

Development Control Committee
2 August 2023

WORKING PAPER 1

**Planning Application DC/22/1294/FUL - Land off
Compiegne Way, Bury St Edmunds**

Date registered:	19 July 2022	Expiry date:	8 November 2022 (EOT until 04.8.2023)
Case officer:	Gary Hancox	Recommendation:	Refuse application
Parish:	Great Barton	Ward:	The Fornhams and Great Barton
Proposal:	Planning application - animal feed mill and associated development including ancillary offices, silos, warehouse, improved access route and parking		
Site:	Land off Compiegne Way, Bury St Edmunds		
Applicant:	AB Agri Ltd and British Sugar Plc		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

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Background:

The application is referred to Development Control Committee as the proposed development is of a substantial scale and in an edge of town location, where it is likely to have significant impact on the landscape and character of the area.

The application is recommended for REFUSAL and the Town Council object to the application.

A site visit is scheduled to take place on Monday 31 July 2023.

Proposal:

1. The application proposes the construction of an animal feed mill and associated development. The mill would produce compound animal feed. The main elements of the proposal are:
 - A main building extending to a floorspace (gross internal area) of 19,185sqm, comprising production plant, raw material intake areas, finished product loading bays, warehousing, maintenance workshop, ancillary offices, plant control room, plus staff and driver welfare facilities. The overall height of the main building will be 50.2 metres to the top of the flues (48.4 metres to ridge), with east/west elevations 59 metres wide and south/north elevations 55 metres wide
 - A smaller mill building 33 metres (H) x 30 metres (W) x 25 metres (D)
 - Eight external raw material silos 33 metres in height
 - Raw material and finished product HGV parking areas and associated vehicle wash, fuelling and sanitation facilities, 'goods-in' receipt office and weighbridges
 - Staff and visitor parking (78 spaces including 4 disabled and 16 EV charging bays), and cycle parking
 - Access road from the roundabout on Compiegne Way (A143), opposite the arm to Hollow Road, vehicular circulation
 - Soft and hard landscaping.

Application supporting material:

2. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (known as the 'EIA Regulations') provide the regulatory framework for determining when an Environmental Impact Assessment is required for proposed developments. In this case the proposal falls under Schedule 2 of the regulations and given the likelihood of significant

environmental impacts, it was agreed with the applicants that a full environmental statement should accompany the planning application.

3. The Environmental Impact Assessment process identifies the likely significant environmental effects (both adverse and beneficial) of the proposed Scheme. Technical assessments are carried out, focused on a range of environmental topics agreed during the scoping stage, and the results are reported in the topic chapters of an Environmental Statement (ES). The main chapters of the ES submitted with the application are as follows:

Chapter 1 - Introduction

Chapter 2 - Methodology

Chapter 3 - Background to Development

Chapter 4 - Planning Policies

Chapter 5 - Development Description

Chapter 6 - Alternatives

Chapters 7 to 9 (incl) Effects on the Local Environment, including transport, air quality, landscape and visual impacts

Chapter 10 - Cumulative Effects

Chapter 11 - Overview/Conclusions

4. The application also includes the following supporting documents:

- Site location plan
- application drawings, including layout plans and landscaping details, floor and roof plans, elevations and cross sections
- Design and access statement
- Flood risk assessment and sustainable drainage strategy
- Tree survey and arboricultural impact assessment
- Ecological impact assessment
- Biodiversity net gain assessment
- Landscape ecological management plan
- Noise impact assessment
- Ventilation and extraction details
- Lighting strategy
- Land contamination assessment
- Remediation option appraisal
- Piling impact assessment
- Statement of community involvement
- Energy statement and BREEAM progress report.

Site details:

5. The application site is a triangular piece of land situated to the east of the A143 Compiegne Way, approximately 2 km north-east of Bury St Edmunds town centre. Directly to the south-west of the site is a large soakaway operated by British Sugar for the discharge of treated wastewater from the sugar beet washing process. To the north-west of the site are the West Suffolk Council/Suffolk County Council operational hub depot buildings.

6. The site is located at the north-east edge of the town, within the open countryside. The site also falls within an area allocated by the Bury St Edmunds Vision 2031 policy document for uses in connection with the adjacent British Sugar operation (policy BV16).

Planning history:

7. None relevant.

Consultations:

Bury Town Council

8. Recommends REFUSAL due to highway concerns regarding safety. Also upholds the objections from the SCC flood and water team and has concerns regarding potential aquifer and water course pollution.

Great Barton Parish Council

9. No objection.

Ward Members

10. Cllr Hopfensperger - I've received lots of concerns from residents and parish councils with regards to the scale of the silos are out of keeping with the surrounding area, concerns over air pollution and water aquifer contamination. If the officer decision is minded to approve, I would like to ensure that the application is called in.
11. Cllr Mager - I am very surprised that any access does not have to involve a clear bicycling lane so that staff can cycle to work from the town and train station. I also do not understand why the smaller of the two roundabouts were chosen as an access point.

National Highways (formerly Highways England)

12. No objection.

SCC Highways

13. We note that a visibility splay plan has now been provided to evidence visibility splays at the roundabout access on Compiègne Way. The splays evidence that a safe access onto the highway can be achieved at the proposed access. We note that the application now includes the provision of a pedestrian crossing point across Compiègne Way and the provision of a new 2m wide footway linking the site with the existing footway on Hollow Rd. We recommend the footway construction should be undertaken under a S278 Agreement.
14. We note that the applicant has committed to the provision of enhanced EV charging infrastructure and enhanced cycle parking facilities if the proposed

provision is insufficient to accommodate future demand. We note that applicant's proposed contribution of £1k per annum for a 5-year period for SCC Travel Plan Evaluation and Support.

15. The above provisions have addressed the reasons for the Highway Authority's objection so notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions (summarised) shown below:

1. Construction Management Plan condition: Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:

- a) parking and turning for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) piling techniques (if applicable)
- d) storage of plant and materials
- e) provision and use of wheel washing facilities
- f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
- g) site working and delivery times
- h) a communications plan to inform local residents of the program of works
- i) provision of boundary hoarding and lighting
- j) details of proposed means of dust suppression
- k) details of measures to prevent mud from vehicles leaving the site during construction
- l) haul routes for construction traffic on the highway network and
- m) monitoring and review mechanisms
- n) Details of deliveries times to the site during construction phase.

2. Deliveries Management Plan

3. Junction construction condition: The new estate road junction as shown on Drawing No. 23156-11-GA Rev F inclusive of cleared land within the visibility splays to this junction must be formed prior to any other works commencing or delivery of any other materials i.e. not for the purpose of constructing the new estate road/junctions.

4. Footway construction condition: Before the development is commenced details of a new pedestrian crossing on Compiegne Rd roundabout eastern arm and a footway on the eastern side of Hollow Road connecting the site entrance and the existing footway on Hollow Road TBA.

5. Car, HGV and cycle parking to be provided.

6. Visibility splay to be provided and retained.

Environment Team - Sustainability

16. In relation to policy DM7 which states that "All proposals for new buildings including the re-use or conversion of existing building will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques.'
17. It also states 'All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan.'
18. We have reviewed the Energy Statement for Planning, undertaken by Couch Perry Wilkes, dated 30th June 2022, and are pleased to see the commitments to reducing both regulated and unregulated energy. The applicant should note that they will need to comply with Approved Document Part L 2021 edition; this should not be a problem as whilst the target U values in the Energy Statement for Planning are only compared against the 2013 edition, they would still meet the 2021 requirements.
19. The applicant does not appear to have provided any information on the mill's operational water demand and any water efficiency measures to be used to reduce this demand. This information was requested in our EIA scoping opinion response:

'1(c) a description of the main characteristics of the operational phase of the development (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil, and biodiversity) used.'
20. The below condition is proposed to ensure that water efficiency has been sufficiently considered in the mill design.
21. In addition, Policy DM7 of the JDMPD requires BREEAM Excellent to be achieved for non-domestic developments over 1000m².
22. We have reviewed the BREEAM Progress Report undertaken by Arcadis, dated June 2022. We welcome the commitment to 'BREEAM Excellent', and suggest the following condition to ensure that the commitments made within the BREEAM assessment are delivered as proposed.

SUMMARY OF PROPOSED CONDITIONS:

1. Water Efficiency Report

No development above ground level shall take place until a scheme for the provision and implementation of water efficiency measures during the construction and operational phases of the development has been submitted to and approved in writing by the Local Planning Authority.

2. BREEAM Final Certificate

The development shall achieve BREEAM Excellent standard. This should be evidenced by a BREEAM fully-fitted certificate upon completion.

SCC Public Rights of Way

23. No comments received.

Ramblers Association

24. No comments received.

Bury St Edmunds Society

25. The Bury St Edmunds Society supports the overall proposal to develop an Animal Feed Mill between Compiègne Way and the Hollow Road Industrial Estate because it would consolidate the economic activities associated with the existing Sugar Factory and provide a basis for continuing growth in the local economy. It also supports the proposed location for the Feed Mill in a dip in the rising ground from Compiègne Way up to the Hollow Road Industrial Estate.
26. But, the Bury Society strongly objects to the development proposals as they stand because of the significant visual impact when seen from the 'top road' between Great Barton and the existing Refuse Recycling Centre. The visual impact from most other viewpoints would be limited because of the lie of the land and the screening of existing earth bunds and tree planting.
27. The Environmental Assessment admits that: "The new Feed Mill would change the local landscape character and the visual amenity of the site and its immediate surroundings. The massing and height of the buildings would form a new element in the local landscape and an extension to the urban and industrial fringes of Bury St Edmunds."
28. The Bury Society has undertaken its own visual impact assessment and discussed the results with the agents for the applicants. We do not agree that the combination of the sensitivity of the viewpoint from the 'top road' and the magnitude of the proposed change is "not significant" - it defies common sense. We suggest that this assessment should be raised to the next level of "significance".
29. The Bury Society recommends that the mitigation of visual impact should be enhanced by removing soil from the base level of the proposed buildings to create an earth bund along the 'top road' to be planted with trees to screen views of the proposed Feed Mill. This would also reduce the extent that the

Feed Mill protrudes above the existing landscape and improve the overall benefits of the proposed development.

Private Sector Housing and Environmental Health

30. No objection, subject to conditions.

1. Prior to commencement of the development hereby approved, including any site preparation, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority.
2. Any site preparation, construction works and ancillary activities, including access road works and deliveries to / collections from the site in connection with the development shall only be carried out between the hours of: 08:00 to 18:00 Mondays to Fridays 08:00 to 13.00 Saturdays and at no times during Sundays or Bank / Public Holidays without the prior written consent of the Local Planning Authority.
3. Provision of dust mitigation measures.
4. The rating level of noise emitted from any external plant, equipment or machinery associated with the development hereby approved shall be lower than the existing background noise level by at least 5 dB (LA90 - 5dB) in order to prevent any adverse impact.

