

APPLICATION NO	PA/2018/1725
APPLICANT	Mr Simon Wheeler, Enso Energy Ltd
DEVELOPMENT	Planning permission for works required to develop a gas powered standby generation plant, including associated works
LOCATION	land off Stather Road, Flixborough
PARISH	Flixborough
WARD	Burton upon Stather and Winterton
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Belton Parish Council

POLICIES

National Planning Policy Framework: Paragraph 148 – The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the re-use of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 149 – Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.

North Lincolnshire Local Plan: DS1, DS11, RD2, DS14

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS18, CS19

CONSULTATIONS

Highways: No objections subject to the imposition of conditions requiring the submission of a construction management plan.

Drainage: No objections subject to the submission of a strategy for the management of surface water drainage.

Archaeology: No objections.

Environmental Health: No objections.

Public Rights of Way: No objections subject to the PROW being unobstructed.

Naturel England: No comments to make on the application.

PARISH COUNCIL

Strongly object to the proposal as it is too close to residential dwellings.

PUBLICITY

The application has been advertised by site and press notice. No comments have been received.

ASSESSMENT

Relevant planning history

PA/2015/0434: Planning permission to install ground-mounted solar arrays with transformer stations, internal access track, biodiversity improvements, landscaping, security fencing, security measures, access gate, temporary construction compound and ancillary infrastructure. Refused 18/11/2015 – **approved at appeal.**

Proposal

The applicant seeks permission for works to develop a gas powered standby generation plant including associated works. The purpose of the plant is to supplement the energy generated by more sustainable means of energy generation during peak times. **The key issues to consider are:**

- **principle of the development**
- **impacts upon the open countryside**
- **highway safety**
- **flooding and drainage.**

Site characteristics

The site is located close to the settlement of Flixborough as well as the nearby industrial estate and in the open countryside in accordance with the Housing and Employment Land Allocations DPD 2016. The site is also located within flood zone 1 in accordance with the North and North East Lincolnshire SFRA 2011.

The land is laid to grass with some shrub, to the south west there is a large solar array and a public right of way runs along the north-east of the site. The proposal would be accessed from Stather Road.

Principle of development

Policy RD2 states that development in the open countryside will be strictly controlled. Planning permission will only be granted for development which is:

- (i) essential to the efficient operation of agriculture or forestry;
- (ii) employment-related development appropriate to the open countryside;
- (iii) affordable housing to meet a proven local need;
- (iv) essential for the provision of outdoor sport, countryside recreation, or local community facilities;
- (v) for the re-use and adaptation of existing rural buildings;
- (vi) for diversification of an established agricultural business;
- (vii) for the replacement, alteration or extension of an existing dwelling;
- (viii) essential for the provision of an appropriate level of roadside services or the provision of utility services.

Policy CS18 of the Core Strategy is concerned with sustainable resource use and climate change. Its premise centres on the reduction of carbon and the efficient use of fossil fuels to positively impact climate change.

Whilst RD2 largely opposes development within the open countryside, point (viii) does support essential development for the provision of utility services. Furthermore, although the proposal relates to a gas powered standby regeneration plan, its intention is to provide a 'key source of flexibility' to help address some of the challenges associated with the ongoing transition to a low carbon electricity sector. The 2.4MW generation plant would be a source of immediate power that would be utilised during times of high need.

There are clearly impacts upon the open countryside, however it does relate to essential provision of utility services which are supported by policy RD2. Furthermore, the proposal, whilst relating to the use of natural resources, is a 'stand by' generation plant and would only be required where there is a shortage in supply at peak times. It is considered that, strategically, it would align with the move towards a low carbon electricity sector in that it offers support only when required when other energy generation sources cannot supply. On balance, whilst there is harm upon the open countryside, the proposal would offer wider environmental benefits.

Impact upon the open countryside

Whilst the first part of policy RD2 is concerned with principle, which has already been established in the section above, the second part of RD2 seeks to mitigate acceptable development within the open countryside.

In terms of location, the applicant has provided justification within the Design and Access Statement. The point of connection is located south-west opposite the industrial estate and land around this area forms part of a solar array. The site, therefore, whilst away from the industrial site, is as close to it as pragmatically possible given the intervening land uses.

Paragraph 'a' of RD2 states that permission will be granted providing that the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries.

