recommendations of the amended Lighting Impact Assessment should be implemented.

98. **The County Archaeologist** has no archaeological concerns.

99. **Wychavon and Malvern Hills District Councils Archaeology** defer to the recommendations of the County Archaeologist.

100. **The County Landscape Officer** has no objection to the amended Lighting Impact Assessment on landscape grounds.

101. The County Landscape Officer states that the amended Lighting Impact Assessment sets out details of revisions to the lighting scheme and an assessment of impacts to local residential receptors, ecological receptors, and the Malvern Hills National Landscape (AONB). They state that the previous consultation for the now superseded Lighting Impact Assessment (May 2023) raised concerns with regard to potential visual impacts effecting Honeypot Farm, which they consider have now been addressed by the amended Lighting Impact Assessment. The County Landscape Officer considers that the revised Lighting Impact Assessment demonstrates that the proposed lighting scheme would lead to a reduction in the quantity and height of proposed lighting on the north facing elevation of the scheme which would be supported by partial night-time dimming.

102. The County Landscape Officer acknowledges that they do not have technical knowledge of lighting but consider that the proposed amendments would reduce the level of adverse visual impact from the proposed lighting scheme and would represent a fair compromise when balanced against the need to securely illuminate the facility.

103. With regard to a letter of representation received objecting on the grounds that noise levels have been high and noticeable at night when the site is operational and that the installation of an acoustic fence erected along the boundary of the site would reduce noise and also contain light spillage. The County Landscape Officer states that if it can be quantified that the installation of an acoustic on the southern boundary has been effective in reducing noise then it would seem reasonable and proportionate to request a similar feature along the northern boundary to deliver similar benefits. With regard to light spillage, the County Landscape Officer advises that an acoustic fence would not be sufficiently tall enough to shield light from high-level lighting, however reduction from low level lighting might result in cumulative reduction and overall benefit. However, the County Landscape Officer considers that the amended Lighting Impact Assessment has reduced lighting on the north façade of the facility and introduced partial dimming of lighting and considers the amended Lighting Impact Assessment to be a fair compromise balancing night-time impact with the need to operate a safe site.

104. With regard to concerns that the amended Lighting Impact Assessment omitted six receptors located approximately 400 metres north and north-west of the site, the County Landscape Officer considers that residential properties located to the north of the site would benefit from intervening vegetation and that with regard to the remaining receptors that the applicant should justify why these remaining receptors were not included in the amended Lighting Impact Assessment.

105. In conclusion, the County Landscape Officer considers that they maintain no objection to the proposal on landscape grounds.

106. **Historic England** have no comments to make, recommending that the CPA seeks the views of its specialist conservation and archaeological advisors.

107. **Natural England** - no comments received.

108. **The Environment Agency (EA)** state that they have no comments to make on the proposed lighting scheme, noting that the current Environmental Permit allows 24-hour operation of the site and that the Environmental Permit does not cover lighting provision. As such, matters of lighting are for the consideration of the CPA.

109. **The Gardens Trust** - no comments received.

110. **Hereford and Worcester Gardens Trust** - no comments received.

111. **The Campaign to Protect Rural England (CPRE)** do not wish to comment on the application and state that they presume that the CPA would consider the amenities of any neighbours.

112. **The County Public Rights of Way Officer** has no objection. The officer notes that the site is coincident with Footpath HK-515 and has been incorrectly drawn on the site location plan submitted as part of the planning application. The Public Rights of Way Team have no objection provided that the following legal obligations are followed.

113. Under s137 Highways Act 1980, it is an offence to obstruct public access along any highway. Building materials and equipment associated with the works must not be stored on the right of way and work undertaken should not obstruct the footpath at any time.

114. However, if public safety demands a temporary closure, application should be made at least 8 weeks in advance to The Public Rights of Way Mapping Team.

115. It should be noted that, under section 34 of the Road Traffic Act 1988, any person who, without lawful authority, drives a motor vehicle on a public right of way commits an offence. The applicant should make themselves satisfied that they, and anyone else who may use public rights of way for private vehicular access in connection with the works, has a right to do so. Additionally, the applicant should ensure they adhere to their obligations towards the public rights of way.

116. **The Ramblers Association** have no objection.

117. **The Open Space Society** no comments received.

118. **The Malvern Hills National Landscape Team** have no objection to the amended Lighting Impact Assessment, subject to the imposition of a condition that should planning permission be granted, the approved lighting scheme should be

installed within three months of the decision date. The Malvern Hills National Landscape Team recommend that a further condition is attached which would require that post installation checks and verification of illuminance are undertaken at regular intervals to ensure that any possibility of exceedance in lighting provision at the facility is avoided and to ensure that remedial works could take place in a timely manner. The Malvern Hills National Landscape Team consider that the proposed conditions would meet the six tests set out at paragraphs 55 and 56 of the NPPF.

119. The Malvern Hills National Landscape Team state that the site is situated within the setting of the Malvern Hills National Landscape, which is designate as an AONB, designated as such, for its outstanding national landscape. They note that paragraph 182 of the NPPF recognises that great weight should be given to conserving and enhancing landscape and scenic beauty within AONB which have the highest status of protection, along with National Parks. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. The scale and extent of development within this designated area should be limited, while development within the setting of AONB should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

120. They consider that the existing lighting arrangements at the site are causing considerable light pollution in the immediate area and beyond and as such, is currently adversely affecting the setting of the Malvern Hills National Landscape where the visual effect of sky glow domes are taken into account. As recognised within the Malvern Hills Areas of Outstanding Natural Beauty Management Plan 2019-2024, one of the 'Special Qualities' of the Malvern Hills AONB is '*a sense of remoteness and tranquillity, underpinned by dark night skies and limited noise and disturbance*'. Special Qualities are those aspects of natural beauty, wildlife, and cultural heritage, that make the area distinctive and are valuable, particularly at a national scale, and why AONB designation has been established.

121. They acknowledge amendments to the current Lighting Impact Assessment including the revised Planning Statement, Lighting Layout Plan, CCTV Plan, Lighting Impact Assessment, and new Dark Skies Assessment and generally concur with the comments which Darkscape Consulting have raised in their Dark Skies Assessment Letter of 31 October 2023, which principally addresses their previous reservations. They note the proposed recommendations put forward within the Planning Statement in relation to the lighting scheme in terms of the colour correlated temperature now being 2,700 kilowatts and proposed PIR sensors.

122. The Malvern Hills National Landscape Team recommend that the CPA take into account the above, and that the relevant publications and guidance referred to in their previous comments are considered in the determination of the application.

123. The Malvern Hills National Landscape Team stated that they are in the process of reviewing their Lighting Guidance and note Policy BDP2 of the Malvern Hills Areas of Outstanding Natural Beauty Management Plan 2019-2024, that development in the Malvern Hills Areas of Outstanding Natural Beauty and its setting should be in

accordance with good practice guidance, including that produced by the Areas of Outstanding Natural Beauty Partnership.

124. As such, they requested that the amended Lighting Impact Assessment should be reviewed by Dan Oakley on their behalf, who is a Lighting Consultant with over 25 years professional experience including working as Dark Skies Officer for the South Downs National Park Authority, to formally review the submitted Lighting Impact Assessment from a technical and professional perspective.

125. Darkscape Consulting (Dan Oakley) have no objection to the amended Lighting Impact Assessment and states that in terms of reducing light pollution there would be little more that the design could offer in reducing impact without undermining the safety and security of the site.

