

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/00225/FPA
FULL APPLICATION DESCRIPTION:	Gas fuelled capacity mechanism embedded generation plant to support the National Grid
NAME OF APPLICANT:	Enso energy Limited
ADDRESS:	Land To The North Of Hackworth Road, North West Industrial Estate, Peterlee
ELECTORAL DIVISION:	Easington
CASE OFFICER:	Chris Shields, Senior Planning Officer, 03000 261394 chris.shields@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site measures 1.55 Hectares (ha) in area and is located to the north of North West Industrial Estate, Peterlee. The site is currently part of an agricultural field. The B1283 road runs 400m to the north of the site. To the south and east of the site is an existing solar farm.
2. The nearest residential properties to the site are located at Holme Lea 650m to the north east, Cow Close Farm and Calf Close Farm 550m to the north, Moor House Farm 700m to the north west, West Moor Farm 1km to the west. There are no heritage assets within the vicinity of the site and the site is not within any ecological or landscape designations. There are two connected public rights of way approximately 750m to the west of the site, these are Footpaths No's 10 and 11 (Easington Village). The site is within a Coalfield Low Risk Development Area.

Proposal

3. The proposed development is for the installation and operation of an Embedded Distributed Power (EDP) plant that would generate and deliver electrical power to the Grid. The facility would provide balancing services to National Grid to assist in ensuring the future security of the country's electricity supply. The development would consist of 20 containerised gas generator sets, 20 transformers, substation compound and associated cabins, switchgear and welfare cabins, underground cabling, perimeter security and acoustic fencing and CCTV, access track and internal service road.
4. The gas generators would be housed within containers measuring 3m wide, 12m in length and with a height of 4m. Additional equipment would be mounted to the containers, including the exhaust flues which would have a total height from the ground of 7m. The switchgear cabin would measure 12m by 3.2m with a height of 4m.

5. The proposed development would provide 40MW of gas generated power, fuelled by gas that would be fed to site by pipeline from the nearby gas main located to the west of the site. The batteries would be charged with power from the gas engines when there is no demand from the grid. The generator engines would consist of 2MW units located within individual modular acoustic enclosures, which are constructed of galvanised steel protected by polyester powder coated paint.
6. The proposed development would operate for approximately 2000 hours per year, equating to approximately 23% of the time. The generators would operate whenever called upon by the National Grid but as electrical demand is greatest in the morning and early evening this is when the facility would be most likely to be delivering power to the grid.
7. The proposed compound would be secured by up to a 4m high acoustic fence and 2.4m wire mesh perimeter fencing, pole mounted CCTV cameras (2.5m in height) would also be provided at appropriate intervals along the proposed boundary fence.
8. The site would be accessed from the B1283 to the north utilising an existing junction that the new site access track would connect to.
9. This application is being reported to Planning Committee as it is classed as a major development.

PLANNING HISTORY

10. The site is undeveloped and has no planning history, however, the land to the south and east has been developed for a solar farm which was approved in 2016 (DM/15/02290/FPA).

PLANNING POLICY

NATIONAL POLICY

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
12. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below. The following elements of the NPPF are considered relevant to this proposal;
13. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.

14. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
15. NPPF Part 7 – Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
16. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
17. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

<https://www.gov.uk/guidance/national-planning-policy-framework>

18. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality, flood risk and coastal change, climate change and noise.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

District of Easington Local Plan (DELP) adopted 2001

19. *Policy 1 – General Principles of Development* – permits development that accords with the principles of sustainable development together with any benefits to the community and local economy.

20. *Policy 3 – Protection of the Countryside* – defines development outside settlement boundaries as in the countryside. This is not permitted unless allowed for by other policies.
21. *Policy 18 – Species and Habitat Protection – Species And habitat Protection* – precludes development that would have a significant adverse effect on protective species or their habitat without special justification and mitigation.
22. *Policy 35 – Design and Layout of Development* – requires the design and layout of development to embody the objective of energy conservation, reflect the scale and character of the area, be screened appropriately where required, and have no serious amenity impact.
23. *Policy 36 – Design for Access and the Means of Travel* – requires the design and layout of development to provide (inter alia) safe and adequate access capable of serving the amount and nature of traffic to be generated.
24. *Policy 74 – Footpaths and other Public Rights of Way* – requires public rights of way to be (inter alia) protected from development.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Easington District Local Plan)

RELEVANT EMERGING POLICY:

25. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. *Highway Authority* – has raised no objections to the proposal but has requested that conditions be imposed to require details of on site parking and the access with the B1283 to be submitted prior to the commencement of development.
27. *Environment Agency* – has raised no objections to the proposal and has provided advice to the applicant in respect of environmental permitting.
28. *Drainage and Coastal Protection* – Raise no objection provided that outstanding design information relating to surface water management is provided prior to development commencing.