Details of the proposed substation, welfare facilities, transformer and other infrastructure have been submitted and all of the buildings are below 4 metres in height. There is some existing vegetation though this is located south of the proposed compound. It is considered that some planting would screen the proposal (as well as providing a benefit for habitat networks) and a condition relating to landscaping will be attached prior to the first use of the equipment in order to protect the open countryside.

It is therefore considered that the proposal would align with the aforementioned planning policy.

Highway safety

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all developments should be served by a satisfactory access. Whilst policy T19 is concerned with parking provision, both are considered relevant.

The applicant proposes a new access point from Stather Road with scope for operator parking. The council's Highways department has reviewed the application and has no objections subject to a condition relating to a construction management plan which would mitigate impacts upon other road users during construction. The condition will be duly attached and it is considered, with this mitigation in place, that the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan.

Flooding and drainage

The site is located within Flood Zone 1 in accordance with the North and North East Lincolnshire SFRA 2011. The proposal would generate additional surface water and the council's drainage team has proposed a condition in order to mitigate this impact. The proposal also suggests that there would be a connection to the adjacent watercourse though no details have been made explicit. The aforementioned condition, which would require a strategy for the management of surface water, would mitigate this issue; the condition will therefore be attached to any permission.

The proposal would therefore align with policies CS19 of the North Lincolnshire Core Strategy and DS14 of the North Lincolnshire Local Plan.

Environmental issues

Part of policy DS1 is concerned with impacts upon amenity. It states that 'No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing;' Furthermore, policy DS11 is concerned with polluting activities; both are considered relevant.

The applicant has submitted information on both air and land quality as well as noise. The Environmental Health department has reviewed the information and agrees with its findings. In terms of its operation, with an explanation that high demand periods would be between 7.30am and 8.30pm, Environmental Health are happy that noise would not be an issue.

All neighbouring properties are located a considerable distance away whilst the additional impingement above the business located on the already existing industrial estate would not be at an unacceptable level to nearby residents. It is therefore considered that the proposal would align with policies DS1 and DS11 of the North Lincolnshire Local Plan.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Layout 1426-PL-02 Rev 05; Generator Plans and Elevations ENS-STD-PL-54 Rev 01; Security Fence Elevations ENS-STD-PL-32; Welfare Cabin Floor Plans and Elevations ENS-STD-PL-16; Substation Plans and Elevations ENS-STD-PL-44; Transformer Plans and Elevations ENS-STD-PL-15; Containerised Switchgear Plans and Elevations ENS-STD-PL-30; Security Column Elevations ENS-STD-PL-31; Proposed Site Elevations 1426-PL-04 Rev 03.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

4.

No development shall take place until a strategy for the management of surface water drainage, that includes the implementation of SuDS, and their adoption and maintenance arrangements, has been submitted to and agreed in writing by the local planning authority. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document.

The applicant must:

- (a) provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing

local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site and not increasing the risk of flooding off-site;

- (b) provide principle/detailed design (surveys, ground investigations, drawings, network details, calculations and modelling showing critical storm details) in support of any surface water drainage scheme, including details on any attenuation system and its discharge rates, and investigation into the condition of the existing outfall and proposed arrangements;
- (c) provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime;
- (d) provide details of the timetable for and any phasing of implementation for the drainage scheme.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

5.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 4 above and shall be completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

6.

Prior to the first use, a scheme of landscaping shall be submitted to and agreed in writing with the local planning authority.

Reason

To protect the open countryside and in accordance with policy RD2 of the North Lincolnshire Local Plan.

7.

The scheme of landscaping and tree planting submitted and agreed shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced or within such extended time period as may be agreed in writing with the local planning authority. Any trees, shrubs or bushes removed, dying, being severely

damaged or becoming seriously diseased within five years of planting shall be replaced with trees, shrubs or bushes of similar size and species to those originally required to be planted unless the local planning authority have given written consent to any variation.

Reason

To protect the areas visual amenity and in accordance with policy RD2 of the North Lincolnshire Local Plan

Informative 1

Our records indicate that the proposed development site is bounded by, or has running through it, a watercourse (surface water pipe/culvert or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team on 01724 297522, prior to any further construction works being carried out.

