

<b>ITEM NO:</b>	<u>Location:</u>	<b>Former Landfill Site, Blakemore End Road, Little Wymondley</b>
<b>8</b>	<u>Applicant:</u>	Miss Cassie Wymondley Power Limited
	<u>Proposal:</u>	<b>Use of land for gas fired electricity generating station to deliver electricity during times of peak demand of up to 49.99 MW</b>
	<u>Ref. No:</u>	<b>17/01195/ 1</b>
	<u>Officer:</u>	<b>Kate Poyser</b>

**Date of expiry of statutory period:** 10 August 2017

**Reason for Delay** (if applicable)

Delayed due to the late receipt of consultee comments, the receipt of amended plans and to the need for further information.

**Reason for Referral to Committee** (if applicable)

The application is referred to committee as this is a major application on land greater than 1 hectare.

**1.0 Relevant History**

- 1.1 The site was formerly used as an inert landfill site, relating to the construction of the Little Wymondley by-pass (A602). In 1999 eight stables were granted planning permission and the site has been used for the grazing of horses since.

**2.0 Policies**

**2.1 North Hertfordshire District Local Plan No. 2 with Alterations**

Policy 2 - Green Belt  
Policy 14 - Nature conservation  
Policy 21 - Landscape and open space patterns

**2.2 National Planning Policy Framework**

Achieving sustainable development  
Core planning considerations  
Section 4 - Promoting sustainable transport  
Section 9 - Protecting Green Belt land  
Section 10 - Meeting the challenge of climate change, flooding and coastal change  
Section 11 - Conserving and enhancing the natural environment

**2.3 Emerging Local Plan 2011 - 2031** approved by Full Council 11th April and Submitted for Examination 9th June 2017.

Policy SP5 - Countryside and Green Belt  
Policy SP6 - Sustainable transport  
Policy SP11 - Natural resources and sustainability  
Policy SP12 - Green infrastructure, biodiversity and landscape

### **3.0 Representations**

- 3.1 **Environmental Health (land contamination & air quality)** - recommends 3 conditions requiring an intrusive site investigation to assess the risk of landfill gas; to ensure that the flue stacks are a minimum of 15 metres high; and a written guarantee relating to the make and model of the gas engines.
- 3.2 **Environmental Health (noise & other nuisance)** - considers that with the mitigation measures and the noise impact on nearby residents would be negligible. A condition is recommended to ensure that the mitigation measures are implemented as proposed.
- 3.3 **Health & Safety Executive** - no comments received.
- 3.4 **HCC Rights of Way** - no comments received.
- 3.5 **HCC Highway Authority** - raises no objections, subject to conditions relating to the width of the access and kerb radii; submission of a Construction Traffic Management Plan and Statement; surface materials; restrictions to heavy goods vehicle movements in terms of numbers per day and delivery times.
- 3.6 **Hertfordshire Ecology** - recommends a condition requiring a breeding bird and reptile survey and mitigation strategy prior to commencement and; measures to protect badgers against being trapped in excavations, pipes or culverts.
- 3.7 **Environment Agency** - initially objected to the development, due to insufficient information being submitted to enable the risk to controlled waters to be assessed and the cost of potential remediation could make the development unviable. However, the applicant has submitted further information and the Environment Agency have withdrawn their objection, subject to the several conditions.
- 3.8 **National Grid** - has no objections
- 3.9 **Landscape & Urban Design Officer** - raises no objections subject to effective landscape screening.
- 3.10 **Wymondley Parish Council** - object strongly for the following reasons, which are summarised below. The full list of objections is copied as an appendix to this report.
- it would provide power to boost the National Grid beyond the local area;
  - contrary to Green belt policy;
  - a blot on the landscape;
  - adverse environmental impact;
  - could eventually be used continuously, exacerbating the poor air quality in this area;
  - the 15 metre high chimneys would fail to maintain the openness of the Green Belt;
  - due to deciduous trees here it would be more unsightly during winter;
  - output from chimneys could be hazardous to aircraft;
  - vibration, noise and pollution levels have not been adequately assessed;
  - inadequate information relating to the contents of the landfill;
  - unsuitable site to build the power station, due to soil instability;
  - concern about flood risk to residents of Lt Wymondley;

- 3.11 **Local Residents** - At least 31 letters of objection have been received from local residents at the time of writing. These are available to read on the Council's website. However, I briefly summarise the main areas of objection below.
- contrary to Green Belt policy;
  - unsightly appearance;
  - would cause air pollution;
  - would cause noise and vibration;
  - another power station is not necessary;
  - increase risk of flooding Stevenage Road;
  - increase in traffic.

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

4.1.1 The application site is currently used for the grazing of horses and is located adjacent to the existing electricity substation in Blakemore End, near Little Wymondley. It lies within the Green Belt. The site is land that was used as landfill relating to the construction of the adjacent bypass. It has since been grassed over and accommodates stables and related buildings. The site measures 3.39 hectares.