126. Darkscape Consulting state that they had previously provided comments on the now superseded Lighting Impact Assessment on behalf of Malvern Hill Area of Outstanding Natural Beauty Team and determined that there was a justifiable need for lighting at the site but recommended additional improvements to the Lighting Impact Assessment specifically in terms of luminaire illuminance levels, colour temperature and provision of timers.

127. With regard to the amended Lighting Impact Assessment, Darkscape Consulting state that all aspects previously raised (as above) have now been appropriately mitigated in accordance with dark sky compliant lighting scheme. Which includes the use of compliant luminaires that provide 10 lux at 2,700 CCT, in combination with adaptive illuminance which shows that the scheme has minimised the impact of light pollution and has sufficient regard for dark skies and which should be verified post installation.

128. Darkscape Consulting consider that an unavoidable residual level of lighting from the facility would remain, and which cannot be avoided without removing all lighting from the site which would not be a feasible option due to justifiable security and safety concerns. Furthermore, as discussed in the previous May 11th assessment residual impact could be mitigated with appropriate luminaires and controls which have been included within the amended Lighting Impact Assessment. The current lighting scheme has minimised residual impact and would reduce any visible sky glow domes observed from the surrounding countryside. Darkscape Consulting consider that some remaining residual impact must be accepted.

129. Darkscape Consulting state that the proposed development is located within an E1 ambient lighting zone as referenced in the Institution of Lighting Professionals Guidance on Obtrusive Light. In this respect, of particular importance would be compliance to the upward light ratio, which should be zero in E1 zones, and the remaining residual impacts which would contribute to the overall landscape impact within the Malvern Hills AONB. In addition to the lighting plans assessment against Institute of Lighting Professionals Guidance Note No.1 and Institute of Lighting Professionals Guidance Note No 4 (Lighting Impact Assessments), the sites lighting

plan would be assessed against the Malvern Hills Guidance on Lighting which encapsulates current best practice in dark skies.

130. With regard to illuminance, British Safety Standards recommend that 10 Lux site illuminance is appropriate, the amended Lighting Impact Assessment confirms that the proposed lighting conforms with British Safety Standards in this respect. Darkscape Consulting state that the amended Lighting Impact Assessment confirms that illuminance levels are reduced to 2.5 lux on 50% power between 11pm to 7am. Darkscape Consulting considers that the requirement for brighter levels for CCTV is justified and considers that the amended Lighting Impact Assessment demonstrates that illuminance levels are appropriate and show appropriate mitigations for adaptive controls throughout the night.

131. With regard to luminaires, Darkscape Consulting state that the use of Isaro Pro and Piazza II LED luminaires operated at 2,700 kilowatts is welcomed and that they are dark sky compliant and listed as Dark Sky International Fixture Seal of Approval and that as such, they are an improvement from the existing lighting at the site, with particular emphasis on the proposed Eterna Bulkhead.

132. Darkscape Consulting state that the proposed level of intensity, spill and sky glow have been minimised and would be compliant with the Institute of Lighting Professionals Obstructive Lighting Guidance Note No.01 23. The use of Dark Sky International compliant luminaires minimises the spill into adjacent areas and ecological receptors and removes the generation of sky glow directly from the luminaire. Any resultant sky glow would be caused by the illuminance of the surfaces (residual) which has also been minimised by appropriate lux levels and additional adaptive controls.

133. Darkscape Consulting state that the removal of dusk till dawn sensors in preference to adaptive illuminance controls with timers and PIR sensors is welcomed and that the additional mitigations are deemed appropriate for time and need.

134. Darkscape Consulting state a level of residual pollution would remain, and cannot be avoided, however, the generation of sky glow would be limited to the scattering from illuminated surface. The amended Lighting Impact Assessment has shown that all steps to reduce residual impact have been given and some level of artificial light presence must be accepted so as not to undermine safety or security concerns.

135. In conclusion, Darkscape Consulting state that in terms of reducing light pollution at the site the amended Lighting Impact Assessment has minimised the impact of lighting provision by appropriate design, shown sufficient regard for dark skies and would result in an improvement as compared to the existing lighting provision. Dark Sky International compliant luminaires have reduced spill, source intensity and sky glow by appropriate illuminance and colour temperature. Residual impacts notwithstanding, the design complies with British Standards and Institute of Lighting Professionals guidance and would be dark sky compliant.



136. Darkscape Consulting state that little more could be achieved to reduce the impact of lighting at the site without undermining security and / or safety requirements.

137. **Worcestershire Wildlife Trust** have no comments to make and defer to the opinion of the County Ecologist.

138. **Hereford and Worcester Fire and Rescue Service** have no comments to make.

139. **West Mercia Police** have no concerns or objections.

140. **South Worcestershire Land Drainage Partnership** have no comments to make.

141. **Severn Trent Water** state that the proposal would have no effect on the public sewerage system and therefore have no comment to make.

142. **The Lead Local Flood Authority (LLFA)** have no objection or comment to make.

143. **Western Power Distribution** (On-line Comments) show that their apparatus (11kV overhead power line) is located on and adjacent to the site. The applicant must comply with the requirements of Health & Safety Executive's guidance: GS6, 'Avoidance of Danger from Overhead Electric Lines'. They state that the use of mechanical excavators in the vicinity of their apparatus should be kept to a minimum. Any excavations in the vicinity of their apparatus should be carried out in accordance with the document titled: Health & Safety Executive's guidance: HS(G)47, 'Avoiding Danger from Underground Services'. The applicant should contact Western Power Distribution should any diversions be required.

## **Other Representations**

144. The application has been advertised on site, in the press and by neighbour notification. With regard to both the superseded and the amended version of the planning application and Lighting Impact Assessment, to date, a total of 6 letters of representation have been received (with regard to the superseded version 5 letters of representation have been received consisting of three objections and two comments and with regard to the amended version 1 letter of representation received objecting to the proposal) some of which are from the same respondents. Their main comments are summarised below:

### Letters of representation received with regard to the Superseded Lighting Impact Assessment and Planning Application

### Comments

- The classification of the site has been updated to an Environmental Zone E1 which better reflects the environment of the site.
- The application plans are extremely difficult to assess.
- The superseded Lighting Impact Assessment acknowledges that the existing external lighting provision at the site causes concern and a major impact on the neighbours in the vicinity of the facility.
- Proposed amendments to the current lighting provision at the facility are appreciated, such as the isolation of external higher-level lighting and replacement with low level bulkhead lighting and to replace lamppost lighting provision with low level bulkhead lighting on the southern wooden fence, which would provide adequate lighting provision.
- Concern that the existing 8 metre and 9-metre-high lighting columns which currently causes the greatest impact are being retained.
- Appears from the plans that the existing wall mounted LED floodlights are to be retained.
- The superseded Lighting Impact Assessment is unclear, and its intentions are difficult to understand.
- Trees located on the boundary of the application site are deciduous and would therefore not provide adequate screening during the winter months.
- The Lighting Impact Assessment was undertaken during the summer months when the deciduous trees on the boundary of the application had not shed their leaves.
- Should the CPA be minded to grant planning permission, a condition should be imposed requiring the installation of an acoustic fence on all boundaries of the application site, which would have the added benefit of reducing noise levels when the site is operational.
- Consider that should the acoustic boundary fence be extended around the whole site and high mounted building lights eliminated, then the proposal would be appropriate and sympathetic to the environment.

