

3/14/1812/FP – Erection of generator compound at Rye Meads Sewage Treatment Works, Stanstead Abbots, Ware, Hertfordshire, SG12 8JY for Peakgen Power Ltd

Date of Receipt: 08.10.2014

Type: Minor

Parish: STANSTEAD ABBOTTS

Ward: STANSTEAD ABBOTTS

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:

1. Three year time limit (1T121)
2. Approved plans (2E103)
3. Landscape Design proposals (4P12) (a, e, f, i, k and l)
4. Landscape Works Implementation (4P13)
5. Prior to the commencement of the development hereby approved, details of all boundary acoustic fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be erected and retained in accordance with the approved details.

Reason: In the interests of good design, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

6. The development hereby permitted shall be undertaken in accordance with the approved Flood Risk Assessment, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of flood risk and in accordance with Policy ENV19 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management

3/14/1812/FP

Procedure) (England) Order 2015. The balance of the considerations having regard to those policies and lpa 3/14/0768/FP is that permission should be granted.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract. It comprises a roughly rectangular parcel of land that measures 120 x 30 metres, with a narrower element to allow access measuring 35 x 10 metres . The site is within the Thames Water Rye Meads Treatment Works, located some 1000 metres to the north east of the residential properties on Rye Road, Hoddesdon. Vehicular access can also be taken via the B181 to the north east and along the toll road. The location is within the Green Belt. A large part of the sewage treatment works to the south of this site is identified as a Major Developed Site in the Green Belt. This application site lies outside of that designation.
- 1.2 The proposal includes 10 generator containers (12.2 x 2.4 metres in footprint to a height of 4.5 metres), 5 transformers (3.4 x 3.4 metres in footprint with a maximum height of 3.7 metres), 5 fuel tanks (5.4 x 1.9 metres in footprint to a height of 2.0 metres) and 2 switchgear structures. 40 solar panels will also be installed on the structures. The proposal is enclosed by acoustic fencing. The installation is proposed to operate as a Short Term Operating Reserve (STOR) and provide stand by or back up electricity generating capacity to deal with periods of stress on the national network.
- 1.3 Planning permission for an identical generator compound was approved under lpa 3/14/0768/FP. It is understood that, for reasons to do with ownership and permission from landowners, the earlier permission cannot now be implemented. The development is therefore now proposed to this different site area. A Unilateral Undertaking has been submitted which details that if that earlier consent is implemented then the current proposal will not be developed and vice versa. This will ensure that the 2 proposals cannot both be implemented.
- 1.4 It is the requirement for the Legal Agreement that results in this report being submitted to the Committee.

2.0 Site History

- 2.1 Planning permission was granted last year for the same generator compound proposal but on a site some 25 metres to the north east. (3/14/0768/FP).

3.0 Consultation Responses

- 3.1 The Environment Agency initially objected to the proposal on grounds of no flood compensation details, but this objection was withdrawn following the submission of further information.
- 3.2 The Councils Environmental Health section have commented that they do not wish to restrict the grant of permission. They recommend the imposition of conditions for noise, air quality, lighting, odour and contaminated land.
- 3.3 The Councils Engineer has commented that the site lies within flood zone 2 but away from overland surface water flows. They note the initial objection from the Environment Agency and comment that the application has little information regarding drainage provision.
- 3.4 The Councils Landscape section has commented that the Arboricultural Report is acceptable.

4.0 Parish Council Representations

- 4.1 Stanstead Abbots Parish Council has made no comment.

5.0 Other Representations

- 5.1 The application has been advertised by way of press and site notice. No letters of representation have been received.

6.0 Policy

- 6.1 The relevant Local Plan policies in this application include the following:

GBC1	Appropriate Development in the Green Belt
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees
ENV18	Water Environment
ENV19	Development in Areas Liable to Flood
ENV20	Groundwater Protection
ENV21	Surface Water Drainage

- 6.2 The National Planning Policy Framework (NPPF) and the national Planning Practice Guidance (NPPG) are also material considerations in this case.

7.0 Considerations

- 7.1 The site is located within the Green Belt, an area of development restraint. The determining considerations for this application relate to the principle of the development, impact upon the openness of the Green Belt, impact to landscape and matters of flood risk.

Principle of development

- 7.2 The site lies within the Metropolitan Green Belt within an area of development restraint. The proposed use does not fall within any of the defined appropriate uses as set out within Local Plan Policy GBC1, nor does it fall within one of the exceptions to inappropriate development as defined within the National Planning Policy Framework. The development is therefore by definition, harmful to the Green Belt.
- 7.3 If that position is established, it is necessary to consider whether taking all the material issues into account, weight can be assigned to the positive impacts of the development such that the harm in Green Belt terms and any other harm, is clearly outweighed. If that is the case then very special circumstances are demonstrated and planning permission can be granted.