INTERNAL CONSULTEE RESPONSES:

29. *Archaeology* – has raised no objections to the proposals.
30. *Environment, Health & Consumer Protection (Noise Action Team)* – has raised no objections to the proposals stating that development would comply with the thresholds set out in the Technical Advice Notes (TANs) but has requested the night time noise limit be controlled by condition and that the acoustic fence be constructed of a material with a density greater than 10kg/m².
31. *Environment, Health & Consumer Protection (Air Quality)* – Raise no objections noting that the maximum modelled level of carbon monoxide at nearest residential dwellings is well below 10% of the short term air quality objective. Advice is also provided on the requirement for an Environmental Permit.
32. *Landscape* – No objections are raised but it is requested that a landscaping scheme be submitted for the creation of a tree screening belt on the northern and western boundaries and also a specification for the access track material.
33. *Ecology* – No objections are raised although a condition is requested to secure a habitat creation and management plan for biodiversity enhancement on site.
34. *Access & Rights of Way* – has raised no objections to the proposal and provided an informative for development that may affect a Public Right of Way.

PUBLIC RESPONSES:

35. The application has been advertised by means of individual notification letters, site notice and press notice.
36. Two letters of objection have been received from neighbouring residents. The issues raised include noise, traffic from construction and maintenance of the development, visual impact and changes to the plans.

APPLICANTS STATEMENT:

37. Enso Energy is a highly experienced developer of energy projects. Our core business includes:
 - the development of fast response energy generation and energy storage projects to support National Grid balance the supply and demand of electricity in the UK, and
 - the development of energy generation projects for large energy users to a provide secure and cost effective energy supply for their business.
38. We work across a range of energy technologies to develop projects that generate and supply energy for export to the national grid, or for direct consumption by business.
39. We are advocates of sustainable energy and are playing our part to ensure that the UK has improved energy security, continues the transition to low carbon generation and supply, and provides the lowest cost energy solutions that are practically and currently available.
40. Our application for the development of a gas peaking generation facility at Durham Rd, Peterlee is an example of our plan to develop a facility that will export electricity to the national grid during periods of peak demand. While this is a relatively small scale development, facilities such as this play an important role in balancing the supply and demand of electricity in the UK.

41. The site was selected as it met all of the critical parameters that are required to support a development such as this. It provides a feasible connection to both the gas and electricity networks, has a supportive landowner, is sufficiently removed from any residential receptors and other sensitive receptors and would result in minimal environmental impacts.
42. The development is consistent with the Government's objective to ensure that the UK continues to support the transition to a low carbon future and a secure, reliable and efficient supply of electricity. The application has also been assessed as being acceptable when assessed against the local and national planning policies and objectives.
43. The development will deliver local benefits. There will be direct and indirect benefits to the local economy during the construction and operation of the facility, and the energy security provided from the connection of the facility which will be an "embedded" or locally connected plant, integrated in to the local electricity network. Power from the facility will be used locally first, whenever there is demand. During periods of peak demand, areas hosting local backup generation will be generally at the lowest risk of disturbances to their power supply.
44. Based on the above, the information provided in support of the application, and the case officer's recommendation to approve the application, we humbly request the Committee to grant our request for approval to proceed with the development.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

45. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, landscape, access and traffic, residential amenity, flooding and drainage, ecology, agricultural land, access and rights of way and other issues.

Principle of Development

46. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Easington District Local Plan (EDLP) remains a statutory component of the development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
47. The EDLP was adopted in 2001 and was intended to cover the period to 2006. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.

48. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - i. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ii. specific policies in this Framework indicate development should be restricted.
49. The key policies for the determination of this application are EDLP Policies 1 (General Principles of Development) and 3 (Protection of the Countryside). The site is located within an agricultural field and which clearly forms part of the open countryside. Policy 3 states that development outside of defined 'settlement limits' will be regarded as development within the countryside and will not be approved unless allowed by other policies. Due to this very restrictive approach the Policy is considered to be only partially consistent with the NPPF, which does not place strict barriers on development in the countryside. Instead, emphasis is placed upon balancing harm of development against the prospective benefits. Policy 1 is considered to be consistent with the NPPF in most respects but is also overly prescriptive in terms of locational criteria. Policies 1 and 3 are therefore considered out-of-date for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies reduced as a result. The prescription of how much weight should be given to these policies in the decision is a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.
50. The purpose of the proposed development is to rapidly meet short term demands from the electrical grid. The location was chosen as it provides close connection points to a suitable gas supply and electrical connection with few constraints. This development is one of many proposed nationally to address capacity shortfalls in the grid due to peak demands, the unpredictability of renewable energy and the inability for large centralised power stations to react quickly.
51. The proposed development could be located on an industrial estate but this would occupy potential employment land with an automated facility that requires minimal human intervention to operate. The proposed site offers nearby connections for gas to fuel the generators and to an electrical substation for exporting the produced electricity. Operating in tandem with the adjacent 5MW solar farm the proposal would create a very resilient local energy supply.
52. The proposal would conflict with the EDLP Policy 3 and the locational criteria set out in Policy 1, however, the benefits of the development in terms of energy security through decentralisation of power stations and the support it provides for renewable energy development are sufficient to outweigh the encroachment into the countryside. The creation of a decentralised energy supply would accord with Part 10 of the NPPF.

Landscape

53. Paragraph 109 sets out key areas for conserving and enhancing the natural environment. This is reflected in EDLP Policy 1, which seeks to protect landscape character.

54. The application site is the south west corner of an agricultural field. There is a gentle rolling rise to the topography from the west to east with the application site visible in ranged views from the B1283 in the west and Footpath No's. 10 and 11 (Easington Village) to the south and west, respectively. The site is currently a green field used informally for grazing of horses. The field has low clipped hedges on the boundaries that provide limited screening given the distance between them and the application site and the overall topography. However, from the key viewpoints of the footpaths and road the proposal would be viewed against the backdrop of the 5MW solar farm which is prominent feature in this primarily rural landscape.
55. The design and appearance of the development would be entirely utilitarian with most elements housed within containers, kiosks or cabins. Full details of colours and finishes would be agreed through condition.
56. The proposal would incorporate a 4m high acoustic fence around the periphery of the developed area with a 2.4m high galvanised wire mesh security fence outside of this. The generator containers and other plant would therefore be fully screened from outside of the site apart from the exhaust stacks.
57. Landscape officers have considered the proposal and have requested tree planting on the northern and western boundaries in order to soften these views. In addition it is requested that the new access track be constructed from unconsolidated materials with a dark colour. Subject to these conditions it is considered that the proposal would have minimal harm to the landscape and would deliver some improvements to the site. The proposal would therefore accord with EDLP Policy 1 and Part 11 of the NPPF.

Access and Traffic

58. Paragraph 32 of the NPPF states plans and decisions should take account of whether: opportunities for sustainable transport modes have been taken up; safe and suitable access can be achieved; improvements can be undertaken to limit significant impacts of development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. EDLP Policy 1 requires developments to incorporate satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles. The objectives of Policy 1 are expanded upon in Policy 36 which requires development to include a safe and adequate access capable of serving the amount and nature of traffic to be generated. Policy 36 is considered to be consistent with the NPPF and can be afforded weight in the decision making process.
59. The site would be accessed from the B1283 via an existing access road that currently serves the farm buildings, fields, solar farm and reservoirs. The proposed development would create a new track from this access to the development site. Objections have been raised by local residents claiming that this is a dangerous section of road and also that they control and use the proposed access themselves for their farm business, which would be disturbed by the construction and maintenance traffic.
60. Highways officers have considered the proposal and raised no objections in principle but have requested conditions to require details of parking and the design of the access to the site of the B1283 to be submitted prior to the commencement of development.