A post-completion noise assessment shall be carried out and submitted to and approved in writing by the Local Planning Authority to confirm compliance with the sound criteria above and additional steps to mitigate noise shall be taken, as necessary.

Justification for Conditions 4 and 5: The Arcadis Noise Impact Assessment Report notes on page 20 under 'Noise Emission Limits at Nearest Sensitive Receptors' that, "... the actual plant and equipment specification for The Mill is still to be concluded, as such the scope of this assessment is based upon an indicative design using example plant and equipment specified by the M+E engineers to the project. As such appropriate calculations and corrections will be undertaken at the next stage when the design is more developed and appropriate to ensure that operational levels are acceptable".

Further to this, specific noise levels have been calculated by modelling – this is entirely appropriate at an initial design stage, but as recognised above further calculations and corrections are necessary at the next stage when the design is more developed. Despite this, in any event it is my view that a post-completion assessment as per Condition 5 should be undertaken to confirm compliance with the relevant criteria.

Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance

Note Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'.

Place Services - Ecology

31. We have reviewed the documents relating to the likely impacts of development on designated sites, protected species and Priority species and habitats.
32. We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species and habitats and, with appropriate mitigation measures secured, the development can be made acceptable. The mitigation measures identified in the Ecological Appraisal and Assessment report and the Site Assessment Biodiversity and Environmental Net Gain Opportunities report (both ARCADIS July 2022) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species and habitats, particularly Local Wildlife Sites, Broadleaved Woodland and Open Mosaic Habitat on Previously Developed Land Priority habitats; bats, wintering birds (including Shoveler), nesting birds, amphibians, reptiles, Badgers and Hedgehogs. Two Local Wildlife Sites and several Priority (Habitat of Principal Importance) and non-Priority habitats will be directly impacted by the proposals.
33. The key issues identified by the Ecological Appraisal and Assessment report are summarised below:
 - The potential for pollution of the soakaway (Local Wildlife Site 1) to impact wintering birds is considered significant at County level.
 - The loss of 0.54 ha (34%) broadleaved plantation woodland (Local Wildlife Site 2) is considered to be significant at County level.
 - The impact to 2.76 ha Open Mosaic Habitat on Previously Developed Land is considered significant at the Site level.
 - There could be a County-level impact on wintering waterbirds, particularly Shoveler, particularly through visual disturbance during the construction period and long-term use of the new access road. The soakaway is maintaining a population of a nationally important species (Shoveler) although the Ecological Appraisal and Assessment report considers that, "its significance is no greater than County level due to the widespread nature of shoveler population in winter throughout East Anglia...",
34. The Site Assessment - Biodiversity and Environmental Net Gain Opportunities report estimates that there will be a 6.48% decrease in the 'area' of habitat biodiversity within the Site. This decrease is largely due to the loss of higher quality habitats on-Site. The number of hedgerow units (i.e. 'linear' units) is predicted to increase by 1.77 units. Consequently, off-Site mitigation has

been proposed for land within the purple line boundary (shown on Fig. 1) to provide additional opportunities for habitat creation and enhancement. When these proposals are incorporated into the calculations, the proposed development is predicted to achieve a Net Gain area figure of 13.64%. This would be achieved primarily through enhancement of the remaining areas of existing woodland and OMH (both on and off site), as well as through creation of smaller pockets of habitat around the core operational area. The achievement of these unit scores is reliant upon reaching the target condition for the created habitats, which will require long term management of at least 30 years.

35. We draw your attention to the fact that, "The soakaway offered suitable habitat for waterbirds, in particularly shoveler recorded in numbers accounting for between 0.3 and 0.6% of the UK wintering population, in addition to peak counts of 50 wigeon, 183 teal and 50 tufted duck. A peak waterbird count of 357 in January with 15 different species is high for such a small waterbody in a relatively urban location. The warm water [arising from the British Sugar activities] and rarely disturbed nature of the site were considered influencing factors in supporting the waterbird population...a further 36 species were identified using or passing over the Site, of which 11 were amber and seven were red listed species of conservation concern..." The development would require the loss of two Badger setts and it is proposed that a new artificial sett will be created off-site (within the blue line). A licence will be required to undertake this.
36. We respectfully request that the Target Note numbers are shown on the Phase 1 Habitat map. We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021).

Landscape and Ecological Management Plan

37. We recommend that the Landscape and Ecological Management Plan (ARCADIS July 2022) is updated to include more details about long term site management and monitoring; this could be provided by condition. Furthermore, the Landscape and Ecological Management Plan (LEMP) should be reviewed every few (five) years and updated where necessary to provide any additional remedial measures required. Open Mosaic Habitat on Previously Developed Land: We advise that large trees proposed should not be planted within the Open Mosaic Habitat on Previously Developed Land, particularly as the Open Mosaic Habitat will already be situated close to woodland (a non-open habitat). This would be in accordance with the Proposed Landscape Plan which states: "Urban Open Mosaic habitat typically consists of bare ground, colonisation of very early pioneer communities, areas of open grassland and scrub, and can include areas of other habitat such as swamp, ephemeral pools and heathland." Biodiversity Net Gain calculations may need updating as a result. The revised LEMP should provide more detailed specific management and maintenance of early successional habitats of the Open Mosaic Habitat in the long-term. Not all of the OMH

should be cut annually (see section 7.3.6 of the LEMP); areas should be left in order to provide overwintering opportunities for invertebrates.

38. Hedgerows: The revised LEMP should provide more details about how the hedgerow should be cut. Soil Type: We seek additional clarity about the imported soils in order to ensure that the correct species for the soil type are used. For example, Broom is proposed (which prefers sandy, acidic soil) while Meadow Mixture for Chalk and Limestone Soils is proposed for the Species Rich Grass / Wildflower Mix. In addition, with respect to creation of Open Mosaic Habitat on Previously Developed Land, the Open Mosaic Habitat on Previously Developed Land Survey Handbook (Mike J. Lush, Peter Kirby and Peter Shepherd, 05 March 2013) advises the following: "The development of OMH is intimately linked with the substrate available for plants to grow in and other species to utilise. Of particular interest are the substrates brought into the site, which limit plant growth and, due to reduced competition from more vigorous species, can lead to the formation of unusual plant communities. Some substrates also provide nesting, oviposition, basking and hunting or foraging surfaces for animals."
39. Wildflower grassland: Management advises one cut per year; however, it may require a second cut each year. Sustainable Urban Drainage Feature: The Site Assessment Biodiversity and Environmental Net Gain Opportunities report advises that the sustainable drainage system pond will be planted with a wet grassland mix. However, the LEMP does not include any management of the SuDS feature. We are also unable to find the location of 'neutral grassland (wetland species)' on Drawing Number 10051785-ARC-XX-XX-DR-EC-00001 (Rev 01), (in the LEMP) although it is shown on the key. Please be advised that the Biodiversity Metric 3.1 Technical Supplement (Natural England, 21 April 2022) requires of SuDS that, "The water table is at or near the surface throughout the year. This could be open water or saturation of soil at the surface". Woodland: A long-term woodland management plan is required, as per paragraph 7.2.4. The LEMP should set out a long-term monitoring scheme for the habitats to demonstrate that they are being managed appropriately to meet their target conditions for Biodiversity Net Gain. This should incorporate the relevant details of the Habitat Condition Tables Set out in Appendix C of the Site Assessment - Biodiversity and Environmental Net Gain Opportunities report. Opportunities for remedial measures should be provided. We recommend that a Bird Monitoring Strategy should also be included due to the high numbers of waterbirds using the area and the scheme's potential to adversely affect them. Biodiversity Net Gain calculations should be updated where any changes are made to habitats which differ from the current Biodiversity Net Gain calculations set out within the Site Assessment - Biodiversity and Environmental Net Gain Opportunities report.
40. We recommend that the revised LEMP includes an annual action plan. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

41. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions (summarised)

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS
2. PRIOR TO COMMENCEMENT ACTION REQUIRED: SUBMISSION OF A COPY OF THE MITIGATION LICENCE FOR BADGERS
3. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY "A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.
4. PRIOR TO COMMENCEMENT: REVISED LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN "An updated Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development.

Place Services - Landscape

Landscape sensitivity, susceptibility and value

42. In terms of sensitivity GLVIA3 (Para. 5.39) states that "landscape receptors need to be assessed firstly in terms of their sensitivity, combining judgements of their susceptibility to the type of change or development proposed and the value attached to the landscape". Whilst we do not agree with the methodology and findings, we do generally concur with the judgements of the Site and surroundings as having a 'Medium' sensitivity.

Magnitude of change and overall significance of effects

43. Given the impacts of the proposed development, its inconsistency in methodology and missing information, there is a concern that the landscape receptors' magnitude of change and the overall significance of landscape effects may result in adverse harm. Whilst this harm is not considered substantial in planning terms given the Site's policy position within the Bury St Edmunds Vision 2031, we would nonetheless expect that these should be adequately accounted for within the assessment and as part of the mitigation and design development of the proposals. It would therefore be advised that a more comprehensive assessment is undertaken that sets out all required judgements as specified in GLVIA. Furthermore, based on the level of harm identified within our own review of the proposals, we would recommend that enhanced landscape mitigation and assessment is proposed across the scheme in order to reduce the harm to landscape receptors and to ensure the conservation and reinforcement of the distinctiveness of landscape character in line with published landscape character assessment guidance.

Review of visual impact

44. The assessment (Paras 9.150 & 9.151) also states that judgements of magnitude of change for views (between 200-500m) as being assessed as 'Low' adverse but given that the proposal would be a noticeable and / or dominant feature of the view which is immediately apparent to the receptor (as per Table 9.8 of the LVIA) there is a concern that the judgements of magnitude of change are too low. The dominance of the proposed building would be particularly apparent given the direction of travel along the PRow where the proposal would be viewed predominantly in isolation when heading north along the bridleway. As such, the assessment does not accurately acknowledge the scale of the change in views with regards to the loss of the sweeping panoramic views and openness, because the composition would inevitably become unbalanced due to the height, bulk and massing of the proposed building and the open panoramic views would in-turn become heavily constrained and dominated by the 48.5m structure. Furthermore, though these impacts have, for the most part, been deemed adverse, we would judge the adverse impacts to be greater than currently judged within the LVIA and that we would also deem 'moderate' adverse effects as 'significant'.