### **4.2 Proposal**

4.2.1 The proposal is for a 49.99MW gas peaking plant. The purpose of the peaking plant is to provide electricity at peak demand when existing electricity supply is inadequate. It is not expected to run continuously, but to 'kick in' at times of particularly high demand and this is mostly likely to be during winter evenings. The proposed development is for a temporary period of 20 years.

4.2.2 The applicant advises that the UK is currently experiencing changes in electricity supply, due to the decommissioning of carbon intensive plants and their replacement with nuclear and low carbon wind and solar farms. The applicant advises that the gas peaking plant would support the low carbon generators, as wind and solar energy is inherently inconsistent.

4.2.3 The development would consist of 11 gas engines within casements, each with a 15 metre high chimney and an array of cooling fans. There would also be a transforming station and gas connection kiosk. Surrounding the site would be a 2.5 metre high palisade security fence. It is proposed to reduce the ground level of the site by up to 1.5 metres in the location of the gas engines and transformer station. The left-over soil would be used on-site in the creation of a swale to the north end of the site. The stables and associated buildings would remain and a track constructed around the gas peaking plant to allow horses access to an adjacent field. The existing vehicular access from Blakemore End Road would remain, although it would need to be widened. A vehicular access track, 5 parking spaces and a basic landscaping scheme are included in the proposal. Supporting information submitted with the application include reports on noise, air quality, ecology, construction management, SUDS, landscape appraisal, flood risk, and a Design and Access statement which includes information on 'need' and 'sequential test'.

### 4.3 Key Issues

#### 4.3.1 The key planning considerations relate to:

- whether the development is appropriate in the Green Belt;
- whether there are any very special circumstances and any harm to the openness of the Green Belt;
- effect upon the landscape;
- highway and traffic matters;
- water pollution and flood risk;
- effects upon the environment inc: noise, air quality and ecology;
- other matters.

#### 4.3.2 Whether the development is appropriate in the Green Belt

The construction of new buildings is inappropriate in the Green Belt. The gas engines are housed within structures accessed by a door. I consider these to fit the definition of buildings. The transforming station and gas connection kiosk also involve buildings. The National Planning Policy Framework (NPPF) lists exceptions to this in paragraph 89. The proposed development is not included on this list. For clarification, one exception is for the redevelopment of brownfield land, whether redundant or in continuing use. The use of the site for landfill does not meet the definition of previously developed land. Paragraph 90 of the NPPF also lists development which is not inappropriate in the Green Belt provided they preserve the openness of the Green Belt. The proposed development is not on this list either. **The proposal is, therefore, inappropriate development in the Green Belt.**

#### 4.3.3 Whether there are any very special circumstances and any harm to the openness of the Green Belt

The applicant puts forward a case for very special circumstances. The case is that there is a need for peaking plants and the site was chosen following a sequential test.

#### 4.3.4 Need

Peaking plants are required to support the generation of electricity in the UK, which is going through a time of reform. The energy balance is becoming increasingly reliant on renewable energy sources, such as wind and solar, which, being weather dependant, are intermittent and unpredictable. In tandem with this, coal power stations are being phased out and their replacement with nuclear is not yet complete. The National Infrastructure Commission and the Department of Energy and Climate Change, support low carbon energy and reliable energy supplies and it is acknowledged that there is a need for a "flexible generation: plants that have low minimum stable generation levels, high ramping rates and increased capability for ancillary service provision." It is noted that a peaking plant has recently been constructed near a substation between Baldock and Letchworth and applications are currently under consideration for a further two here. **I am satisfied that there is sufficient evidence to support the need for peaking plants in the UK.**

#### 4.3.5 There are different forms of peaking plant. The standby small scale embedded STOR power plant off Baldock Road, Letchworth is a diesel fired system. There are also battery storage systems. Both of these have far less visual impact than the gas peaking plant, as chimneys are not required. However, the applicant advises that these have a far smaller energy output and slower response time. The diesel is also associated with bad emissions, where as the gas is highly efficient and extremely clean.

#### 4.3.6 Site Selection

The applicant advises in the Design and Access Statement, para 3.34 that:

*"This scale of generator is most practical, feasible, affordable and deliverable when located close to major substations where there is sufficient gas supply nearby, spare grid capacity, satisfactory fault levels, voltage resilience and critically is in a location where it can take advantage of embedded benefits (essentially the electricity generated is very close to demand so doesn't need to use the transmission system)."*

4.3.7 The applicant seeks to demonstrate how difficult it is to find a site that can work. Paragraph 3.37 advises that a large proportion of the large substations are necessarily close to conurbations if not in urban locations and approximately 20% to 30% are within the Green Belt. The applicant has looked at the eastern region that includes Norfolk, Suffolk, Cambridgeshire, Essex, and parts of Bedfordshire, Buckinghamshire, Hertfordshire and Oxfordshire. In this region there are 166 major substations. Applying the criteria in the previous paragraph, the applicant advises that there are only 6 candidates. Detailed information relating to how each of the 160 sites have been discounted has not been provided.