61. Highways officers have advised that there have been no recorded road accidents on the section of the B1283 and whilst residents have stated that vehicles using the road travel fast, this would not be out with the 60mph speed limit. The issue regarding the access is complicated by a section of legacy adopted highway and land ownership boundaries. The owners of the farm buildings adjacent to the proposed access with the B1283 claim ownership of the existing section of track that would be used, however, this is entirely within a section of adopted highway. Whilst there may be disagreements between the applicant and adjacent land owner over access rights it is considered for the purposes of planning that the applicant has demonstrated that there is a safe and adequate access route between the site and the adopted highway.
62. Whilst the development would generate a degree of construction traffic for the 10 month construction period it would not be unacceptable in this location. Following construction the site would be automated and would only be attended for a short period each day for maintenance purposes. A condition is recommended to ensure that vehicles accessing the site are adequately cleaned before leaving to ensure that debris is not carried onto the public highway. Subject to this condition the proposal is considered to accord with EDLP Policies 1 and 36 and Part 4 of the NPPF.

Residential Amenity

63. The nearest residential properties to the site are located at Holme Lea 650m to the north east, Cow Close Farm and Calf Close Farm 550m to the north, Moor House Farm 700m to the north west, West Moor Farm 1km to the west. Objections have been received from the two nearest properties in respect of noise.
64. Paragraph 120 of the NPPF states that planning decisions should ensure that new development is appropriate for its location, taking into account the effects of pollution on health, general amenity and the potential sensitivity of the area to adverse effects from pollution. EDLP Policy 1 requires that development should safeguard the visual and general amenity of people living and working within the vicinity of the site. This is supported by Policy 35 which requires the design and layout of development to have no serious adverse effect on the amenity of people and existing adjacent land uses in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. Policy 35 is considered to be consistent with the NPPF and can be afforded weight in the decision making process.
65. The proposed gas generators for the site have the potential to cause pollution through noise and exhaust emissions. The application is therefore supported by air quality and noise assessments. The air quality assessment considers the baseline conditions for the site and provides maximum (worst case) predictions for emission outputs for the site. This is then assessed against local air quality objectives and long and short-term impacts on human health. The air quality assessment concludes that impacts due to the operation of the proposed development would be insignificant. Environment, Health & Consumer Protection officers have considered the proposal and air quality assessment and consider that the development would have an acceptable impact.

66. The submitted noise assessment considers the baseline conditions for the area and provides predictions for the operation of the proposed plant, including generator and battery storage units, transformers and gas kiosk, for the site. The assessment considers the impact of the development on the nearest noise sensitive properties and includes a 4m high acoustic fence within the calculations. The assessment provides background noise levels from points close to the nearest noise sensitive properties and demonstrates that the predicted noise level from the generators at the nearest noise sensitive properties would range between 39dB and 40dB as a worst-case scenario which assumes all of the plant to be operating simultaneously. During daytime operation the noise levels would be between 4dB and 31dB below existing background noise levels. Whilst the plant is unlikely to operate during night time hours (2300 to 0700) it may occasionally do so. Environment, Health & Consumer Protection officers have considered the proposal and the noise assessment and consider that the development would be acceptable but requested that night time operation be restricted to 37dB during night time hours and that the density of the acoustic fence be greater than 10kg/m². In addition it is recommended that a condition be imposed requiring a construction management plan to ensure protection of residential amenity during the construction phase of the development.
67. Subject to the imposition of the conditions recommended above it is considered that development would provide an acceptable standard of residential amenity in accordance with EDLP Policies 1 and 35 and Part 11 of the NPPF.

Flooding and Drainage

68. Part 10 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Part 11 of the NPPF takes account of the impact of any development upon the natural environment.
69. The application is accompanied by a flood risk assessment (FRA) which identifies that the application site is located entirely within Flood Zone 1 and would increase the risk of flooding.
70. Drainage and Coastal Protection officers have considered the proposals and although no objections have been raised it is noted that the application does not provide details of surface water management measures and it is requested that these details be secured by condition. The Environment Agency has also raised no objections to the proposal.
71. Subject to the proposed conditions being adhered to, the proposed development would not lead to increased flooding and the site would be out of the floodplain area. The proposal is therefore considered to be in accordance with EDLP Policy 1 and Part 10 of the NPPF with regards to flood risk.

Ecology

72. The presence of protected species is a material consideration, in accordance with Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System) and Paragraph 119 of the NPPF. In addition under the requirements of the Conservation of Habitats and Species Regulations 2017 (referred to as the Habitats and Species Regulations hereafter) it is a criminal offence to (amongst other things) deliberately capture, kill, injure or disturb a protected species, unless such works are carried out with the benefit of a licence from Natural England. Regulation 9(1) of the Conservation of Habitats and Species Regulations requires local planning authorities to have regard to the requirements of the Habitats Directive in exercising their functions. Case law has established that local planning authorities must consider whether the applicant might obtain a protected species licence from Natural England.