Conclusion and recommendations

45. To conclude, we are of the judgement that the proposed scheme will have an adverse impact on both landscape character and visual amenity and would therefore advise that a more detailed assessment and concise review of the baseline study and methodology is undertaken. We would also advise in line with GLVIA3 (Para 3.36) that it is good practice to include a summary of the detrimental / substantial effects within a concluding statement. We do also recognise the policy position of the development site within the Bury St Edmunds Vision 2031 and the principle of development is therefore generally accepted. However, mitigation measurements and enhancements need to be proportionate to the level of harm judged and therefore further details are required.

Further comments on submitted additional information

(Eastern Boundary)

46. We previously commented that the landscape edge along the eastern and south-eastern boundaries would over rely on the existing tree belt as a buffer which is not acceptable and therefore affords a greater level of mitigation. The revised 'Proposed Landscape Plan' shows additional tree planting to areas of the boundary that are outside the legal easement and therefore subject to further consultation with the utilities company prior to any tree planting taking place. Additional planting to help further integrate the proposed development in views from the east, south-east and south has also been proposed, including the enhanced Urban Open Mosaic which extends along the entire eastern boundary and proposed small native trees shown as scattered tree planting close to the northeast corner of the application site (Red Line Boundary). The submitted 'Landscape Note' also makes reference to additional tree planting within the main car park area (total 24no. trees),

along the western side of the access road within the proposed scrub belt buffer, along the northern boundary and north-eastern corner of the site (albeit restricted in overall numbers). The revised 'Proposed Landscape Plan' and 'Proposed Planting Plans' now show a total of 141no. trees to be planted within the site which is welcomed.

(Extent of landscaping / planting)

47. We noted that the previously submitted 'Proposed Landscape Plan' includes landscaping (i.e., Enhanced Urban Open Mosaic) as lying outside the Red Line Boundary to the east and south-east of the Site and therefore further clarification is sought with regards to whether these form part of the landscape proposals. The 'Proposed Planting Plan' only appears to show the western half of the Site and therefore further information is also required regarding the planting proposals to the eastern portion of the proposed development. The submitted 'Landscape Note' suggests that "all proposed landscaping shown outside the Red Line Boundary (but within the Applicants' ownership) form part of the landscape proposals and are expected to be secured and delivered by way of a planning condition. This includes enhanced urban mosaic which is an extension of the biodiversity habitats proposed within the Red Line boundary".

Proposed tree planting

48. We previously commented that the majority of trees have been recorded as having a 'Heavy Standard' form (12-14cm) and 'Extra Heavy' form (14-16cm) however, there was an opportunity to show additional larger stock tree (i.e., Semi-Mature) to provide age, height, and structural diversity across the proposed landscape scheme. We would expect all trees to be Root Balled (RB) and note that Bare Root (B) is not appropriate. We note the inclusion of Semi-Mature (20-25cm girth) trees, going forward we would advise that the height of Semi-Mature stock (i.e., Downy Birch and Whitebeam) should be 500-550cm. If this tree is readily available it is advised these are replaced for a similar native species tree. The revised plans also show that all trees would have a Root Balled (RB) stock which is welcomed.

(Additional landscaping)

49. We previously advised that there is opportunity to provide greater soft landscaping improvements to the car park areas. The submitted 'Landscape Note' explains that "for biosecurity reasons (relative to risks to bio-secure animal feed plant from potential bird droppings etc), there is a limitation as to how much planting can be provided in these areas". At the time of writing, Great Britain (including England, Scotland and Wales) is in an Avian Influenza Prevention Zone (AIPZ). We also note that Bury St Edmunds lies within close proximity to a HPAI 10km Surveillance Zone in the town of Redgrave. Whilst this constraint is generally welcomed, we note the 'Proposed Landscape Plan' has also been updated to include additional tree planting within the internal security area, including near the junction to the car park. It is noted that the tree species have been selected for biosecurity with some species varieties

having been replaced with non-berry producing trees to avoid attracting birds.

(Environmental colour assessment)

50. In line with our previous comments dated: 24/03/2022 (Ref. DC/22/0370/EIASCO) and 10/11/2022 (Ref. DC/22/1294/FUL), we would expect an Environmental Colour Assessment to be undertaken in accordance with LI Technical Information Note (TIN) 04/2018 'Environmental Colour Assessment' in order to determine the range / palette of colours used to inform and guide choices in relation to the introduction of colour on structures / buildings, boundary treatments, materials and hard & soft surfaces to ensure that due regard is given to colour, texture and finish to mitigate visual impacts on the surrounding landscape and visual resources and to ensure that development is read in context with its particular environment. We note that the application has been supported by an 'Environmental Colour Assessment' which makes reference to Landscape Institute Technical Information Note (TIN) 04/2018 'Environmental Colour Assessment' (ECA) which is welcomed. The main objective of ECA is to "...produce a 'range', 'chart', or 'palette' of colours that is used to inform and guide choices in relation to the introduction of colour on structures – and associated hard and soft surfaces and materials – within a particular environment" (Para 3.1 of TIN 04/2018). It appears that the materiality and colour as suggested in the submitted 'Design and Access Statement' (Document Ref. 10051785-ARC-XX-XX-RP-AR-00001) (Refer to Appendix 1) which includes grey metal silo, anthracite metal cladding, off white metal cladding, light grey metal cladding and grey metal cladding remains unchanged within the ECA (See Appendix 2) and therefore further supporting justification should be provided which demonstrates how the ECA has informed and guided the choice of colours as part of the design development of the proposals. Furthermore, it is noted in TIN 04/2018 that ECA practitioners should work with the Natural Colour System however the submitted ECA only makes use of the RAL colour management system which would not be in line with best practice guidance.

(Hard landscaping / surfacing)

51. We previously advised that details of hard landscaping / surfacing had not been provided and limited reference to such features have been made within the submitted Design and Access Statement. Furthermore, details of means of enclosure and other boundary treatments had not been provided for review. The submitted 'Proposed Hard Landscape Features' provides an indicative a range of surfacing treatments, including concrete hardstanding, heavy duty asphalt, concrete footpaths, asphalt footpaths / cycleways, grasscrete, hex block paving and tegula block paving which are appropriate to the function of the proposed development and generally appear to be robust and hard-wearing. The proposed boundary treatments, include weldmesh fencing, timber post and rail fencing, deer protection fencing, industrial railings, timber knee-rail, sliding cantilever gate and timber planters.

(Landscape and Ecological Management Plan – LEMP)

52. We previously commented that the inclusion of a 'Landscape and Ecological Management Plan' (LEMP) is welcomed. The revised LEMP (Sub-para 2.3.1) suggests that it is "...designed to last for approximately 10 years before it will be necessary to substantially re-assess its suitability". It is noted however, that a number of features will require much longer-term management (i.e., 25+ years). Further details pertaining to the capital works (i.e., the one-off items that will be delivered throughout the lifespan of the Management Plan) and the mechanisms for monitoring (together with a timetable for annual management meetings, review / updating) of the LEMP should be provided for review and that the LEMP be updated at least every five years.

Sustainable Drainage Systems (SuDS)

53. The aesthetic appeal of the SuDS features play an important role in ensuring they integrate within green open spaces and provides multiple benefits. The ground contouring, planting and inlet and outlet design should be carefully considered to maximise the amenity value. A standard approach of precast concrete and galvanised handrail for inlets/outlets should be avoided. To improve biodiversity the attenuation areas should be combined with a range of vegetation types such as wildflowers and other nectar rich plants, trees and shrubs, grasses of various heights, drought tolerant species as well as marginal aquatics and wet grassland. We note the inclusion of a perimeter scrub buffer alongside proposed urban open mosaic and small native tree planting to the larger lake and proposed wetland shrub, wet and marshy grassland mix and low-lying shrub to the SudS basin (west of the car park).

Amenity Grassland

54. It was advised that where amenity grassland (low biodiversity value) is to be proposed, this should be replaced where possible by features with high biodiversity value (e.g., amenity grassland with bulbs / naturalised grassland and flowering lawns). The submitted 'Proposed Landscape Plan' and 'Planting Plan' now show proposed species rich grass / wildflower mix, modified grassland, wet and marshy grassland mix, in addition to enhanced and proposed urban open mosaic which is welcomed.

Mixed Native Hedgerow, Woodland Understory & Scrub Buffer

55. We previously advised that there should not be equal numbers of each species within the mixed native hedgerow, woodland understory and scrub buffer mixes. For the most part, these appear to have been revised as shown on the submitted 'Proposed Landscape Plan' and 'Planting Plan', though it is noted that there are equal numbers of the Blackthorn and Buckthorn within the native hedgerow but these would be low percentages of 2.5% respectively.

In the event that approval of this application is forthcoming then the following conditions should also be considered:

1. IMPLEMENTATION: SOFT LANDSCAPING SCHEME - All planting within the approved scheme of soft landscaping works as shown on the Proposed Landscape Plan (Dwg No. 10051785-ARC-SW-ZZ-DR-LA-00002 Rev. P2) and Planting Plan (Dwg No. 10051785-ARC-SW-ZZ-DR-LA-00004 Rev. P2) shall be implemented not later than the first planting season following commencement of the development.
2. PRIOR TO COMMENCEMENT OF DEVELOPMENT: HARD LANDSCAPING SCHEME - No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority.
3. PRIOR TO COMMENCEMENT OF DEVELOPMENT: ARBORICULTURAL METHOD STATEMENT - Prior to commencement of development an Arboricultural Method Statement (AMS) in accordance with BS: 5837 2012 (as amended), including any demolition, groundworks and site clearance shall be submitted to and approved in writing by the Local Planning Authority.
4. PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPE MANAGEMENT PLAN - No development above ground level shall take place until a Landscape Management Plan scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority
5. PRIOR TO COMMENCEMENT OF DEVELOPMENT: ENVIRONMENTAL COLOUR ASSESSMENT Prior to commencement of development an Environment Colour Assessment (ECA) needs to be produced (using the Natural Colour System) and approved by the Local Planning Authority.

SCC Travel Plan Coordinator

56. The Travel Plan meets our requirements. Monitoring is charged via S106 whilst travel plans are conditions (when required). We would usually require monitoring for 5 years after occupation of £1000 p.a.

SCC Flood and Water Team

57. We have reviewed the submitted documents and we can confirm that the additional details have resolved our concerns/queries and we can recommend approval of this application subject to conditions.
58. We propose the following conditions in relation to surface water drainage for this application:
1. The strategy for the disposal of surface water (Dated: Jun 2022 Ref: 10051785-ARC-SW-ZZ-RP-CE-00001 Rev 03) and the Technical Note (Dated: Dec 2022 Ref: 10051785-ARC-XX-XX-TN-CE-00005-P01) shall be implemented as approved in writing by the local planning authority (LPA).

2. Within 28 days of practical completion, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings.
3. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA.