Other harm

- 7.4 The proposal by virtue of the extent and height of the built form and required means of acoustic enclosure, will inevitable result in some impact upon openness. The NPPF states that the 'essential characteristics of Green Belts are their openness and permanence'. The proposal will impact upon openness and therefore result in harm and this weighs against the proposal. However, it is considered that the weight that can be attached to this harm is reduced by the fact that the location is within the area in which the sewerage treatment infrastructure is located. The proposals then will not appear as an isolated element in an area of otherwise undeveloped land.

Benefits of the proposal

- 7.5 These relate to the need for the generator. In summary, National Grid (NG) is responsible for ensuring that, at all times, there is sufficient generation capacity in electricity and gas to manage uncertainties with output and demand and ensuring there is spare capacity to deal with unforeseen circumstances. The proposed facility is a 'stand by/back up' plant to provide generating capacity during period of stress on the national electricity grid. Such a period of stress could be power station

failure, fluctuations in generation from renewables and surges in demand. The proposed generators can come 'on line' promptly during these periods of stress.

- 7.6 Changes in energy generation, with more renewable energies will mean that energy generation predictability will decrease and therefore the need for the type of provision proposed here will increase. National Grid predict that there will be a need to double operating reserve capacity.
- 7.7 This site has been chosen as it is adjacent to a suitable grid connection point that has spare capacity and that serves domestic consumers and businesses in the area and will have the advantage of minimising electricity transmission losses. The plant will play a crucial role in operating reserve and balancing the electricity network and ensuring secure supplies. It will assist in mitigating the risk of power cuts and support the UK in meeting its carbon reduction commitments.
- 7.8 The fact that the proposal represents infrastructure in the national interest, is a benefit that weighs heavily in support of the application.

Other Issues – it is considered that the following issues should be assigned neutral weight in the consideration of these proposals.

Acceptability of the layout, scale and design

- 7.9 The structures appear as containers as the equipment is housed within acoustic enclosures. They are standard in their design and fit for purpose. Overall there are no objections to the size, siting or design of the structures themselves. In terms of the solar panels, given the siting of the development which is screened from wider views by existing landscaping and seen in the context of existing structures on the Thames Water Site, no objection is raised. Acoustic fencing is also proposed but only shown on elevation not on plan. There is no objection to fencing subject to its design and being supported with soft planting. A condition with regard to fencing and landscaping is recommended.

Flood risk

- 7.10 The site lies within Flood Zones 2 and 3. In terms of flood risk, the Environment Agency have commented that the proposal would have no adverse impact, subject to the Flood Risk Assessment (FRA), being carried out.
- 7.11 As advocated within the NPPF, there is a requirement however for a

sequential test to be applied to determine whether there are other sites available at lower risk of flooding. Given the nature of the proposal, the Local Planning Authority have worked with the applicant in this assessment. Other sites were reviewed within the Major Developed Site to the south. However these have been discounted as they were physically unsuitable with silt beds, soft ground or their proximity to sensitive areas/wildlife/nature reserves or similar. Overall, I am content that other alternatives have been considered and there are none available at lower risk of flooding. Equally given the national need for plant it is considered that the Exceptions Test would be met.

Landscape

- 7.12 The proposal would not create any adverse impact upon established landscaping and no significant trees would be affected. A condition is recommended to secure soft landscaping to soften any impact of the development within the landscape.

8.0 Conclusion

- 8.1 In summary, the proposal is considered contrary to national and local Green Belt policy and therefore amounts to inappropriate development. It is then, by definition, harmful to the Green Belt. Some further harm has been identified with regard to the impact upon openness. It is therefore necessary to consider whether, taking all the material issues into account, weight can be assigned to the positive impacts of the development such that the harm is clearly outweighed. If that is the case then very special circumstances are demonstrated and planning permission can be granted.

In this case weight is given to the fact that it represents infrastructure, the provision of which, is in the national interest. It was considered that sufficient weight could be assigned to this such that very special circumstances were demonstrated in relation to Ipa 3/14/0768/FP.

- 8.2 Overall, having regard to the balance that needs to be struck, Officers consider that the harm caused by the development would be clearly outweighed by the identified planning benefits and therefore recommends that permission be granted subject to the conditions as set out at the head of this report. A Unilateral Undertaking has been submitted which prevents this application being constructed if the previous consent is commenced, and vice versa.