### Objections

- Object on the grounds that the high mounted lighting has not been eliminated from the application.
- Concern that the current lighting provision at the site is adversely impacting wildlife.
- All lighting at the site should be changed to motion sensors, not just on the southern boundary.
- Object to the current planning application but would support the application subject to amendments.

## Letters of representation received with regard to the Amended Lighting Impact Assessment and Planning Application

### Objections

- Note that there have been improvements to the lighting scheme, however, they state that they still wish to object.
- State that the Amended Planning Statement does not refer to or include No. x 6 residential receptors which are located approximately 400 metres north of the application site.
- Concern that the conclusion of the amended Lighting Impact Assessment which states “*that no residential receptors surrounding the site would exceed the luminous intensity criteria*” cannot be substantiated without further assessment of the impact of the scheme on the missing No. x 6 receptors.
- Reiterate that an acoustic fence should be erected along the site boundary to mitigate noise when the site is operational, specifically at night and to limit light spill.
- State that Hanley Castle Parish Council have also requested the installation of an acoustic fence, but the request has been ignored by the applicant.

### **The Head of Planning and Transport Planning’s Comments**

145. As with any planning application, this application should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The relevant policies and key issues have been set out earlier.

### **Location of the Development**

146. National Planning Policy for Waste seeks to drive waste management up the waste hierarchy, and to secure the re-use of waste without endangering human health or harming the environment. Section 5 includes criteria for assessing the suitability of sites for new or enhanced waste management facilities and Appendix B sets out locational criteria. The Worcestershire Waste Core Strategy is broadly in accordance with these principles and the National Planning Policy for Waste.

147. The Waste Core Strategy (WCS) sets out a geographic hierarchy for waste management facilities in Worcestershire. The hierarchy takes account of patterns of current and predicted future waste arisings and resource demand, onward treatment facilities, connections to the strategic transport network and potential for the future development of waste management facilities. The hierarchy sets out 5 levels with the highest level being Level 1 'Kidderminster zone, Redditch zone and Worcester zone'.

148. The application site is located within level 5, the lowest level of the geographic hierarchy. Part c) of Policy WCS 4 states that:

*“Planning permission will not be granted for 'other recovery' facilities in level 3, 4 or 5 except where it is demonstrated that:*

- i. the proposed development cannot reasonably be located in levels 1 or 2 of the geographic hierarchy, and*

- ii. *the proposed location is at the highest appropriate level of the geographic hierarchy*".

149. As the proposal relates to an existing facility, the principle of the location of the development has already been established by the granting of a certificate of lawful use (Appeal Ref: APP/E1855/X/16/3147848). The Head of Planning and Transport Planning considers that the proposed location is, therefore, at the highest appropriate level of the geographic hierarchy, as the proposal relates to ancillary development. It is also noted that the National Planning Policy for Waste states that Waste Planning Authorities should *"drive waste management up the waste hierarchy, recognising the need for a mix of types and scale of facilities"*, and considers that, on balance, the proposal would comply with Policy WCS 4 of the Worcestershire Waste Core Strategy.

150. Policy WCS 6 of the Worcestershire Waste Core Strategy directs waste management development to land with compatible uses. Policy WCS 6 directs 'enclosed facilities' such as this, to land which includes existing or allocated industrial land; contaminated or derelict employment land; sites with current use rights for waste management purposes, and redundant agricultural or forestry buildings or their curtilage where strongly justified.

151. This planning policy direction is also reflected in the National Planning Policy for Waste, which states *"waste planning authorities should...consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities...give priority to the re-use of previously-developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages"*.

152. The application site benefits from a certificate of lawful use for 'Sui Generis: Waste treatment/incineration'. The site is previously developed land and considered to be land that is in employment use, although the applicant has confirmed that the site is currently not operational.

153. Policy SWDP 2 of the adopted South Worcestershire Development Plan sets out a Development Strategy and Settlement Hierarchy, these are based on a number of principles including *"safeguard and (wherever possible) enhance the open countryside"*. Policy SWDP 2 c) defines the 'open countryside' as *"land beyond any development boundary"*. Therefore, the application site is located within the open countryside. Policy SWDP 2 c) goes on to state that in the open countryside, development will be strictly controlled and will be limited to a number of defined types of developments and uses including employment development in rural areas and refers to Policy SWDP 12 of the adopted South Worcestershire Development Plan.

154. Policy SWDP 12 b) seeks to protect existing employment sites in rural areas stating, *"to help promote rural regeneration across South Worcestershire, existing employment sites in rural areas that are currently or were last used for B1, B2,*

*B8...purposes will be safeguarded for employment-generating uses during the plan period".*

155. Whilst the proposal is located in the open countryside, as defined by Policy SWDP 2 of the adopted South Worcestershire Development Plan, it is noted that the site constitutes an existing employment site and benefits from lawful use rights (Appeal Ref: APP/E1855/X/16/3147848).

156. Since the South Worcestershire Development Plan was adopted and the Hanley Castle Parish Neighbourhood Development Plan was 'made', the Town and Country Planning (Use Classes) Order 1987 was amended so that Use Class B1 Business was revoked and replaced on 1 September 2020 with the new Class E(g), including Class E(g)(iii) Industrial processes. Notwithstanding that Use Class B1 Business no longer exists, the thrust of Policy SWDP 12 b) of the adopted South Worcestershire Development Plan and Policy MNGr 8 of the 'made' Hanley Castle Parish Neighbourhood Development Plan remains a relevant material consideration in the determination of the application. Furthermore, it is noted that the proposal lies within the original boundary of Hayler's End Incinerator, as shown on Map 8 of the 'made' Hanley Castle Parish Neighbourhood Development Plan where it states that proposals for industrial / commercial development will be supported.

157. Malvern Hills District Council and Hanley Castle Parish Council have made a number of comments as set out under the 'Consultations' section of the report, including, but not limited to, that the planning application submission has not referred to the policies set out in the Hanley Castle Parish Neighbourhood Development Plan and / or the Hanley Castle Parish Building Design Guide 2017. The Head of Planning and Transport Planning can confirm that the amended Lighting Impact Assessment and associated planning application documents have assessed the proposed lighting and CCTV provision at the site in accordance with relevant lighting guidance having regard to the location of the site within Environmental Zone E1, which is defined as a village or relatively dark location with low district brightness.

158. The Head of Planning and Transport Planning considers that the principal of the existing facility in this location, as set out above, has been established and is in accordance with Policies WCS 4 and WCS 6 of the adopted Worcestershire Waste Core Strategy, Policies SWDP 2 and SWDP 12 of the adopted South Worcestershire Development Plan, and Policy MnGr 8 of the made Hanley Castle Parish Neighbourhood Development Plan, and that determination of the current planning application can only relate to the remit of the current proposal and the provision of an authorised lighting and CCTV scheme at the site.