Natural England

59. No objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Environment Agency

60. No objection. We do not consider this proposal to present a high pollution risk to controlled waters, based upon the environmental setting, the previous land uses of the site and submitted information. We will therefore not be providing further site-specific advice on land contamination aspects at this time.

Anglian Water

61. Wastewater Treatment - The foul drainage from this development is in the catchment of Fornham All Saints Water Recycling Centre that will have available capacity for these flows.
62. Used Water Network - This response has been based on the following submitted documents: Application form, site location plan, FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY PART 1 OF 2, FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY PART 2 OF 2 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.
63. Surface Water Disposal - The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed.

64. Trade Effluent - The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent. Anglian Water would ask that the following text be included within your Notice should permission be granted. "An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991."

SCC Minerals & Waste

65. No objection.

Economic Development Team

66. Initial comments - Economic Development objects to the application for the following reasons:

- Whilst Economic Development fully appreciates that such a facility needs to be located somewhere, it is felt that an industrial building of this scale should be located in a less sensitive location. This building would be seen from miles around and would harm the setting and appearance of the town. It should be located where it's huge bulk and scale can be more effectively mitigated by being cut into the land and heavily landscaped. As we understand it the building is in excess of 50m and although the proposed site for this development would sit alongside the existing British Sugar Factory, it would further impact negatively on the skyline.
- Bury St Edmunds is a popular tourist destination. Economic Development works very closely with partners to increase tourist numbers to Bury St Edmunds and such a development can only impact negatively upon the desirability of the town for tourists. This is an industrial scale building; the site is not low lying; there is little mitigation that could reduce the impact of its huge bulk and scale, therefore we do not believe that this location is appropriate for such a development.
- Whilst the proposal is to develop the industrial facility on an existing employment allocation it is only creating 60/70 new positions. The majority of these we understand are lower skilled positions. Bury St Edmunds already finds itself in a position where local employers are finding it difficult to recruit labour at this end of the recruitment market,

adding to these issues will not help our existing employers with their recruitment issues.

67. Following further information submitted by the applicant, Economic Development responded with further comments:

Thank you for re-consulting Economic Development & Business Growth about this recent planning application. With reference to the applicant's response dated 20th March 2023 titled, 'response to West Suffolk Council (WSC) Economic Development's comments' it would be appreciated if the following matters were taken into account when considering this application:

- We note in the reply dated 20 March 2023 that the applicant states 'WSC specialist landscape consultants, confirmed on 23 February 2023 they have no objection (subject to conditions) to the proposed development'. However, we are unable to identify where the WSC specialist landscape consultants have made such a statement. Moreover, the consultants said that in relation to Urban Design Advice, which includes layout, form, scale, design, appearance, materials and detailing of the proposed buildings etc, that their comments remain unchanged.
- In the comments dated 10th November the WSC specialist landscape consultants conclude that they 'are of the judgement that the proposed scheme will have an adverse impact on both landscape character and visual amenity and would advise that a more detailed assessment and concise review of the baseline study and methodology is undertaken'. Therefore, it is not possible for us to agree West Suffolk Specialist Landscape Consultants have no objection.
- Thank you for clarifying that the building is not in excess of 50m but does in fact reach 48.4m at its highest roof level. However, it is noted on the plans that the highest point of the flues reaches 50.2m.
- With regard to the suggestion that the mill 'should be located where it's huge bulk and scale can be effectively mitigated by being cut into the land and heavily landscaped, Economic Development was only trying to assist with helping find a suitable location. If this is not possible at this location then that is accepted and adds to the reasons why we do not believe this site is suitable. If it is not possible to reduce the visual impact by 'cutting into the land' then it is the opinion of Economic Development that the height and bulk of the facility needs to be reduced significantly.
- We note that significant additional landscaping has been added, however, it is not evident from the information put forward that this planting would be sufficient to hide a building of approximately 50m.
- On the point made that West Suffolk Council suggested that land under the demise of British Sugar should be considered, this is not at any cost. This was a suggestion aimed at trying to assist the applicant with finding a suitable site. There was never any suggestion that it would not be

necessary to consider all factors relevant to a planning application, which still have to be fully considered by the Local Planning Authority.

- In the opinion of Economic Development, as the area to the south of the proposed site is largely industrial, the location is not wrong per-se. However, it is the wrong location for such a big building. Just because British Sugar currently has an existing operation of significant size, it does not make the case for other similar industrial scale developments. Where does one draw a line on how many buildings of this scale are allowed?
 - With regard to paragraph 2 we disagree with the comments put forward. This is about individual perception. Some people will not be offended by the industrialisation, and some will. This, however, is about the increased industrialisation of the town, which arguably will impact upon how Bury St Edmunds is seen and perceived by visitors to the town. The objection here is not about the industrial facility being visible from the town centre, it is about the scale and impact of an approximately 50m high building from wherever it can be seen.
 - Economic Development is pleased to hear that wherever the plant is located there will be an increase in employment and an increase in wider economic benefits. However, we will obviously have to differ on the definition of high-skilled jobs as we do not believe that all the jobs listed can be classed as high skilled, and as there is already a shortage of engineers and HGV drivers, adding further vacancies in these categories will only add to the issues experienced with recruitment by some employers in the area.
 - Fundamentally, it is the opinion of Economic Development, when balanced against the points set out, that Bury St Edmunds is not the right location for a development of this industrial magnitude.
68. Again, following further information submitted by the applicant, Economic Development responded with further final comments:
- Thank you for re-consulting Economic Development & Business Growth regarding the above application. With reference to the applicant's further letter, not dated, but published on our website on 26th May 2023 it would be appreciated if the following matters were taken into account when considering this application:
 - We are grateful to the applicant for further drawing our attention to the benefits of the new feed mill. In particular, the highly skilled and well-paid jobs that would be provided by the development and retained from the existing site (although the numbers of these is not specified); the laboratory and automation skills that will be employed; the provision of training and apprenticeships; the reduction in the importation of soya (although the National importance of this is acknowledged, we are not certain what benefit this would be to the local economy of West Suffolk); and the investment in food security. The ED team is not surprised that a company of the eminence of AB foods will bring forward a development

with benefits such as these. It is important to us that the company is supported to develop in the way proposed, however the question remains as to whether West Suffolk is the best location for such a facility. Is it not the case that all of these benefits would be realised if the development were to go ahead on another site with less of a detrimental impact?

- We found the ZTC plan very helpful and we accept the points made in the letter which temper the conclusions one might draw from the plan. However, the ZTC rather confirms the fact that the mill will be visible for large swathes of land (particularly from the North and the East), that in our opinion forms the important setting of Bury St Edmunds. We do not follow the argument that because the town already has the Sugar Beet Factory it should accept similar development. We consider that this proposal, if it were to go ahead, would result in the further industrialisation of the town.
- We do not agree that there are no concerns from the specialist landscape consultants (please see our explanation of this in our last response) and we conclude that the harm caused by such a large industrial development in visual impact terms to the local economy (especially the tourism sector) is not outweighed by any of the benefits described by the applicant.
- Fundamentally, it is the opinion of Economic Development, when balanced against the points set out, that Bury St Edmunds is not the right location for a development of this industrial magnitude.

Representations:

69. Three letters of objection received from local residents in Fornham Road and Hollow Road, raising the following points of concern:
- Bury St Edmunds is in a position where local employers find it tough to recruit at the lower end of the recruitment market. The proposed application will generate roles at this level and add to the overall issue.
 - The building is 50m tall and of an industrial scale, yet the site is not low-lying. It will add to an already over industrialised part of Bury St Edmunds and will be seen for miles around. Please consider other areas where mitigation can be placed by cutting into the land and heavily landscaped.
 - Potential aquifer and water course pollution.
 - Possible contamination from Animal Feed particulates to the surrounding residential and units in this location.
 - Increased volume of traffic along Hollow Road and Compiegne Way.

- Residents of Hollow Road already have to contend with high volumes of traffic accessing the town, the industrial estate and the sugar beet factory.
- Dust from lorries. There seems to be little sheeting of loads.
- it is sometimes forgotten that Hollow Road is a residential area, and not just a road to industrial units.

Policy:

70. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

Bury St Edmunds Core Strategy (2010)

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS7 - Sustainable Transport

Core Strategy Policy CS9 - Employment and the Local Economy

Core Strategy Policy CS14 - Community infrastructure capacity and tariffs

Joint Development Management Policies (2015)

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

Policy DM6 Flooding and Sustainable Drainage

Policy DM7 Sustainable Design and Construction

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Policy DM45 Transport Assessments and Travel Plans

Policy DM46 Parking Standards

Bury St Edmunds Vision 2031 (2014)

Vision Policy BV1 - Presumption in Favour of Sustainable Development

Vision Policy BV14 - General Employment Areas - Bury St Edmunds

Vision Policy BV16 - British Sugar site – areas north of Compiegne Way (specifically the North Eastern and North Western areas of the British Sugar site in which the soakaway and soil conditioning areas)

Vision Policy BV26 - Green Infrastructure in Bury St Edmunds

Other planning policy:

71. The National Planning Policy Framework (NPPF) was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2021 NPPF that full weight can be attached to them in the decision-making process.

Other guidance:

- St Edmundsbury Green Infrastructure Strategy 2009
- Suffolk Guidance for Parking (2019)

Officer comment:

Legal Context and Primary Legislation

72. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (known as the 'EIA Regulations')

73. These regulations provide the regulatory framework for determining when an Environmental Impact Assessment is required for proposed developments. The proposed Scheme falls within Schedule 2, Class 7 'Food

Industry' of the Regulations. As part of the overall pre-application process, on 26 November 2021 a Screening Opinion request was submitted to the Council. The Council's Screening Opinion was issued on 7th January 2022 confirming that the Proposed Development was EIA development by virtue of 'significant' impacts relating to traffic (and increases thereof), landscape and visual aspects, air quality and cumulative effects arising in combination with other proposed developments.

74. A Scoping Opinion Report was then submitted to the Council in late February 2022 identifying the assessment methodologies and topic areas the EIA would cover. The Council's Scoping Opinion was issued in March 2022, and confirmed that following topics required inclusion within an ES:

- Transportation
- Air Quality
- Landscape and Visual Amenity
- Cumulative Effects – including traffic and air quality, particularly in relation to the settlement of Great Barton.

The Conservation of Habitats and Species Regulations 2010

75. The LPA, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of Habitats and Species Regulations 2017 (as amended). Regulation 61 requires a Competent Authority, before deciding to give any consent to a project which is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of that site, to make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

76. The applicant's ecological impact assessment correctly identifies one SPA of international importance located within 10km of the Site (Breckland SPA, located 7km north-west), along with two national statutory designated sites located within 5km of the Proposed Development. (These being the Glen Chalk Caves SSSI, and Moreton Hall Community Woods LNR.) Glen Chalk Caves contains tunnels supporting a healthy population of over five species of bats. Moreton Hall LNR includes habitats such as meadow, woodland and a pond.