73. Paragraph 109 of the NPPF sets out the Government's commitment to halt the overall decline in biodiversity by minimising impacts and providing net gains where possible with Paragraph 118 stating that development should be refused if significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for. EDLP Policy 18 states that development which would significantly adversely effect, either directly or indirectly, any protected species or its habitat will only be approved where the reasons for the development clearly outweigh the value of the species or its habitat. Policy 18 is considered to be consistent with the NPPF and can be afforded weight in the decision making process.
74. An Ecological Survey including an extended Phase 1 habitat survey has been submitted in support of the application. The survey conducted fieldwork to check for the presence of protected species on the site. Several species of birds were noted during the survey but it was considered that the habitats within the site had low potential to support foraging and nesting. Evidence was found of three badger setts approximately 475m to the west of the site compound. This had been close to the original site access road but as this is now proposed to go north from the site the habitats would not be affected. This appraisal considers that the proposed development would have no significant adverse ecological impacts and has the potential to deliver ecological benefits with the incorporation of recommended enhancements. These enhancements include native hedge planting, installation of bird and bat boxes on the acoustic fence allowing the undeveloped areas of the site to be left unmanaged and allowed to develop into a field headland comprising of naturally established local plant species. Mitigation measures for the protection of birds and badgers during the construction phase are also proposed including standoff distances between works and identified badger setts and avoiding breeding seasons.
75. Ecology officers have considered the proposal and submitted Ecological Survey and agree with the recommended mitigation and biodiversity enhancement works. Officers requested a minor change to the management schedule for the new hedgerow as the original proposal to trim it in autumn would limit its ecological value. The applicant has agreed to this amendment.
76. Subject to the biodiversity enhancements being carried out it is considered that the proposal would create biodiversity enhancement to the site and would therefore accord with EDLP Policy 18 and Part 11 of the NPPF.

Agricultural Land

77. Paragraph 112 of the NPPF seeks to protect best and most versatile land, prioritising the use of lower quality land where it has been demonstrated that development of agricultural land is necessary. EDLP Policy 1 seeks to ensure the protection of best and most versatile agricultural land.
78. The proposed development would be located in the corner of an agricultural field and whilst the site area totals 1.55 ha, the area to be developed is slightly less at 1.18ha. An Agricultural Land Classification (ALC) assessment has been carried out for the site. The assessment includes a desktop study and fieldwork analysis with the conclusion that all of the soils on the site are Grade 3a. The site is therefore comprised of best and most versatile agricultural land.
79. Whilst the applicant has not demonstrated that there is an overriding need to locate the proposed development on best and most versatile agricultural land contrary to EDLP Policy 1 or Paragraph 112 of the NPPF, the overall loss (1.55 ha) is relatively small in the context of the surrounding area F. Therefore given the small site area relative to the surrounding land and benefit of local energy security it is considered that the conflict is not sufficient to justify refusal of the planning application.

Access and Rights of Way

80. Part 8 of the NPPF seeks to promote healthy communities with a key reference being towards the protection and enhancement of public rights of way and access. EDLP Policy 74 states that public rights of way will be protected from development or a suitable alternative provided. EDLP Policy 74 is considered to be consistent with the NPPF and can be given weight in the decision making process.
81. Footpath No's 10 and 11 (Easington Village) are located approximately 750m to the west of the site and whilst they would not be directly impacted by gas generators or compound, the underground connection to the gas main would run beneath Footpath No.11. In addition, there would be ranged views of the proposed development from the identified footpaths, however, the planting requested by Landscape officers would assist in mitigating any potential impact. The impacts of noise and air quality have not been specifically modelled in relation to the nearest footpaths, however, as they are at a greater distance to the nearest residential properties it is considered that any impact would be within acceptable thresholds. Access and Rights of Way officers have raised no objections and have provided advice in relation to utility installation in relation to PRow. It is considered that the proposal would not conflict with EDLP Policy 74 and Part 8 of the NPPF.