### **Residential Amenity, Landscape Character and Visual Impact**

159. As set out in the 'Other Representations' section of the report and with regard to the amended Lighting Impact Assessment letters of representation object to the proposal on the grounds that No x 6 residential receptors located approximately 400 metres north of the application site have not been included and that the conclusion of the amended Lighting Impact Assessment cannot be substantiated without the

inclusion of the missing No. x 6 receptors; they reiterate the need for an acoustic fence to be located along the site boundary to mitigate noise and reduce light spill specifically at night when the site is operational; concern about retention of any high lighting columns and wall mounted LED floodlights; state that all on-site lighting should be changed to motion sensors; that the Lighting Impact Assessment was undertaken during the summer months when deciduous trees located on the boundary of the application site had not shed their leaves; deciduous trees located on the boundary of the site would not provide adequate screening of the site during the winter months; and that an acoustic fence should be erected along the site boundary to limit light spill.

160. As set out in the 'Consultations' section of the report Hanley Castle Parish Council have objected to both the superseded and the amended versions of the Lighting Impact Assessment on the grounds of adverse impact on residential amenity. Hanley Castle Parish Council recommend methods for the control of lighting provision at the site; that the facility causes unnecessary light pollution in a rural area; that the made Hanley Castle Parish Neighbourhood Development Plan and Section 10: Lighting of the Hanley Castle Parish Building Design Guide have not been considered within the applicant's submitted documents; concern regarding lighting provision at a facility that is not currently operational; and recommend that an acoustic fence should be installed around the perimeter of the site.

161. Malvern Hills District Council have not commented on the amended version of the Lighting Impact Assessment. Malvern Hills District Council previously objected to the superseded version of the Lighting Impact Assessment on the grounds of adverse impact on residential amenity. They previously stated that lighting should be conditioned to be switched off between 18:00 and 07:00 hours, with no lighting on Saturdays, Sundays and Bank Holidays to minimise impact on the surrounding area and that motion detection sensors are installed. Malvern Hills District Council previously objected to the superseded version of the Lighting Impact Assessment on the grounds that the made Hanley Castle Parish Neighbourhood Development Plan and Section 10 – Lighting of the Hanley Castle Parish Building Design Guide have not been considered within the applicant's submitted documents. Malvern Hills District Council requested further information with regard to design, whether hoods / shields would be fitted to reduce light spill; the proposed Lux levels of each light; hours the lighting would be operational; and whether motion detectors would be installed.

162. Paragraph 182 of the NPPF states that "*great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas...*".

163. Paragraph 191 of the NPPF states that "*planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions*

and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

C) *Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation*".

164. Paragraph 205 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*".

165. Policy WCS 9: 'Environmental assets' of the adopted Worcestershire Waste Core Strategy seeks to consider the effect of the proposal on designated and non-designated heritage assets and their setting. Policy WCS 12: 'Local characteristics' of the adopted Worcestershire Waste Core Strategy seeks to permit waste management facilities where it is demonstrated that they would contribute positively to the character and quality of the local area.

166. Policy WCS 14: 'Amenity' of the adopted Worcestershire Waste Core Strategy seeks to consider impacts on or of visual intrusion and light pollution.

167. Policy SWDP 21: 'Design' of the adopted South Worcestershire Development Plan sets out, amongst other elements, that "*Development proposals must complement the character of the area*". Policy SWDP 23: 'The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)' of the adopted South Worcestershire Development Plan sets out, that "*Development that would have a detrimental impact on the natural beauty of an AONB...will not be permitted*". Policy SWDP 25: 'Landscape Character' of the adopted South Worcestershire Development Plan sets out, amongst other factors, that development proposals and their associated landscaping schemes must demonstrate that they are appropriate to, and integrate with, the character of the landscape setting and that a Landscape and Visual Impact Assessment (LVIA) is required.

168. Policy Des 1: General Building Design Principles of the Hanley Castle Parish Neighbourhood Development Plan states that light pollution should, wherever possible, be minimised.

169. Section 10. 'Lighting' of the Hanley Castle Parish Building Design Guide 2017 states that with regard to lighting provision within the dark skies of Hanley Castle Parish and in order to maintain a sense of tranquillity and the rural character of the landscape that the following issues should be considered:

- External lighting should only be installed where necessary and should be kept to an absolute minimum. Any non-essential lighting should be switched off at night;
- Lighting should be kept low to the ground wherever possible;

- Permanently lit outside lights are unlikely to be acceptable. Consider the use of motion sensors so that lights are only on when necessary;
- Use low level wattage bulbs. A 150 watt outside security light is recommended;
- Angle external lighting downwards to avoid illuminating neighbouring buildings; and
- Fit hoods or shields to external lights to minimise light spillage.

170. Policy BDP2 and BDP5: 'Lighting' of the Malvern Hills District AONB Management Plan, states that "*Lighting schemes should be kept to a minimum and only installed where absolutely necessary. Light pollution should be avoided through adherence to good design and practice, for example, dimming or turning light off wherever possible*".

171. As set out in 'The Site' section of the report the application site is located within a predominantly rural area approximately 5 kilometres south-east of Great Malvern and approximately 10.6 kilometres south of Worcester. The Malvern Hills National Landscape can be seen approximately 3.6 kilometres to the west of the site.

172. The site is located within Environmental Zone E1 which is defined in the Institute of Lighting Professionals Guidance Note 01/21: For the Reduction of Obtrusive Light (2021) as "*relatively uninhabited rural areas, National Parks, Areas of Outstanding Natural Beauty, International Dark Sky buffer zones etc*" and regarded as having a lighting environment of "dark".

173. As set out in the 'The Site' section of the report, the nearest residential property Walnut Lodge is located approximately 35 metres opposite the application site directly south of the site entrance on Hangman's Lane / Sink Lane and Hills Farmhouse is located immediately beyond. Broadacres Farm is located approximately 220 metres south of the site, Sink Farm is located approximately 380 metres east of the application site and The Orchards House is located approximately 440 metres south-west of the application site. Honeypot Farm is located approximately 440 metres north of the application site.

174. The building is located centrally within the site and surrounded by hardstanding surfacing utilised for car parking and circulation space. A 4-metre-high close boarded acoustic fence is located along the majority of the southern boundary, which then steps up onto an earth embankment with the remaining three perimeters bordered by a green chain link fence. Grassed areas with mature deciduous trees (predominantly mature Poplars) are located periodically along the boundary of the site, beyond which lies open countryside with far ranging views over low lying hedgerows, scattered mature trees, agricultural land and scattered residential properties. Views into the site are limited, including from Public Right of Way Footpath HK-515 located to the west and north of the site.

175. The amended Lighting Impact Assessment states that the new lighting layout would replace the existing lighting on site and that all previous issues raised as part of



the previous consultation responses have been taken into consideration with respect to baseline conditions in the area, quantitative assessment of the potential effects of the proposed lighting scheme on the surrounding sensitive receptors and consideration of mitigation measures to reduce potential light spill affecting neighbouring properties, upward light (which can create sky glow) and visual source intensity (glare). The amended Lighting Impact Assessment states that with regard to concerns previously raised by Malvern Hills District Council the current on-site lighting includes 200 watt street lighting columns and 50 watt floodlights whereas the proposed lighting scheme would consist of 15 watt street lighting columns and low level 25 watt floodlights which would result in a significant reduction in on site lighting levels.

176. The Environment Agency state that they have no comments to make on the proposed lighting scheme but note that the current Environmental Permit allows for the 24-hour operation of the site but that it does not cover lighting provision and state that they consider that lighting provision at the site is for the consideration of the CPA.