77. The ecological impact assessment concludes that the site lacks suitable habitat to support the three qualifying features of Breckland SPA, and that taking into account the distance between the SPA the development site, and the nature of the development, the proposal will not cause an increase in visitor pressure that could negatively affect the SPA. No other impact pathways linking the Proposed Development to the SPA have been identified. Similarly, no impact pathways were identified and so no direct or indirect effects on the SSSI or LNR are predicted as a result of the Proposed Development. Officers have no reason to disagree with this conclusion.

78. All plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration – typically referred to as the ‘Habitats Regulations Assessment screening’ – should take into account the potential effects both of the plan/project itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a [competent authority](#) must make an appropriate assessment of the implications of the plan or project for that site, in view the site’s conservation objectives.
79. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. The requirements of the Conservation of Habitats and Species Regulations 2017 in respect of this application are considered to have been met, and the Council as Competent Authority responsible for undertaking a HRA is satisfied that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes (either alone or in combination with other plans or projects). It is not therefore necessary in this case to undertake an appropriate assessment.

Natural Environment and Rural Communities Act 2006

80. This Act places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The potential impacts of the application proposals upon biodiversity interests are discussed later in this report.

Planning and Compulsory Purchase Act 2004 (as amended)

81. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for this part of West Suffolk Council is comprised of the adopted Core Strategy, as amended by the Single Issue Review of policy CS7, the Joint Development Management Policies Document and the Site Allocations Local Plan. National planning policies set out in the NPPF are a key material consideration.
82. Having regard to the development plan, the NPPF and other material considerations, the main issues to be considered in the determination of the application are:
- Principle of Development
 - Economic and employment impact
 - Landscape & visual impact (including design and layout)
 - Highway impact
 - Ecology
 - Drainage and flood risk
 - Air quality

- Noise
- Sustainability
- Planning Balance

Principle of Development

83. The main British Sugar factory site is designated as a General Employment Area in Policy BV14 of the Bury St Edmunds Vision document for uses falling within the former B1, B2 and B8 use classes. The application site falls within an area allocated by the Bury St Edmunds Vision 2031 policy document for uses in connection with the adjacent British Sugar operation (policy BV16). Although the site is question is beyond the General Employment Area covered by policies BV14(d) and BV15(c), it is acknowledged that the British Sugar operation extends to the northeast and the northwest of the A134 Compiègne Way, comprising the soakaway and soil conditioning areas which form a critical and integral part of the factory's operation. In order to safeguard the factory's on-going operation and future growth, Policy BV16 affords protection of the sites.

Policy BV16 states:

"The North-Eastern and North-Western areas of the British Sugar site in which the soakaway and soil conditioning areas are located are intrinsic to the operations of British Sugar. These areas are protected in the plan (as indicated on the Policies Map) for uses in connection with the on-going operation and continued growth of the factory. Appropriate forms of development/uses on these areas, which are connected to British Sugar's operation, will be supported, having regard to the relevant requirements of the Local Plan...."

84. The policy supporting text also states that:

"Development arising from changes in the factory's operational requirements or future growth will be supported, subject to an assessment and mitigation of any potential effects."

85. During pre-application discussions, Officers did not consider the proposals to comprise a use connected with the on-going operation and continued growth of the British Sugar factory (having had regard to the context of policy BV16). It was confirmed at a meeting that the proposed animal feed mill will not process sugar-beet pulp from the British Sugar factory. It was established that the mill will produce a pellet-based feed using predominantly wheat, barley, pulses and rapeseed which is a different product to the sugar beet feed currently produced on the British Sugar site. However, the supporting information submitted with the application indicates that the by-product from the British Sugar operation will be used in the production of animal feed, and that the development offers considerable opportunities for shared operations, with significant benefits in terms of sustainability, efficiency and economies of scale. Therefore, the proposal will complement and support British Sugar plc's existing operations in Bury.

86. On this basis it is considered that the requirements of policy BV16 have been met by the proposal and it can be considered acceptable in principle.
87. The environmental impact of the development (having regard to the relevant chapters of the Environment Assessment submitted with the application), must now be considered against other relevant development plan policies, the NPPF and any other material considerations.

Economic and employment impact

88. It is understood that British Sugar has been operating their sugar beet processing factory in Bury St Edmunds since 1924, currently operating on a 24 hour a day, 7 days a week basis. The applicant states that British Sugar is the sole processor of the UK's sugar beet crop and supplies over 50% of the UK's demand for sugar. It is noted that British Sugar is fully committed to its factory in Bury St Edmunds, and that sugar beet processed at the factory is grown by many UK growers, with an onward supply chain of contractors and hauliers. This important contribution to the local economy is acknowledged.
89. Utilising a co-product of the sugar beet processing, (specifically sugar-beet pulp), AB Agri re-processes dried molassed sugar beet into animal feed. It currently has 11 feed mills throughout the UK. Largely due to an increased demand for protein products (linked to an ever-increasing population), along with a UK agriculture desire to become more productive and internationally competitive, AB Agri Ltd has identified the area as significantly important for its investment and expansion plans. The applicant states that 'the proposed new mill would be the largest, state-of-the-art feed mill in the United Kingdom, delivering improved animal feed quality, and the highest levels of reliability, efficiency and sustainability plus greater traceability.' The mill would operate 24/7 producing up to 950,000 net tonnes of pig and poultry feed per annum.
90. The applicant comments that the chosen location in West Suffolk is in the heart of one of the most productive poultry and pig producing regions within the UK, reducing the need to transport bulk raw materials over long distances. The area also has good access to the A14 and thence Felixstowe and other ports. Another consideration is that AB Agri currently operates from a site in Bury St Edmunds (Eastern Way) and the proposed new mill will replace this facility.
91. Based on the information submitted by the applicant the economic benefits of the new feed mill can be summarised as follows:
- Increase in employment opportunities with applicant stating that approx. 130 people will be employed directly at the mill itself, including operatives, engineers, fitters and drivers. (60 jobs would be transferred from the existing mill, resulting in a likely increase of approx. 70 jobs.)

- Supply chain opportunities in the local area will be created with the demand for servicing the raw material and operational needs of the mill.
 - The reduction in the importation of soya will be of benefit to local farmers who will be growing the substitute crops to soya.
 - It is acknowledged that in line with the economic objective of sustainable development identified in the NPPF, the proposal represents growth, innovation and improved productivity. The applicants state that the proposed mill is 'designed to meet the vision to pursue technological advances for the future, to enhance animal feed capabilities and to improve the UK's agri-food sector performance.' This has the potential to bring economic benefits both locally and regionally.
92. The economic benefits highlighted above accord with Bury Vision Policies BV14 and BV16, subject to accordance with other environmental development plan policies, including those set out in Core Policy CS2. (These considerations are discussed later in this report.)
93. Tourism – Bury Vision 2031 specifically mentions tourism as playing a major role in the town, and objective 5 of the document seeks to ensure that new development 'conserves and, where opportunities arise, enhances the natural, built and historic environment, local identity and distinctiveness of Bury St Edmunds and improves access to green space and surrounding countryside.' The Council's Economic Development team have raised concerns that the proposal would negatively impact on tourism for the town, harming the townscape and its immediate countryside setting at its north-east edge. They comment that they work very closely with partners to increase tourist numbers to Bury St Edmunds and such a development in the location proposed can only impact negatively upon the desirability of the town for tourists. This is an industrial scale building; the site is not low lying; there is little mitigation that could reduce the impact of its huge bulk and scale. Due to the negative impact on the rural-edge character of the north-east entrance to the town, the Council's Economic Development team are concerned that this location is not appropriate for such a development.
94. The negative impact on the tourism draw for the town, whilst not likely to be significant, conflicts with the aspirations set out in Bury Vision 2031 and counts against the scheme.
95. The increase in employment and wider economic benefits are acknowledged and welcomed by the Council's Economic Development (ED) team, who acknowledge 'the highly skilled and well-paid jobs that would be provided by the development and retained from the existing site (although the numbers of these is not specified); the laboratory and automation skills that will be employed; the provision of training and apprenticeships; the reduction in the importation of soya (although the National importance of this is acknowledged, we are not certain what benefit this would be to the local economy of West Suffolk); and the investment in food security.' The

ED team is not surprised that a company of the eminence of AB foods will bring forward a development with benefits such as these. Whilst the applicant does state that the reduction in the importation of soya will be of benefit to local farmers who will be growing the substitute crops to soya, this benefit has not been quantified and the likely level of benefit to the local economy is unknown.

96. The Council's ED team also recognise 'the importance that the company is supported to develop in the way proposed, however the question remains as to whether West Suffolk is the best location for such a facility.' Furthermore, it is likely that these benefits would still be realised on another site with less detrimental impact.
97. Although tempered by the above concerns in respect of potential negative tourism impact, along with the unknown level of benefit to the local economy, the economic benefits of the proposal and its accordance in principle with policies BV14, BV16 and CS2 weigh in favour of the scheme.

Landscape and visual impact (including design and layout)

98. Although the site is located within an area allocated for development associated with British Sugar, the site is also located at the edge of the town outside the defined settlement boundary. Due to the significant scale and mass of the proposed buildings, the development will have a dominant impact within the countryside. It is considered that policy DM5 (Development in the Countryside) is relevant, and in relation to the development proposed, the following aspects of the policy should be taken into account:

"Proposals for economic growth and expansion of all types of business and enterprise that recognises the intrinsic character and beauty of the countryside will be permitted where:

- it will not result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a);
- there will be no significant detrimental impact on the historic environment, character and visual amenity of the landscape or nature conservation and biodiversity interests; and
- there will be no significant adverse impact on the local highway network."

99. Core strategy policy CS9 also states that 'all employment proposals will be expected to meet the criteria set out in Policy CS2 to protect and enhance natural resources and ensure the sustainable design of the built environment.'
100. In line with the NPPF's overarching objective to protect and enhance our natural, built, and historic environment, Policy CS2 of the St Edmundsbury Core Strategy both seek to protect the valued landscapes of the countryside

requiring the quality, character, diversity and local distinctiveness of the district's landscape and historic environment to be protected, conserved and, where possible, enhanced. Proposals for development will take into account the local distinctiveness and sensitivity to change of distinctive landscape character types, and historic assets and their settings.