Please refer to the Environment Agency's 'Living on the edge - Riverside ownership rights and responsibilities' document which can be found online for further information. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

New connections or build over agreements into the above watercourse must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, and/or the local Internal Drainage Board through an Ordinary Watercourse Consent. Please contact the LLFA Drainage team on 01724 297522 or via email for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

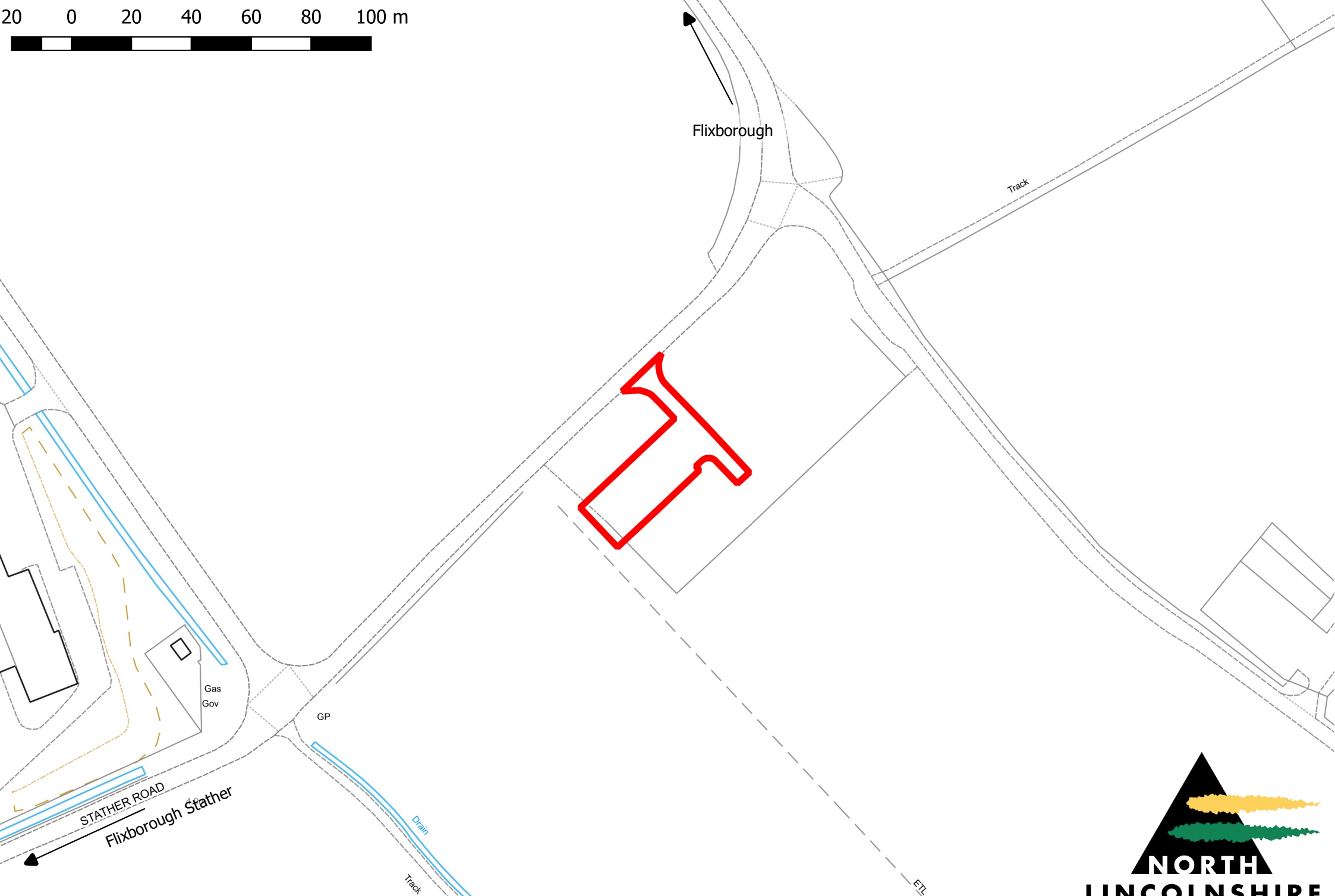
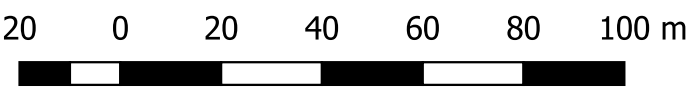
Informative 2

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 3

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



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