177. Malvern Hills District Council comments with regard to the superseded Lighting Impact Assessment requested that lighting should be conditioned to be switched off between 18:00 and 07:00 hours, with no lighting on Saturdays, Sundays and Bank Holidays to minimise impact on the surrounding area and that should access be required outside of the proposed hours that motion detection sensors are installed. The amended Lighting Impact Assessment states that lights would be fitted with PIR motion sensors and that half of the lights would be switched off between the hours of 23:00 to 07:00 hours whilst the remaining on-site lighting would always be lit but would be dimmed to 50% power when not activated by the motion sensors and once activated rise to 100%, which would be required for the necessary and successful function of the on-site CCTV provision. For safety and security reasons lighting on site would be required to be operational 7 days a week. Darkscape Consulting concur with the recommendations of the amended Lighting Impact Assessment stating that it demonstrates that illuminance levels are appropriate and show appropriate mitigations for adaptive controls throughout the night.

178. In response to Hanley Castle Parish Council's concerns and requests for further mitigation measures to be incorporated into the lighting scheme, the applicant states that the lighting columns would be fitted with backplates and would be downward facing to reduce light spill and the wall / fence mounted lights are downward facing and International Dark Sky compliant so would result in minimal light spill. The applicant reiterates the need for some lighting on site due to the need for CCTV, but states that some of the lighting onsite would be switched off post-curfew with the remaining lights staying on but with a 50% output, which would reduce light during the night, comply with the need for CCTV and not result in further light nuisance to nearby residents with lights switching on and off through the night.

179. The Amended Lighting Impact Assessment states that modelled levels of source intensity of the proposed lighting scheme indicate that no residential receptors surrounding the site would exceed the pre-curfew luminous intensity criteria. The

Amended Lighting Impact Assessment goes on to state that post-curfew luminous intensity criteria for zone E1 is 0 (zero) and that modelled levels of source intensity indicate that the first floor window of the closest receptor (R1- Honeypot Farm) would receive levels over the post curfew criteria, however, the Amended Lighting Impact Assessment states that the model did not include the location of the intervening trees / vegetation between the site and R1 as mitigation and that in conclusion considers that luminous intensity would be sufficiently reduced to the recommended criteria for zone E1 being 0.

180. Worcestershire Regulatory Services have no objection to the amended Lighting Impact Assessment in terms of light nuisance, advising that it appears satisfactory and predicts that the proposed scheme should not adversely impact on the nearest sensitive receptors.

181. With regard to letters of representation received which object to the proposal on the grounds that No. x 6 residential receptors located approximately 400 metres north of the application site have not been included and that the conclusion of the amended Lighting Impact Assessment cannot be substantiated without the inclusion of the missing No. x 6 receptors. The applicant states that the amended Lighting Impact Assessment considered the receptor located approximately 400 meters north of the application site, referred to as R2 within the Lighting Impact Assessment, but accepts that the submitted Planning Statement and Lighting Impact Assessment did not include every property in or near to that location, in a similar methodology to a Noise Assessment, it would not consider every sensitive receptor, but instead adopts a worst-case scenario location. The applicant states that location R2 is representative of a receptor location as opposed to an attempt to identify each individual property in that location. Worcestershire Regulatory Services have been consulted with regard to the inclusion and / or omission of the No. x 6 residential receptors and have confirmed that this approach is acceptable, and that the inclusion of the No. x 6 residential properties would not alter their consultation comments or no objection as a result of the possible inclusion of the additional six receptors. In view of Worcestershire Regulatory Services comments, the Head of Planning and Transport Planning considers that the methodology of the amended Lighting Impact Assessment are appropriate and satisfactory.

182. With regard to objections received from Malvern Hills District Council and Hanley Castle Parish Council stating that the made Hanley Castle Parish Neighbourhood Development Plan and Section 10: Lighting of the Hanley Castle Parish Building Design Guide have not been included within the superseded version of the Lighting Impact Assessment, the amended Lighting Impact Assessment has been updated to consider and reflect these documents, and now confirms that *“in accordance with Section 10: Lighting of the Hanley Castle Design Guide, non-essential lighting would be switched off or reduced during post-curfew hours and lights would be fitted with deflectors or have inbuilt deflectors due to their design such as Piazza II Led units.”*

183. With regard to letters of representation received commenting on and objecting to the proposal on the grounds that the Lighting Impact Assessment was undertaken during the summer months when deciduous trees located on the boundary of the application site had not shed their leaves and that deciduous trees located on the boundary of the site would not provide adequate screening of the site during the winter months. In addition, they request that an acoustic fence is installed along the perimeter of the site to reduce light spill. The County Landscape Officer has been consulted and raises no objections to the amended Lighting Impact Assessment. The County Landscape Officer considers that the amended Lighting Impact Assessment has taken into consideration previous consultation responses which required amendments to previous submissions with regard to partial night dimming, the use of timers and that the proposed lighting scheme would lead to a reduction in the quantity and heights of lights on the north facing elevation. The County Landscape Officer considers that the lighting scheme has been amended sufficiently and that overall would result in a reduction in the level of adverse visual impact and would represent a fair compromise when balanced against the need to illuminate the facility for safety and security reasons.

184. The amended Lighting Impact Assessment states that the amount and height of the proposed lighting provision which would be located on the northern side of the building (facing Honeypot Farm) would be reduced and would also include part night dimming which would reduce the impact on surrounding views. The County Landscape Officer considers that previous concerns with regard to potential visual impacts effecting Honeypot Farm have now been addressed by the amended Lighting Impact Assessment.

185. With regard to letters of representation which reiterate the need for an acoustic fence to be located along the site boundary to mitigate noise and further reduce light spill specifically at night when the site is operational which is supported by consultation comments received from Hanley Castle Parish Council. The applicant has confirmed that in order to provide assurances and meet the recommendations of statutory consultees and local residents, that an additional 4-metre-high acoustic fence shall be installed along the northern perimeter of the site to further limit potential light spill and noise. A condition is recommended to this effect.

186. The Malvern Hills National Landscape Team considered that the existing lighting arrangements at the site cause considerable light pollution in the immediate area and beyond and adversely affect the setting of the Malvern Hills National Landscape where the visual effect of sky glow domes are taken into account. The Malvern Hills National Landscape Team previously objected to the superseded Lighting Impact Assessment stating that the (superseded) Lighting Impact Assessment lacked adequate supporting information and that further clarification would be needed in order to resolve their concerns.

187. The Malvern Hills National Landscape Team have been re-consulted on the amended Lighting Impact Assessment and have no objection, subject to the imposition of a condition which would require the installation of lighting at the site in

accordance with the amended Lighting Impact Assessment to be installed within 3 months from determination of the planning application. The applicant has confirmed that the intention is to implement the schemes within 3 months of the planning permission being granted.

188. The Malvern Hills National Landscape Team request that a condition be attached requiring that post installation checks and verification of illuminance should be undertaken at regular intervals to ensure that exceedance in lighting provision at the site is in accordance with the Lighting Impact Assessment. The Head of Planning and Transport Planning concurs with their concerns, but notes that the Lighting Impact Assessment, together with a verification report would be conditioned and that any future exceedances would be reported to the CPA by local residents at which point the County Monitoring and Enforcement Officer would undertake a site visit to ensure that any exceedances have not been breached and take remedial action should that be necessary.