101. Joint Development Management Policy DM13 allows development where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value.
102. Furthermore, par. 174 of the NPPF indicates that planning decisions should, amongst other things, 'protect and enhance valued landscape'.
103. The site itself is quite contained being bounded directly to the north by an industrial area comprising Bury St Edmunds Recycling Centre, West Suffolk Operational Hub, and Steve Lumley Planing Ltd. The south of the Site is bounded by a small parcel of land surrounded with trees comprising a couple of small buildings which are part of a gas pumping station. Along Hollow Road there are also residential dwellings. The A143 Site access and Hollow Road roundabout lies further to the southwest continuing to the existing sugar factory site and an industrial estate. The eastern boundary consists of a hedgerow that lies adjacent to agricultural farmland with a farmhouse approximately 430 m from the central point of the Site. The Site is bounded to the west by A143 Compiegne Way and by a heavily vegetated area onto a large open soakaway. The A143 lies west of the soakaway, continuing in a northwest direction where a roundabout is directly adjacent the northwest edge of the site.
104. It is acknowledged that the siting and layout of the buildings (including the mill, warehouse, office and silos) has been positioned to the north-east of the site to maintain the wooded area to the south, and to locate the buildings as close as possible to the existing industrial buildings in the surrounding area. It is also acknowledged that the building has to be of a significant height (50 metres) as the production process is to a large extent reliant on gravity. The scale and mass of the building is largely the result of its functionality.
105. The mill building consists of 12 floors and, including the flues on the roof, extends to 50 metres in height. A further series of 8 raw material silos extend to 33 metres in height. A second mill building extends to some 33 metres in height. The applicants indicate that the colour scheme of these buildings has been considered as a mitigation measure as part of the landscape and visual impact considerations. Multiple colour schemes including blue, green and grey, have been considered in order to identify a sympathetic and recessive colour scheme to the proposed Mill and silos, and to help integrate the development within the local landscape and skyline.
106. Smaller buildings are also proposed including a warehouse (12 metres in height) and an office (9.9 metres in height). Access to the site would be from the south via an access onto the existing roundabout junction with the A143 and Hollow Road. Parking and associated infrastructure is contained within the site. The layout of the scheme raises no specific issues. However,

notwithstanding the fact that the applicants have indicated that the main processing building cannot be made any lower, due to its functional form and the requirements of a gravity fed milling process, the design and scale of the main building raises significant concerns. Despite the site's immediate commercial and industrial surroundings, the huge size and scale of the main building would create a dominant and obtrusive feature at the edge of the town. It is not considered that a building such as this would respect the existing character of this edge of countryside location, harming the existing sense of place. For these reasons, this element of the design does not accord with Core Strategy Policy CS3 and Joint Development Management Policy DM2.

107. The planning application is accompanied by a Landscape and Visual Impact Assessment (LVIA), carried out generally in line with the principles set out on the third edition of "Guidelines for Landscape and Visual Impact Assessment"(GLVIA3). The assessment includes a review of the landscape and visual baseline, assessment of landscape and visual receptors, as well as a landscape strategy for the proposed development. Photomontage viewpoint photography in line with industry standards is also included with the application. The LVIA has been assessed by the Council's landscape consultants.
108. The assessment includes a desktop study (including policy context and methodology), a review of the landscape and visual baseline, an assessment of landscape and visual impacts, mitigation, assessment of residual impacts and an assessment of cumulative impacts. The Council's consultant comments that the site's characteristics are suitably described and the range of views that are available are appropriately summarised. However, it is considered that the assessment itself underestimates the likely effects of the proposed development on landscape character and visual amenity.
109. The application site is located to the NE of the town on the edge of the British Sugar facility, and to the south of the existing Council depot buildings. Although in an area where industry and commercial buildings are present, the location is very much on the edge of the settlement with land to the north of Fornham Road being open countryside. The application site also occupies a position that is slightly elevated in comparison to the existing British Sugar site, with the land to the NE continuing to slope gently upwards in a northerly direction, before plateauing approx. 750 metres away close to the road known as 'The Drift'. The site affords wide ranging views from the wider countryside to the NE of the town and beyond.
110. Although not referenced in the applicant's LVIA, the West Suffolk Landscape Character Assessment (March 2022) characterises the immediate landscape as being 'rolling estate farmlands', which itself is characterised as being a valley side landscape of deep loams, with parklands plantations and ancient woodlands, that also includes gently sloping valley sides and plateau fringes. This character is very much evident when viewed from the site and its surroundings.

111. The applicant's landscape consultant considers the site to be of low to medium value as a result of:

- Its setting on the edge of Bury St Edmunds within an industrial landscape typical of the local area
- A semi-rural landscape character to the east of the Site
- The fact that there are no national designations relating to landscape or cultural value within or close to the study area
- The value of the existing woodland tree cover and vegetation which provides some features to the landscape character, and
- The fact that whilst the land to the east of the Site is rural in character and has many of the features characteristic of the National, Regional and Local character areas described previously, the local landscape character is predominantly large-scale industry which is dominated by the existing sugar factory.

112. Whilst Officers and the Council's landscape consultants agree that the site and its immediate surroundings has a 'medium' sensitivity (having regard to the LVIA Methodology assessed by the Council's consultant), the sensitivity of the countryside to the NE is considered to be higher.

113. The applicant also states that:

"Given the low to medium value of the landscape potentially affected, and the medium susceptibility to change, the overall sensitivity of the landscape to the Proposed Development is considered as medium for both the landscape fabric of the Site and the landscape resource of the area surrounding the Site to the east and north. This is in consideration of the landscape receptors being partly able to accommodate the Proposed Development without undue negative consequences to the baseline situation. Some attributes that make up the character of the landscape offer some opportunities for accommodating the change without key characteristics being fundamentally altered."

114. It is the view of Officers that too much weight has been attributed to the existing backdrop of the British Sugar buildings being the baseline landscape character against which the landscape impact should be assessed, and that not enough weight has been given to the sensitivity of the countryside character and its receptors to the NE of the site.

115. The application proposes a very large mill processing building in excess of 50 metres tall (inclusive of its flues) and of substantial mass and bulk, along with a smaller mill building 33 metres in height. Due to the cladding of the majority of the building, excluding the silos, the two mill buildings when viewed from the east and west effectively have a 98m x 50m mass in a rectangular block form. This appearance differs to that of the existing British Sugar buildings, which although in some cases are similar in terms of overall height, their siting and mass are more broken with varied ridge lines, as well as being more spread out across a larger site and set at a lower ground level. The height, mass and bulk of the proposed main feed

mill building is considered substantial and very dominant in the skyline, the like of which does not exist anywhere within the town or indeed the district.

116. The Council's consultant comments that 'the dominance of the proposed building would be particularly apparent given the direction of travel along the PRoW where the proposal would be viewed predominantly in isolation when heading north along the bridleway past Westfield Farm to the SE of the site. As such, the assessment does not accurately acknowledge the scale of the change in views with regards to the loss of the sweeping panoramic views and openness, because the composition would inevitably become unbalanced due to the height, bulk and massing of the proposed building and the open panoramic views would in-turn become heavily constrained and dominated by the 50m structure. Furthermore, though these impacts have, for the most part, been deemed adverse, we would judge the adverse impacts to be greater than currently judged within the LVIA and that we would also deem 'moderate' adverse effects as significant.'
117. The Council's landscape consultant explains that visual impacts of a development are a result of the sensitivity of visual receptors (people or locations that will experience changes to existing views) to the proposed development and the magnitude of those changes. The applicant's assessment has identified visual receptors within the study area that are likely to have visibility of the proposed development, including [but not limited to]: the Long-Distance Path - Lark Valley Path (W-175/006/0); Bridleway (W-253/001/0); Bridleway (W-253/001/0); The Drift; Fornham Road; bridleway (W_271/005/01); Livermere Road; bridleway (SK-W-271/006/0); Restricted Bridleway (SK-W-271/004/0); Hollow Road (including employment area); residential properties along Cotton Lane, Norfolk Road and Northgate Avenue; footbridge over A14; bridleway (W-271/005/01); Shakers Lane; and the wider Public Right of Way (PRoW) network.
118. All the above receptors will be impacted as they all have some degree of view of the proposed buildings, and overall, the proposed scheme will have an adverse impact on both landscape character and visual amenity. It is acknowledged that the applicant has proposed mitigation in the form of the following:
 - Tree planting to the eastern boundary of the site to help integrate the proposed development in views from the east, south-east and south
 - Sensitive Lighting
 - Site layout, landform and landscape design (buildings and the materials chosen are primarily functional but have also been selected to respond to the character and appearance of the existing industrial development in the surrounding area, albeit in a modern, considered and tidy manner befitting the state-of-the art nature of the proposed mill)

- A total of 141 trees to be planted within the site
- Coloured cladding to the buildings

119. This mitigation is welcomed, particularly in respect of the tree planting, and this will help to integrate the development from specific longer distance views from the east, south-east and south. However, a building of such scale and mass as that proposed, will always have a significant impact in the landscape, and this impact can never be completely mitigated for. Officers simply cannot agree with the applicant's LVIA conclusion that the residual impact on the overall Landscape Character and Visual Amenity will be 'negligible', and that the impact on receptors in close proximity to the east would be 'slight to moderate'. These impacts are in fact likely to be moderate to significant. Furthermore, the impact of the development on the visual amenity of the area to the north-east of the town will be significantly adverse.
120. For the above reasons, the significant and permanent adverse impact on the landscape and its receptors to the north-east of the site runs contrary to Core Strategy policies CS2 and CS3, Joint Development Management Policies DM2 and DM5 and pars. 130 (c) and 174 (a) of the NPPF. Appropriate weight must be given to this harm in the overall planning balance. (This is discussed later in the report.)

Highway Impact

121. The application site is currently accessed by a small track from a stub off the A143 Compeigne Way/Hollow Way roundabout. This stub also currently allows for access to a gas compound. The roundabout is lit but has no formal footways or crossings and the A143 at this point dual lane single carriageway with a national speed limit. Hollow Road has 30 mph speed limit with no footway in proximity to the roundabout. This road initially serves mostly commercial and employment uses before heading towards the town centre and Eastgate Street where residential properties predominate. Hollow Road provides a main access point for the British Sugar works. The nearest bus stop to the site is approx. 450 metres away on Hollow Road.
122. The A143 has another larger roundabout to the north-west of the site that feeds the A134 towards Thetford and onwards to the A14 and Bury St Edmunds town.
123. The application proposes a formal access off the existing A143/Hollow Road roundabout stub, and both vehicles and pedestrians would use this. The geometry of the access onto the roundabout is proposed to be improved to provide for two-way HDV movements and includes a splitter island. A new stretch of footway along Hollow Road from the opposite side of the roundabout to tie into the existing footpath. An additional bus stop will also be provided along this upgraded stretch of footpath. A new pedestrian crossing on the A143 eastern arm will also be provided. A plan has been

provided by the applicant demonstrating that the footway can be provided at a suitable width and wholly within highway land.