Other Issues

82. The site is located within Coal Mining Low Risk Development Area and as such standing advice would be provided to the applicant should planning permission be granted.
83. Objectors have raised concerns that the access to the site changed from being at West Moor Farm, as shown in the Design and Access statement, to the proposed access opposite Calf Close Farm. Whilst this may appear confusing the Design and Access statement is meant to be read as an evolution of the development and it is not uncommon for early plans to be included to show how the applicant arrived at the final design. The intended access is clearly shown on the site layout plan.
84. The proposal is of a type that would be subject to a permit required through the Environmental Permitting (England and Wales) Regulations 2010 which would regulate issues at the site relating to pollution control. There are powers to enforce should this not be complied with. The operator would require a Medium Combustion Plant Directive (MCPD) permit from the Environment Agency, complete with MCPD emission limit values, before operations can commence.
85. To ensure that the site is restored if the development becomes redundant a condition is recommended to require restoration of the site to greenfield if the plant is inoperative for a period of 6 months.

Planning Balance

86. This proposal is considered to be outside of any settlement boundaries and is contrary to EDLP Policies 1 and 3 in this respect. However, as a result of relevant policies being out of date, the acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. No specific policies within the NPPF are considered to indicate development should be restricted and therefore planning permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits.

Benefits

87. The development would provide local energy security through decentralisation of power stations and would provide support for renewable energy development by picking up gaps in supply due to the unpredictability of wind and solar generation.
88. Development of the site would result in a net biodiversity gain as a result of a mixture of on-site habitat creation through tree and hedgerow planting and providing an undeveloped field headland that otherwise have been retained as improved grassland with limited ecological value.

Adverse Impacts

89. The development would result in residual landscape harm developing a greenfield site and extending to the built development into the countryside. The proposed hedgerow planting and tree screening proposed and limited visibility in the wider landscape would help reduce the visual impact of the scheme as a whole.
90. The development would result in the loss of agricultural land, however given the relatively small size of the site (1.55) this should not be considered an adverse impact even in the event that the land is best and most versatile.

CONCLUSION

91. The proposed development would provide a peaking power generation facility that would support centralised power stations by responding quickly to peak electricity demand. Going forward this would assist in providing a stable and reliable National Grid for both local and national requirements.
92. The proposal would conflict with locational criteria set out in EDLP Policies 1 and 3. However, in this case the NPPF, a significant material consideration, sets out that on the basis of the out-of-date nature of these Policies, that the presumption in favour of sustainable development is engaged and development is required to be considered in the context of Paragraph 14 of the NPPF, which states that the development should be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
93. The proposal would constitute development in the countryside resulting in limited landscape harm and the loss of a small portion of best and most versatile agricultural land. Whilst utilitarian in appearance the proposal would be well screened both visually and acoustically from noise sensitive receptors. The loss of agricultural land in this instance would not be significant and, as mitigation, biodiversity enhancement has been offered through hedgerow creation, setting aside a small portion of undeveloped land and installing bat and bird boxes. In this case it is considered that there are no adverse impacts associated with the proposal and any residual harm would not outweigh the benefits of the development in terms of energy supply and security, support for renewable energy and biodiversity enhancement.
94. The proposal has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

RECOMMENDATION

That the application is **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

- Drawing No. 1382-PL-01 Rev. 7 'Planning Layout Plan'
- Drawing No. 1382-PL-02 Rev. 3 'Planning Layout Plan'
- Drawing No. ENS-STD-PL-13 'Containerised Gas Generator Plans and Elevations'
- Drawing No. ENS-STD-PL-15 'Transformer Plans and Elevations'
- Drawing No. ENS-STD-PL-16 'Welfare Cabin Plans and Elevations'
- Drawing No. ENS-STD-PL-17 'Containerised Switchgear Plans and Elevations'
- Drawing No. ENS-STD-PL-18 'Customer Substation GRP Plans and Elevations'
- Drawing No. ENS-STD-PL-20 'Security Fencing Typical Details'
- Drawing No. ENS-STD-PL-21 'Gas Governor Kiosk Plans and Elevations'
- Drawing No. ENS-STD-PL-22 '6m High Security Column Standard Details'
- Drawing No. ENS-STD-PL-24 'Spair Parts Container Plans and Elevations'
- Drawing No. ENS-STD-PL-45 'Control and Metering Room Plans and Elevations'
- Drawing No. ENS-STD-PL-46 'Marshalling Kiosk Standard Details'
- Drawing No. ENS-STD-PL-47 'Floodlight Column Standard Details'
- Drawing No. ENS-STD-PL-51 'Palisade Security Fence Standard Details'
- Drawing No. ENS-STD-PL-26 Rev. 1 'Acoustic Fencing Standard Detail'

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. The development hereby approved shall not be brought into use until a surface water drainage system has been installed in accordance with details to have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding from any sources in accordance with the Part 10 of the National Planning Policy Framework.

4. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- A Dust Action Plan including measures to control the emission of dust and dirt during construction taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014;

- Details of methods and means of noise reduction;
- Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration;
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.
- Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
- Designation, layout and design of construction access and egress points;
- Details for the provision of directional signage (on and off site);
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- Details of provision for all site operations for the loading and unloading of plant, machinery and materials;
- Details of provision for all site operations, including visitors and construction vehicles for parking and turning within the site during the construction period;
- Routing agreements for construction traffic;
- Details of the erection and maintenance of security hoarding;
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works; and
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The Construction Management Plan shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In the interests of protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development having regards to Easington District Local Plan Policy 1 and Part 11 of the NPPF. Required to be a pre-commencement condition and the details of the construction management statement must be agree before works on site commence.

5. The rating level of noise emitted from fixed plant/machinery on the site shall not exceed 37dB(A) between 23.00-07.00 at the nearest noise sensitive premises; NML1, as specified within Sol Environment Ltd project issue number: SOL1801EE01_04NOISE dated January 2017. The measurement and assessment shall be made according to BS 4142: 2014.

Reason: To ensure residential amenity is protected from noise pollution in accordance with Easington District Local Plan Policy 1 and Part 11 of the National Planning Policy Framework.

6. The 4 metre acoustic fence shall have no gaps and shall be constructed of material with a density >10kg/m².

Reason: To ensure residential amenity is protected from noise pollution in accordance with Easington District Local Plan Policy 1 and Part 11 of the National Planning Policy Framework.

7. All vehicles leaving the site shall be sufficiently cleaned in order to ensure that mud, dirt, and treated or untreated waste is not transferred onto the public highway.

Reason: In the interests of residential amenity and highway safety in accordance with the Easington District Local Plan Policy 36 and Part of the National Planning Policy Framework).

8. Prior to the commencement of development precise details of the colours and finishes for all buildings, fixed plant and machinery shall be agreed in writing with the Local Planning Authority and the development carried out in accordance with agreed details.

Reason: To ensure the development is carried out in accordance with the approved documents and in the interests of visual amenity (Easington District Local Plan Policy 1). Required to be pre-commencement in order to assess the appearance of the development.

9. Prior to the commencement of development details of on site parking and a 1:500 scale plan showing site access arrangements with the B1283 (as identified on Drawing No. 1382-PL-01 Rev. 7 'Planning Layout Plan') shall be submitted to the Local Planning Authority for agreement in writing. The approved access arrangements shall be implemented prior to the installation of any plant on site. The approved on site parking shall be made available prior to the development being brought into use.

Reason: In the interests of residential amenity and highway safety in accordance with the Easington District Local Plan Policy 36 and Part 4 of the National Planning Policy Framework. Required to be pre-commencement in order to inform the development of the site.

10. The development shall be carried out in accordance with the recommendations set out at Section 5 of the Ecological Survey carried out by Clarkson & Woods Ecological Consultants dated January 2018.

Reason: To provide biodiversity enhancements in accordance with Part 11 of the National Planning Policy Framework. Required to be pre-commencement in order to inform the development of the site.

11. Prior to commencement of development details of a landscaping scheme shall be submitted to the Local Planning Authority for approval in writing. The landscaping scheme shall make provision for native species tree belts on the northern and western boundaries of the site compound. The approved landscaping scheme shall be implemented on site in the first planting season following the development being brought into use. The tree planting shall be maintained and replaced as required for the life of the development.

Reason: In order to provide landscape enhancement and screening for the development in accordance with Easington District Local Plan Policy 1 and Part 11 of the NPPF. Required to be pre-commencement in order to inform the development of the site.

12. In the event that the gas generators and battery storage are inoperative for a period of 6 months or longer the development hereby approved shall be removed and the site restored to green field within 18 months from the time at which it became inoperative.