189. With regard to the superseded Lighting Impact Assessment, the Malvern Hills National Landscape Team commented that once an amended version of the Lighting Impact Assessment had been submitted to the CPA for further consultation that it should be reviewed by the Dark Skies Consultant on their behalf to assess (prior to further consultation) whether the amended version had sufficiently resolved the outstanding issues and addressed the need for further information.

190. As set out in the 'Consultations' section of the report, Darkscape Consulting have no objection to the amended Lighting Impact Assessment and state that in terms of reducing light pollution emanating from the site that little more could be amended to the design to reduce impact without undermining the safety and security of the site. In conclusion, Darkscape Consulting state that in terms of reducing light pollution at the site the amended Lighting Impact Assessment has minimised the impact of lighting provision by appropriate design, shown sufficient regard for dark skies and would result in an improvement as compared to the existing lighting provision. Dark Sky International compliant luminaires have reduced spill, source intensity and sky glow by appropriate illuminance and colour temperature. Residual impacts withstanding, the design complies with British Standards and Institute of Lighting Professionals Obstructive Lighting Guidance Note No.01 23 and would be dark sky compliant.

191. The amended Lighting Impact Assessment states that predicted skyglow (consisting of upward light spill and indirect upward light) would meet the criteria limitations of Environmental Zone 1 and would not adversely impact the dark sky landscape.

192. Darkscape Consulting consider that appropriate luminaires and controls have been included within the amended Lighting Impact Assessment and that the amended lighting scheme would minimise residual impact and reduce any visible sky glow domes observed from the surrounding countryside. Darkscape Consulting consider that some remaining residual impact must be accepted.

193. Based on the advice of Worcestershire Regulatory Services, the Environment Agency, the County Landscape Officer, and the Malvern Hills National Landscape Team, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable impact upon residential amenity or that of human health and would not adversely impact upon the character, appearance or setting of the local area, including the Malvern Hills National Landscape (AONB), in accordance with the NPPF and Policies WCS 9, WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy, Policies SWDP 21, SWDP 23 and SWDP 25 of the adopted South Worcestershire Development Plan, and Policy Des 1 of the made Hanley Castle Parish Neighbourhood Development Plan.

### **Ecology and Biodiversity**

194. As set out in the 'Other Representation' section of the report letters of representation have been received objecting to the proposal on the grounds that the current lighting provision at the site is adversely impacting wildlife.

195. As set out in 'The Consultations' section of the report Malvern Hills District Council have not commented on the amended version of the Lighting Impact Assessment. Malvern Hills District Council previously objected to the now superseded version of the Lighting Impact Assessment on the grounds of adverse impact on ecology and biodiversity and that consideration should be given to limiting the impact of lighting on ecology, in particular bats, which were identified to be present in the building and surrounding area.

196. Section 15 of the NPPF, Paragraph 180 states that "*planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);...d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...*".

197. Policy WCS 9: 'Environmental Assets' of the adopted Worcestershire Waste Core Strategy, includes ensuring that proposals, will have no unacceptable adverse impacts on international, national or locally designated or identified habitats, species or nature conservation sites.

198. Policy SWDP 22: Biodiversity and Geodiversity of the adopted South Worcestershire Development Plan states "*development likely to have an adverse effect of a Site of Special Scientific Interest (SSSI) will not be permitted, except where the benefits of the development at that site clearly outweigh both its likely impact on the features of the site that make it of special scientific interest and any broader impacts of the national network of SSSIs*".

199. As set out in 'The Site' section of the report, there are no statutory wildlife designated sites within 2 kilometres of the site. There are three SSSIs located approximately 3 kilometres from the site, including Brotheridge Green Disused

Railway Line SSSI, Brotheridge Green Meadows SSSI, Ashmoor Common SSSI. The Malvern Hills SSSI is located approximately 5.2 kilometres west of the site.

200. The nearest LWS is Pool & Mere Brooks LWS which is located approximately 150 metres north of the site, beyond which is Highfield Farm Meadows LWS located approximately 600 metres to the north of the site. In summary, there are five LWS located within 2 kilometres of the site, including Guarlford Green & Rhydd Green LWS, Dripshill Wood LWS, South Wood LWS, River Severn LWS and Chestnuts Farm Meadows LWS.

201. The site and surrounding land lie within the Malvern Chase with Laugherne Valley Biodiversity Delivery Area. The amended Lighting Impact Assessment states that due to the site being located within the Biodiversity Delivery Area, all on-site lighting would have a colour temperature of 2,700 kilowatts which would lower any potential for adverse impact on the local insect population by lowering the amount of blue light.

202. The amended Lighting Impact Assessment has taken into account previous consultation comments from the County Ecologist and the Malvern Hills National Landscape Team and confirm that the Isaro Pro and Piazza II LED down lighters which would be 2,700 kilowatts amber lighting (Guidance Note 8 Bats and Artificial Lighting from the Institute of Lighting Professionals recommends that 2,700 kilowatts (warm white) or lower) would lower the impact of light spill into the night sky and reduce impact on local invertebrate populations. Due to the lighting colour, they are considered to be International Dark-Sky approved. This lighting is also proposed to be dimmed during night hours as outlined previously.

203. With regard to ecological receptors, the amended Lighting Impact Assessment considers that the nearest trees located on the northern perimeter of the site would be the closest ecological receptor and, therefore, modelling of potential impacts is based on a height of approximately 3 metres from ground level. The amended Lighting Impact Assessment states that modelling of significant impacts would be based on predicted vertical illuminance exceeding 1 lux. Results indicate that lux levels would not be exceeded, being below 1 lux.

204. With respect to the County Ecologist's previous concerns and comments regarding the superseded Lighting Impact Assessment as outlined at paragraph 87 'Consultation' section of the report, the County Ecologist has been re-consulted on the amended Lighting Impact Assessment and considers that based on the revised modelling outputs, the selection of ecological receptors identified, and in light of the additional mitigation measures proposed, that they concur that adverse impacts to biodiversity in the locality from effects of artificial-light-at-night are likely to be minimised to an acceptable level.

205. The County Ecologist has no objection to the amended Lighting Impact Assessment, subject to the imposition of a Statement of Conformity that should

planning permission be granted that within 6 months of commencement of development post-installation verification should be undertaken by a suitably qualified engineer to ensure that the operational light levels are in accordance with modelled expectations as set out in the amended Lighting Impact Assessment.

206. Worcestershire Wildlife Trust have no comments to make and defer to the opinion of the County Ecologist.

207. Based on the advice of the County Ecologist and Worcestershire Wildlife Trust, the Head of Planning and Transport Planning considers that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area, subject to the imposition of a condition requiring a Statement of Conformity requiring post installation verification of illuminance at the site, in accordance with the amended Lighting Impact Assessment, in accordance with the NPPF, Policy WCS 9 of the adopted Worcestershire Waste Core Strategy, and Policy SWDP 22 of the adopted South Worcestershire Development Plan.

### **Historic Environment**

208. The Lychgate at the Church of Our Lady and St Alphonsus (Grade II Listed), the Presbytery adjacent to the Church of Our Lady and St Alphonsus (Grade II Listed), and the Roman Catholic Church of Our Lady and St Alphonsus with attached covered way (Grade II\* Listed) all lie approximately 1.25 kilometres, broadly to the south-west of the site. Horton Manor Farmhouse (Grade II Listed) is located approximately 1.25 kilometres, broadly to the south of the site. Northend Farmhouse (Grade II Listed) is located approximately 1.4 kilometres, broadly to the south-east of the site.