124. The applicant's Transport Assessment (TA) considers the likely traffic impact of the development based on a detailed analysis of the location of suppliers and customers has informed the distribution of HGVs and their assignment in the form of trip generations on the road network. The assessment has also looked at the current feed mill facility off Hollow Road and includes the results of an analysis of journey to work data and the distribution of employee trips. The assumptions and assignment for trip generations set out in the TA are acceptable to SCC Highways.
125. Junction modelling was undertaken for the Site Access/A143 roundabout junction and the A143/A134 roundabout junction. The modelling results for the site access junction demonstrate that the junction will operate within capacity for all scenarios up to 2036.
126. The A143/A134 roundabout junction modelling showed that the A143 South junction arm is expected to operate over desirable operational thresholds; however, would still operate within capacity for the 2025 base scenario. The addition of the development traffic would not result in significant changes to the operation of the junction in the 2025 scenario.
127. For the 2036 base scenario, the junction results show that the A134 south arm is expected to operate over capacity with a Ratio of flow to capacity of 1.09 in the AM and 1.25 in the PM. The respective queues are 141 vehicles and 402 vehicles, respectively. However, this degradation in the operation of this junction arm is attributed to background traffic growth expected from 2021 to 2036 and not from the development. The TA states that the net impact of the traffic on the junction results in negligible impacts. It is acknowledged that the degradation in the operation of the junction is attributed to background growth, rather than the impacts of the development. Again, this is acceptable to SCC Highways.
128. SCC Highways comment that vehicle parking for the proposed development has been proposed in line with the advisory guidance published Suffolk Guidance for Parking (2019). The breakdown is as follows:
 - Loading Bay for Finished Product Deliveries: 20 HGV spaces
 - Unloading bay for Raw Material: 30 HGV spaces
 - Staff and Visitor Car Park: 78 cars (4 blue badge bays)
 - Of 78 bays 16 will have access to an EV charging point
129. It is anticipated that the proposed quantum of parking is sufficient to provide parking spaces and drop off points for all anticipated trips to and from the site. The application also proposes adequate cycle parking and EV charging infrastructure to accommodate future demand, and this can will be secured by way of a suitably worded condition.

130. The impact on the strategic road network (A14) including junctions 42, 43 and 44, has been assessed by National Highways, and they have raised no objections to the application.
131. Subject to the above conditions, along with a contribution of £1k per year for a minimum 5-year period to allow for adequate monitoring of the Travel Plan submitted with the application, the proposal is not considered to have a significant adverse impact on the highway network, and accords with the NPPF and policies DM2, DM45 and DM46 in this regard.

Ecology and biodiversity

132. In accordance with Joint Development Management Policy DM12, and in order to discharge the duties of the LPA under the s40 of the NERC Act 2006 (Priority habitats & species), there should be an overall biodiversity net gain, and proposed landscaping as well as tree protection should also form part of any proposal. The NPPF sets out how the planning system should protect and enhance nature conservation interest, with section 15 concerned with conserving and enhancing the natural environment (paragraphs 174 to 182). It states that planning policies and decisions should contribute to and enhance the natural and local environment by:
- 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);
 - Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and
 - Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
133. As part of the EIA submission, the applicants have provided an Ecological Appraisal and Assessment, Site Assessment - Biodiversity and Environmental Net Gain Opportunities, Landscape and Ecological Management Plan (LEMP), and a Proposed Landscape Plan. These documents have been assessed by the Council's ecological consultants who are satisfied that, subject to the mitigation measures identified in the Ecological Appraisal and Assessment report and the Site Assessment Biodiversity and Environmental Net Gain Opportunities report (both ARCADIS July 2022) being secured by condition of any approval, the ecological information provides certainty for the LPA of the likely impacts on protected and Priority species and habitats and the development can be made acceptable.
134. The Council's consultant comments that the Biodiversity and Environmental Net Gain Opportunities report estimates that there will be a 6.48% decrease in the 'area' of habitat biodiversity within the Site. This

decrease is largely due to the loss of higher quality habitats on-Site. The number of hedgerow units (i.e. 'linear' units) is predicted to increase by 1.77 units. Consequently, off-Site mitigation has been proposed for land within the purple line boundary (shown on Fig. 1) to provide additional opportunities for habitat creation and enhancement. When these proposals are incorporated into the calculations, the proposed development is predicted to achieve a Net Gain area figure of 13.64%. This would be achieved primarily through enhancement of the remaining areas of existing woodland and open mosaic habitat (both on and off site), as well as through creation of smaller pockets of habitat around the core operational area.

135. Proposed reasonable biodiversity enhancements set out in the Ecological Appraisal, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021), are also welcomed. With respect to the impact on protected species, such as wintering birds and badger, subject to appropriate mitigation measures (including on and off-site woodland enhancement and the creation / enhancement of open mosaic habitat both within the site and off-site) being secured, the development can be made acceptable. On this basis the application accords with the requirements of Joint Development Management Policy DM11.
136. As stated at par. 78 of this report, the Council, as Competent Authority responsible for undertaking a Habitat Regulations Assessment (HRA), is satisfied that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes (either alone or in combination with other plans or projects). Subject to the provision of mitigation in accordance with the ecological appraisal recommendations, the submission of an Construction Ecological Management Plan for Biodiversity (CEMP) and a revised Landscape and Ecological Management Plan (LEMP) (as set out in the comments of the consultant ecologist), the proposal accords with the requirements of Joint Development Management Policy DM12, s40 of the NERC Act 2006 (Priority habitats & species), the Conservation of Habitats and Species Regulations 2017 (as amended) and paragraphs 174 to 182 of the NPPF.

Drainage and flood risk

137. The applicant has submitted a flood risk assessment (FRA), which seeks to address the requirements of National and Local Planning Policy with respect to flood risk. The FRA includes mitigation measures as necessary to enable the development to proceed ensuring that it is safe from flooding to recognised standards and does not increase the risk of flooding to neighbouring properties as required by Joint Development Management Policy DM6 and the NPPF.
138. The Site is located in Flood Zone 1 (Low Risk) and is at low risk of fluvial flooding and surface water flooding. Flooding from all other sources has also been assessed and is concluded to be low. The FRA explains that the drainage network will be designed as separate foul and surface water

systems within the boundary of the site. Surface water runoff will be discharged to the large existing British Sugar soakaway located within the western part of the wider site at the existing soakaway's infiltration rate.

139. Foul drainage flows to be discharged at a peak rate of 2.2l/s and trade effluent flows at 1l/s. The foul drainage flows will be discharged via a rising main offsite to the existing Anglian Water public foul sewer network within the adjacent public highway located south of the Site.
140. The FRA concludes that the proposed development is appropriate in terms of flood risk and in line with the requirements of the NPPF and local planning policy, and is not expected to increase the risk of flooding elsewhere.
141. The FRA was assessed by SCC as Lead Local Flood Authority (LLFA), who, for the following reason, issued a holding objection:
142. 'the applicant has proposed the main method of managing surface water runoff as infiltration to ground via an existing infiltration basin that was constructed as part of the original facility. However, testing undertaken on the site indicates that the shallow ground (that within 2m of the surface) is unsuitable for infiltration-based drainage. The testing completed to support the existing infiltration basin dates from 1979 and may not accurately represent the current infiltration capacity of the ground in that location. The site is underlain by chalk which is prone to dissolution features and the site also lies within a source protection zone (due to its proximity to groundwater abstraction points) which means the underlying geology and associated aquifer are particularly sensitive to the discharge of surface water runoff to ground. The adjacent highway onto which the access is proposed suffers from existing surface water flooding issues and it must be demonstrated that proposal will not contribute to this issue.
143. Furthermore, a sustainable drainage system (SuDS), in order to be fully compliant with the principles of SuDS, should achieve the 4 pillars of SuDS. These are; managing water quality, managing water quantity, providing amenity value and offering biodiversity. The provided scheme doesn't fully address these and features such as kerbside raingardens, tree pits and planted above ground features should be further considered to improve the multifunctionality of the scheme, reduce the reliance on hard engineering features and incorporate SuDS throughout the site to manage water runoff at source.'
144. In response to the above, the applicant submitted additional amended plans and technical information that addressed the reasons for the holding objection. The LLFA is now satisfied that the proposed development can be satisfactorily drained without increasing the risk of flooding elsewhere in accordance with the requirements of Joint Development Management Policy DM6 and the NPPF.

Air quality

145. The Institute of Air Quality management (IAQM)/EPUK document Land-Use Planning & Development Control: Planning For Air Quality (January 2017(v1.2)) recommends major developments are subject to measures to help reduce the impact on Local Air Quality. All major developments should be targeted as there very few developments which will show a direct impact on local air quality, but all developments will have a cumulative effect.
146. Paragraph 107 of the NPPF states that 'local parking standards for residential and non-residential development, policies should take into account... e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.' Paragraph 112 of the NPPF states that 'applications for development should... be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.'
147. Air Quality Planning Policy Guidance lists mitigation measures for reducing the impact of air quality and includes the provision of "infrastructure to promote modes of transport with a low impact on air quality (such as electric vehicle charging points)."
148. St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions ... and ensure no deterioration to either air or water quality.
149. In order to meet the requirements of the above policy, the impact of the development on air quality generally, as well as on the Great Barton Air Quality Management Area, has been considered within the applicant's Environmental Statement. This took account of the following:
 - Construction impacts
 - Traffic-related air quality impacts from the operational traffic generated by the development
 - The impact of source emissions from the facility.
150. The applicant's air quality report was considered by the Council's Environment team and further information and mitigation measures were requested. Following the submission of this additional detail, and subject to the imposition of a condition requiring all Heavy Duty Vehicles (HDVs) delivering raw product to, or distributing final product from, the development having Euro VI compliant engines, the Environment Team are able to support the proposal. Subject to this condition, in respect of air quality, the proposal is considered to accord with the requirements of Core Strategy Policy CS2 and Joint Development Management Policy DM14.
151. Section 3.4.2 of the Suffolk Parking Standards states that "Commercial developments must provide suitable charging systems for a number of the parking spaces, with ducting and infrastructure in place to install additional

charging systems when future demand dictates.” The Suffolk guidance recommends that for general industrial sites 20% of spaces require charging infrastructure. It is noted that the Transport Assessment confirms that there will be 20% provision (16 spaces). Any permission will therefore include a condition requiring the delivery of the electric vehicle charging spaces.