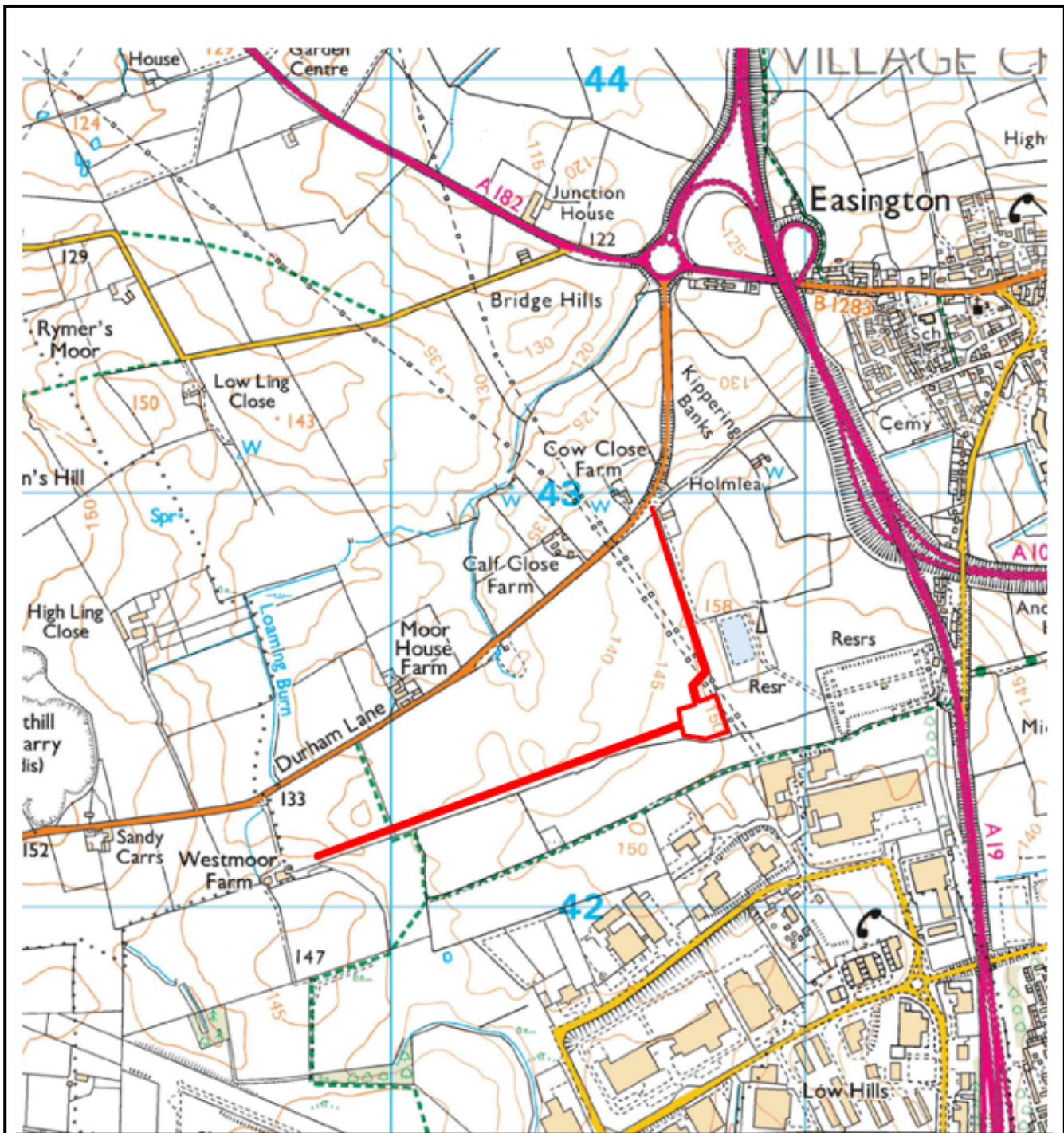
Reason: In the interests of visual amenity and pollution prevention in accordance with Easington District Local Plan Policy 1 and Part 11 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. *(Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)*

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance notes.
- Easington District Local Plan 1997.
- Statutory, internal and public consultation responses.



Planning Services

DM/18/00225/FPA

Gas fuelled capacity mechanism embedded generation plant to support the National Grid at land To The North Of Hackworth Road, North West Industrial Estate, Peterlee

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Comments

Date May 2018

Scale NTS