209. Policy WCS 9: 'Environmental assets' of the adopted Worcestershire Waste Core Strategy seeks to consider the effect of the proposal on designated and non-designated heritage assets and their setting.

210. With regard to heritage assets Policy SWDP 6: 'Historic Environment' of the adopted South Worcestershire Development Plan relating to the historic environment states that "*development proposals should conserve and enhance heritage assets, including assets of potential archaeological interest, subject to the provisions of Policy SWDP 24. Their contribution to the character of the landscape or townscape should be protected in order to sustain the historic quality, sense of place, environmental quality and economic vibrancy of south Worcestershire. Development proposals will be supported where they conserve and enhance the significance of heritage assets, including their setting*". Policy SWDP 24: 'Management of the Historic Environment' of the adopted South Worcestershire Development Plan in relation to management of the historic environment confirms that "*development proposals affecting heritage assets will be considered in accordance with the Framework, relevant legislation and published national and local guidance*".

211. Paragraph 201 of the NPPF states that "*local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this*

*into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal".*

212. Paragraphs 205 and 206 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: ...a) grade II listed buildings... should be exceptional; b) assets of highest significance, notably schedule monuments...grade I and II\* listed buildings...should be wholly exceptional"*.

213. Paragraph 207 of the NPPF states that *"where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss..."*

214. The Planning Practice Guidance (PPG) at Paragraph Reference ID: 18a-018-20190723 states *"whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the NPPF. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting"*.

215. There is no statutory definition of setting for the purposes of Section 66 (1) of the Listed Buildings Act. Annex 2 of the NPPF describes the setting of a heritage asset 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"*. It goes on to describe significance for heritage policy, stating that this is *"the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting..."*.

216. The PPG at Paragraph Ref ID: 18a-013-20190723 states that *"the extent and importance of setting is often expressed by reference to visual relationship between the asset and the proposed development and associated visual / physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell*



*and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each...”.*

217. Historic England have been consulted but do not wish to offer advice on the merits of the application.

218. The County Archaeologist has been consulted and has no archaeological concerns, and Wychavon and Malvern Hills District Councils Archaeologist defers to the recommendations of the County Archaeologist.

219. In view of the above, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable impact upon the historic environment, in accordance with the NPPF and Policy WCS 9 of the adopted Worcestershire Waste Core Strategy and Policies SWDP 6 and SWDP 24 of the adopted South Worcestershire Development Plan.

### **Traffic, Highway Safety and Public Rights of Way**

220. Paragraph 115 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”.*

221. The proposal relates to an existing facility. The County Highways Officer has been consulted and has no objection.

222. The County Public Rights of Way Officer have no objection and note that the site is coincident with Footpath HK-515 and that it has been incorrectly drawn on the site location plan submitted as part of the planning application. The Public Rights of Way Officer has no objection, provided that the legal obligations and matters outlined are followed and drawn to the attention of the applicant. The Head of Planning and Transport Planning considers that the proposal would not infringe or impact upon the definitive route of Footpath HK-515.

223. Based on the above, the Head of Planning and Transport Planning is satisfied that the proposal would not have an unacceptable adverse impact on traffic, highway safety and / or public rights of way in accordance with the NPPF.

### **Climate Change**

224. Policy WCS 1: ‘Presumption in favour of sustainable development’ of the adopted Worcestershire Waste Core Strategy sets out a presumption in favour of sustainable development and how it should be applied locally.

225. Policy WCS 11: ‘Sustainable design and operation of facilities’ of the adopted Worcestershire Waste Core Strategy states that *“waste management facilities will be permitted where it is demonstrated that the design of buildings, layout, landscaping and operation of the facility, and any restoration proposals take account of*

*sustainable development practices and climate change mitigation and resilience through: a) the re-use of existing buildings where appropriate and the minimisation of the use of primary materials in construction of new buildings and alterations; and b) reducing water demand where possible and considering water efficiency in the design and operation of all new built development; and c) reducing energy demand where possible and considering energy efficiency in the design and operation of all new built development...e) the consideration of land stability and subsidence; and f) landscaping which enhances, links and extends natural habitats, reflects landscape character or acts as a carbon 'sink'".*

226. Policy WCS 12 of the adopted Waste Core Strategy requires the consideration of climate change mitigation in the design of buildings, layout, landscaping and operation of the facility...the objectives of Policy WSC 12 state that mitigation measures are expected to be commensurate with the scale of the development.

227. In relation to climate change the NPPF 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"* (paragraph 157).

228. Achieving sustainable development is a fundamental objective of the NPPF. Paragraph 8 of the NPPF states:

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

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy".*

229. Paragraph 9 of the NPPF goes on to state that *“These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and 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”*.

230. The proposed amended lighting scheme has reduced Lux levels to be within the remit of national and local policy guidance with regard to lighting provision within Environmental Zone E1. Glare and upward / vertical light spill has been significantly reduced in accordance with the recommendations of statutory consultees. The scheme has reduced lighting provision, hours of permanent lighting provision and has limited the scheme to an as required basis to ensure that security and safety of the site is still maintained.

231. Based on the above, the Head of Planning and Transport Planning considers that appropriate and commensurate mitigation of the lighting scheme has duly considered climate change, in accordance with the NPPF and Policies WCS1, WCS 11 and WCS 12 the adopted Worcestershire Waste Core Strategy.

### **Other Matters**

#### Human Rights Act 1998

232. Article 8 of the Human Rights Act 1998 (as amended) states that everyone has the right to respect for his private and family life. A public authority cannot interfere with the exercise of this right except where it is in accordance with the law and is necessary (amongst other reasons) for the protection of the rights and freedoms of others. Article 1 of Protocol 1 of the Act entitles every natural and legal person to the peaceful enjoyment of his possessions.

233. The law provides a right to deny planning permission where the reason for doing so is related to the public interest. Alternatively, having given due consideration to the rights of others, the local planning authority can grant planning permission in accordance with adopted policies in the development plan.

234. All material planning issues raised through the consultation exercise have been considered and it is concluded that by determining this application the CPA would not detrimentally infringe the human rights of an individual or individuals.

### **Conclusion**

235. The applicant seeks planning permission (part-retrospective) for proposed amendments to the existing external artificial lighting and CCTV scheme for security and safety purposes of the existing Energy from Waste Plant at Hangman's Lane Waste Incinerator Unit, Hanley Castle, Worcestershire.

236. The Head of Planning and Transport Planning considers that the principal of the existing facility in this location has been established and is in accordance with Policies WCS 4 and WCS 6 of the adopted Worcestershire Waste Core Strategy, Policies SWDP 2 and SWDP 12 of the adopted South Worcestershire Development Plan, and Policy MnGr 8 of the made Hanley Castle Parish Neighbourhood Development Plan, and that determination of the current planning application can only relate to the remit of the current proposal and the provision of an authorised lighting and CCTV scheme at the site.

237. Based on the advice of Worcestershire Regulatory Services, the Environment Agency, the County Landscape Officer, and the Malvern Hills National Landscape Team, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable impact upon residential amenity or that of human health and would not adversely impact upon the character, appearance or setting of the local area, including the Malvern Hills National Landscape, in accordance with Policies WCS 9, WCS 12 and WCS 14 of the adopted Worcestershire Waste Core Strategy, Policies SWDP 21, SWDP 23 and SWDP 25 of the adopted South Worcestershire Development Plan, and Policy Des 1 of the made Hanley Castle Parish Neighbourhood Development Plan..