Noise

152. Joint Development Management Policies DM2 and DM14, amongst other things, seeks to protect the amenity of occupiers of properties adjacent or close to proposed development. Paragraphs 174 and 185 of the NPPF also requires the decision-maker to ‘ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.’
153. The application is accompanied by a Noise Impact Assessment which presents the findings of an assessment of noise impacts on the nearest noise receptors. (The nearest one being Westfield Farm to the south of the site.) Having regard to a background noise level, the report establishes noise limits for the mill to operate within, which would be required by an appropriately worded condition. Operating within these limits will mean that the proposed development will have a low degree of noise impact.
154. The Council’s Environmental Health Officer (EHO) has considered the Noise Impact Assessment and has accepted its findings and proposed appropriate conditions that deal with noise limits and restrictions, and these are set out at paragraph 29 of this report. Subject to these conditions, the application is considered to accord with Joint Development Management Policies DM2 and DM14 and Paragraphs 174 and 185 of the NPPF.

Sustainability (design, construction and operation)

155. Joint Development Management Policy DM7 states that ‘All proposals for new buildings including the re-use or conversion of existing buildings will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques.’ The policy also states that ‘All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan.’
156. The application is accompanied by an Energy Statement, which sets out the applicant’s commitments to reducing both regulated and unregulated

energy. The Council's Environment and Energy Officer has assessed the submitted information and is generally supportive, with the proposal being able to adhere to the Part L of the Building Regulations in this regard.

157. Joint Development Management Policy DM7 requires BREEAM Excellent to be achieved for non-domestic developments over 1000m². (BREEAM is an assessment that uses recognised measures of performance, which are set against established benchmarks, to evaluate a building's specification, design, construction and use. The measures used represent a broad range of categories and criteria from energy to ecology.) This ensures that the building is designed to be as sustainable as possible in respect of energy efficiency. The applicant's Energy Statement commits to a BREEAM excellent rating, and this requirement can be a condition of any approval.
158. Finally, the applicant has not provided any information on the operational water demand of the mill and any water efficiency measures to be used to reduce this demand. Any permission should therefore also be subject to a condition requiring a scheme for the provision and implementation of water efficiency measures during the construction and operational phases of the development to be submitted and agreed.
159. Subject to the above conditions, the application accords, or can be made to accord with Joint Development Management policy DM7.

Other matters

160. Lighting – The proposed lighting scheme for the proposed buildings has been assessed by the Council's EHO and no concerns have been raised in respect of impact on amenity.
161. Wastewater Treatment – Anglian Water have confirmed that the foul drainage from this development is in the catchment of Fornham All Saints Water Recycling Centre that will have available capacity for these flows. In respect of the used water network, Anglian Water has also confirmed that the sewerage system at present has available capacity for any proposed flows from the development.
162. Heritage – The site is not located in an area of known archaeological importance and no comments have been received from SCC Archaeology in this respect. There are no Listed Buildings or Scheduled Ancient Monuments within or close to the site that would be affected by the development. No comments have been received from the Council's Conservation Officer.
163. Green Infrastructure (GI) - The Green Infrastructure Strategy (September 2009) was produced by the Council as a response to increasing development pressure within the borough which is likely to have significant implications for the area's landscape and environmental assets and to capitalise on any associated opportunities for environmental enhancement. It considers both landscape impact and enhancement as well as habitat/biodiversity improvement.

164. An Action Zone for north-east Bury St Edmunds is identified, and it states that 'the green gap and sense of separation between the north-eastern fringe of Bury and the village of Great Barton, should be conserved as part of a 'porous' landscaped edge to provide a foil to new development'. Furthermore, it states that 'the ponds associated with the British Sugar site, to the northern edge of Bury St Edmunds, should be conserved and enhanced to create new wetland habitat as part of strategic greenspace proposals'.
165. Bury Vision Policy BV26 refers to the above GI strategy, stating that 'in and around the town of Bury St Edmunds the integrity and connectivity of the strategic green infrastructure network will be maintained, protected and enhanced, which includes the creation of new habitats, through the implementation of the St Edmundsbury Green Infrastructure Strategy'. The policy is clear that GI projects should enhance the character of the Green Infrastructure Action Zones identified in the Green Infrastructure Strategy, and that planning permission for development that would harm the Green Infrastructure network will only be granted if it can incorporate measures that avoid the harm arising or sufficiently mitigate its effects.
166. It is considered that a development of such mass and scale as that proposed, and in a location at the edge of the town, would not conserve the green gap and the landscaped edge of the settlement. In fact, through the development of an undeveloped area of land, it must surely harm it. It would also on the face of it, fail to conserve and enhance the ponds and help to create a new wetland habitat as suggested in the policy. The development does not therefore accord with Bury Vision Policy BV26. It is acknowledged however that Bury Vision Policy BV16 (protecting these areas for uses in connection with the on-going operation and continued growth of the British Sugar factory) tempers the significance of this harm and the weight to be attached to it in the planning balance.

Conclusion and planning balance:

167. A planning balance has been undertaken, and the benefits and disbenefits of the proposed development have been assessed. Appropriate weight has then been afforded to them. The benefits of the development can be summarised as follows:
- The proposal will compliment and support British Sugar's existing operations in the town.
 - Increase in employment opportunities with applicant stating that approx. 130 people will be employed directly at the mill itself, including operatives, engineers, fitters and drivers. (60 jobs would be transferred from the existing mill, resulting in a likely increase of approx. 70 jobs.)

- The proposal has the potential to enhance animal feed capabilities and to improve the UK's agri-food sector performance.
 - Additional supply chain opportunities in the local area are likely to be created with the demand for servicing the raw material and operational needs of the mill. This would have a positive impact on the local and regional economy
168. Paragraph 81 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. NPPF paragraph 83 also states that planning decisions should recognise and address the specific locational requirements of different sectors. It is acknowledged that in line with these economic objectives of sustainable development, the proposal represents growth, innovation and improved productivity. The applicant's state that the proposed mill is 'designed to meet the vision to pursue technological advances for the future, to enhance animal feed capabilities and to improve the UK's agri-food sector performance.'
169. The potential local, regional and UK wide economic benefits of the development accords with the NPPF, Bury St Edmunds Vision Policies BV14 and BV16 and Core Strategy Policy CS2. However, beyond the modest additional job creation, and based on the information submitted by the applicant, the level of local economic benefit to the economy of West Suffolk is not fully understood. This tempers the amount of weight to be given to this benefit. Notwithstanding this, the benefits of the development are afforded moderate to significant weight in the planning balance.
170. Balanced against the above benefits are the following disbenefits:
- The impact of the development on the visual amenity of the area to the north-east of the town will be significantly adverse.
 - Significant and permanent harm to the townscape of Bury St Edmunds and its immediate countryside setting to the north-east and the resultant negative impact on tourism.
 - The development does not accord with the Green Infrastructure Strategy for the town.
171. The development will have moderate to significant impact on the Landscape Character of the area, and in respect of the visual amenity of the landscape and its receptors to the NE of the town, the proposal will have a significant and permanent adverse impact. This identified harm runs contrary to Core Strategy Policies CS2 and CS3, Joint Development Management Policies DM2 and DM5, and paragraphs 130(c) and 176(a) of the NPPF, and is afforded significant weight in the planning balance.

172. Notwithstanding the policy status of the application site and its connection with British Sugar, there is an identified conflict with the Green Infrastructure Strategy for Bury St Edmunds and its associated Vision Policy BV26 that carries some harm. This harm is considered to be minor in the overall planning balance.
173. Visitors to the area are drawn by the attractiveness of the countryside, the opportunities for rural pursuits as well as the cultural and historical offer of the towns and therefore the visual impact of the proposed development needs to be considered in this context. The negative impact on tourism for the town, through the harming of the townscape and its immediate countryside setting at its north-east edge, conflict with the aspirations set out in Bury Vision 2031. Having regard to the impact on the overall tourism draw for the town, taking into account draws such as the Abbey Gardens and Greene King, this harm is likely to be minor and therefore minimal weight is attached to this in the planning balance.
174. Having considered the material considerations raised by the application proposal, along with the environmental impacts as set out in the ES, the impact of the development on the highway network, and in respect of ecology, drainage, flood risk, air quality, noise and sustainability, is acceptable, or can be made acceptable through appropriate planning conditions and/or mitigation. These impacts are considered to be neutral in the planning balance.
175. However, such a tall, bulky and obtrusive development will cause significant and permanent harm to the landscape and will harm the existing townscape of Bury St Edmunds and its immediate countryside setting to the north-east. This aspect of the development cannot be made acceptable through the use of appropriate planning conditions and/or mitigation and is considered to be unacceptable and not in compliance with relevant development plan policies and the National Planning Policy Framework.
176. In conclusion, when assessed against the NPPF and development plan as a whole, it is considered that the identified harm demonstrably outweighs the benefits of the development.

Recommendation:

177. It is recommended that planning permission be **REFUSED** for the following reason(s):
1. The application proposes a very large building in excess of 50 metres tall (inclusive of its flues) and of substantial mass and bulk. A series of 8 raw material silos extending to 33 metres and a second mill building 33m(H) x 23m(w) x 25m(d) also adds to the mass. Due to the cladding of the majority of the building, the mass of the two mill buildings effectively has a 98m x 50m rectangular block form when viewed from the east and west. This appearance differs to that of the existing British Sugar buildings to the SW of the site. These buildings, although some of which are similar in

terms of overall height, have a siting and mass that is more broken with varied ridge lines, as well as being more spread out across a larger lower-lying site. The height, mass and bulk of the proposed feed mill buildings is considered substantial and very dominant in the skyline, and would create a dominant and obtrusive feature.

Although the application site is in an area where industry and commercial buildings are present, the location is very much on the edge of the settlement with land to the north of Fornham Road being open countryside. The sensitivity to change of this countryside character and receptors to the north-east of the town is considered to be high.

Although proposed mitigation is acknowledged, particularly in respect of tree planting, helping to integrate the development from specific longer distance views from the east, south-east and south, a building of such scale and mass as that proposed will always have a significant impact in the landscape. Such and tall, bulky and obtrusive development will cause significant and permanent harm to the landscape, and will harm the existing townscape of Bury St Edmunds and its immediate countryside setting to the north-east.

Furthermore, a development of such mass and scale, and in a location at the edge of the town, would not conserve the green gap and the landscaped edge of the settlement. This is in conflict with the Green Infrastructure Strategy for Bury St Edmunds and its associated Vision Policy BV26.

Having regard to the NPPF and the Development Plan as a whole, the significant identified harm demonstrably outweighs the benefits of the development.

The development cannot be made acceptable through the use of appropriate planning conditions and/or mitigation and is therefore unacceptable and not in compliance with Core Strategy policies CS2 and CS3, Joint Development Management Policies DM2 and DM5, Bury Vision Policy BV26, and pars. 130 (c) and 174 (a) of the NPPF.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/1294/FUL](https://www.bury.gov.uk/DC/22/1294/FUL)