238. Based on the advice of the County Ecologist and Worcestershire Wildlife Trust, the Head of Planning and Transport Planning considers that the proposal would not have an unacceptable adverse impact on ecology and biodiversity at the site or on the surrounding area, subject to the imposition of a condition requiring a Statement of Conformity requiring post installation verification of illuminance at the site in accordance with the amended Lighting Impact Assessment, in accordance with Policy WCS 9 of the adopted Worcestershire Waste Core Strategy, and Policy SWDP 22 of the adopted South Worcestershire Development Plan.

239. Based on the advice of Historic England and the County Archaeologist, the Head of Planning and Transport Planning considers that the proposed development would not have an unacceptable impact upon the historic environment, in accordance with Policy WCS 9 of the adopted Worcestershire Waste Core Strategy and Policies SWDP 6 and SWDP 24 of the adopted South Worcestershire Development Plan.

240. The Head of Planning and Transport Planning is satisfied that the proposal would not have any adverse impact on traffic, highway safety and / or public rights of way in accordance with the NPPF.

241. With regard to impacts upon climate change. the Head of Planning and Transport Planning considers that appropriate and commensurate mitigation of the lighting scheme has duly considered climate change in accordance with Policies WCS1, WCS 11 and WCS 12 the adopted Worcestershire Waste Core Strategy.

242. Taking into account the provisions of the Development Plan and in particular Policies WCS 1, WCS 2, WCS 4, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 12, WCS 14 and WCS 15 of the adopted Worcestershire Waste Core Strategy,

Policies SWDP 1, SWDP 2, SWDP 4, SWDP 5, SWDP 6, SWDP 8, SWDP 12, SWDP 21, SWDP 22, SWDP 23, SWDP 24, SWDP 25, SWDP 27, SWDP 28, SWDP 29, SWDP 30 and SWDP 31 of the adopted South Worcestershire Development Plan, and Policies MnGR 8, RE 1, RE 2, RE 3, BHN 3, Des 1, Des 2, Trf 1 and Trf 2 of the 'made' Hanley Castle Parish Neighbourhood Development Plan, it is considered that the proposal would not cause demonstrable harm to the interests intended to be protected by these policies or highway safety.

## **Recommendation**

**243. The Head of Planning and Transport Planning recommends that planning permission be granted for proposed amendments to the artificial lighting and CCTV scheme for security and safety purposes of the existing Energy from Waste Plant (part retrospective) at Hangman's Lane Waste Incinerator Unit, Hanley Castle, Worcestershire, subject to the following conditions:**

### **Approved**

- 1) The development hereby permitted shall be carried out in accordance with the following drawings, except where stipulated by conditions attached to this permission:**
    - **Drawing Number: W2-11-21-1, titled: 'Site Location Plan', dated: 09/08/2021;**
    - **Drawing Number: 28112\_100\_02\_01, Rev A, titled: 'Lighting Layout', dated: 28/09/2023; and**
    - **Drawing Number: 180607 CWN-XX-XX-DR-E-2701 Revision T3, titled: 'M&E External Site Services Layout', dated: 06/01/2020.**
  - 2) The existing street lighting columns and bulkheads / floodlights as shown on Drawing Numbered: 28112\_100\_02\_01, Rev A, titled: 'Lighting Layout' contained in 'Appendix D – Proposed Lighting Lux Plot', shall be disconnected from the existing electricity supply and removed from site within 6 months of the date of this permission.**
  - 3) The development hereby approved shall be carried out in accordance with the submitted Lighting Impact Assessment produced by MEC Development Technical Consultants, Report Ref: 28112-LIGH-0401 Rev B, dated: September 2023.**
- Lighting**
- 4) Notwithstanding the provisions of Condition 3) of this permission, the lighting scheme shall be operated in accordance with the following specifications, to include:**

- i) On-site lighting units (Isaro Pro and Piazza II LED luminaires) shall not exceed 10 lux illuminance at 2,700 kelvin Colour Correlated Temperature (CCT);
  - ii) Vertical illuminance levels shall not exceed 1 lux illuminance;
  - iii) Upward Lighting Ratios shall not exceed 0.0%;
  - iv) Column mounted Isaro Pro lighting units shall be positioned to be downward facing, fitted with backplates and shall not exceed 15 kilowatts;
  - v) Wall and fence mounted lighting shall be positioned to be downward facing;
  - vi) Low level floodlighting shall not exceed 25 kilowatts;
  - vii) Piazza II LED down lighting units shall be fitted with deflectors and / or have inbuilt deflectors;
  - viii) Passive Infra-Red (PIR) Motion sensors shall be fitted to all of the indicated lighting units as shown on Drawing Numbered: 28112\_100\_02\_01, Rev A, titled: 'Lighting Layout', dated: 28/09/2023; and
  - ix) 50% of the on-site lighting provision shall be switched off between 23:00 hours and 07:00 hours seven days a week. The remaining 50% of the onsite lighting provision shall be dimmed to 2.5 lux on 50% power between of 23:00 hours and 07:00 hours seven days a week. If activated by PIR motion sensors the remaining 50% onsite lighting provision may rise to 100% power and shall be returned to 50% power when no longer activated.
- 5) Within 6 months of the date of this permission, a lighting management and maintenance plan shall be submitted to the County Planning Authority for approval in writing. The lighting management and maintenance plan shall set out the measures to ensure that operational illumination and luminance at the site continues to function as approved. Thereafter, the development shall be carried out and maintained in accordance with the approved details.

#### **Acoustic Fencing**

- 6) Within 3 months of the date of this permission, details of a 2-metre-high close boarded acoustic fence to be erected on the northern boundary of the application site and a timetable for its erection shall be submitted to the County Planning Authority for approval in writing. Thereafter, the acoustic fencing shall be installed in accordance with the approved plan and shall be maintained for the duration of the development.

#### **Biodiversity**

- 7) A Statement of Conformity shall be submitted to the County Planning Authority for approval in writing within 6 months of the completion of the development confirming that the lighting scheme has been implemented in accordance with the Lighting Impact Assessment produced by MEC Development Technical Consultants, Report Ref: 28112-LIGH-0401 Rev B, dated: September 2023. The Statement of

**Conformity should be undertaken by a suitably qualified lighting engineer to verify that operational illumination and luminance at the site functions as approved.**

## **Contact Points**

### Specific Contact Points for this report

Case Officer: Joanne O'Brien, Senior Planning Officer

Tel: 01905 844345

Email: [jobrien@worcestershire.gov.uk](mailto:jobrien@worcestershire.gov.uk)

Steven Aldridge, Team Manager – Development Management

Tel: 01905 843510

Email: [saldridge@worcestershire.gov.uk](mailto:saldridge@worcestershire.gov.uk)

## **Background Papers**

In the opinion of the proper officer (in this case the Head of Planning and Transport Planning) the following are the background papers relating to the subject matter of this report:

The application, plans and consultation replies in file reference: 23/000014/CM, which can be viewed online at: [www.worcestershire.gov.uk/eplanning](http://www.worcestershire.gov.uk/eplanning) by entering the full application reference. When searching by application reference, the full application reference number, including the suffix need to be entered into the search field. Copies of letters of representation are available on request from the Case Officer.