4.3.8 Upon request, the applicant has provided information relating to the 6 remaining sites. One is the application site. The other five fail due to:

1. too far from a gas supply;
2. the Grid Supply Point has been decommissioned;
3. electrical connection would have to be made into a 132KV tower and not an existing substation, which is less efficient and of high capital cost. Also too far from gas supply;
4. too close to housing;
5. the site was originally discounted by the applicant, but is now being progressed by the applicant.

4.3.9 Unfortunately, the reasons for discounting four of these sites do not follow the logical process that the applicant has described in selecting a site. If they are too far from a gas supply or there is no substation connection, they should surely have not been included on the list of 6 candidate sites in the first place. Furthermore, if one site was originally discounted, but is now the subject of a planning application, this does further devalue the site selection process. It, perhaps, also calls into question the consideration of the other 160 substation sites.

4.3.10 **I feel that the applicant has not provided sufficient evidence to demonstrate that a satisfactory sequential test for the selection of the site has been carried out. Indeed, the process appears conflicting and confused. For this reason, I consider the applicant has not satisfactorily demonstrated there to be very special circumstances to set aside the fundamental Green Belt objection.**

#### 4.3.11 Harm to the openness of the Green Belt

The application site measures 3.39 hectares. It is located on the top of a hill and is laid to grass. To the west lies the existing Wymondley Substation; to the east is the A 602; to the north the land slopes down to agricultural fields, Ashbrook Lane and the village of St Ippolyts; to the south is Blakemore End Road.

4.3.12 The gas engines have individual casements attached to form a continuous structure. Overall, the casements and plant, excluding the chimneys, would measure up to 7 metres high, 170 metres long and 33.5 metres wide. The 11 chimneys would be 15 metres high and 0.7 metres wide. An access road 6 metres wide for maintenance vehicles run around the block of engines. The transformer station is a compound 36 metres by 20 metres, with a 2.5 metre high fence, a control room 3.4 metres high. The transformer itself would measure 5.9 metres high. The Gas Connection Kiosk measures 9.1 metres by 4.7 metres by 3 metres high. A new access road 3.5 metres wide would link the peaking plant to the existing access road.

- 4.3.13 The site is largely screened from the west by the substation site, even though it is at a slightly lower ground level. This is partly due to the mature trees that surround the substation. The A602 lies in a deep cutting at the point at which it passes the site. Trees occupy the slope of the cutting and from this point would largely screen the site. There are points further north along the A602 and on Stevenage Road leading into Little Wymondley where the proposed peaking plant would be glimpsed.
- 4.3.14 The site forms a small plateau on the top of a hill. From here, the land slopes steeply down to the north. At the bottom of the hill is definitive bridleway 16 and a small water course. Beyond this lie agricultural fields and Ashbrook Lane. The site is clearly visible, in an elevated position, from this road. Trees on the slopes below the site would not be sufficient to screen the site from here. The site is also clearly visible from the end of East View in St Ippolyts, the playing field in Folly Lane and from Footpath 14.
- 4.3.15 The site is quite open to Blakemore End Road, which is the entrance into the site. The Gas Connection Kiosk would be 120 metres from the road; the transforming station 135 metres away and the gas engines with chimneys 200 metres away. Although the buildings would sit on land at a reduced level, they would still be visible from the road. A basic landscaping scheme forms part of the application. However, there is limited amount of land within the site, between the road and the proposed buildings for additional planting. A hedgerow and a handful of trees are proposed. I consider this would not form a very substantial screen.
- 4.3.16 **Overall, I consider the proposed development would present a very substantial built form in both area and height. It would be publicly visible from several locations and would cause significant harm to the openness of the Green Belt.**
- 4.3.17 Effect upon the landscape  
The Council's Landscape and Urban Design officer has commented on the scheme and, whilst raising areas of concern relating to the effect of the development on the landscape, concludes, on balance, that there are no objections to raise.
- 4.3.18 The application has been amended to re-orientate the row of 11 chimneys to reduce their impact when seen from Ashbrook Lane. Some additional planting is proposed that would help to reduce the visual impact of the 2.4 metre high palisade fencing. Concerns are raised about the visual impact as seen from some locations. It is noted that some of the proposed tree planting would be at a lower ground level than the gas engines, reducing their effectiveness to screen. It is noted that at 15 metres high, the chimneys would introduce an artificial element into the landscape. However, it is considered that there are relatively few roads and footpaths where the development would be visible, particularly from longer distances. For some views there would be the backdrop of the nearby pylons. Providing a detailed and effective planting scheme is submitted (by condition), the Council's landscape officer raises no objections to the proposal.
- 4.3.19 Highway and traffic matters  
Once up and running, the peaking plant would generate little traffic, mostly relating to maintenance. This is likely to be one vehicle every 4 weeks. There would be no permanent staff on site and no need for frequent deliveries. The main traffic issue, therefore, relates to the construction of the development. It is noted that the total construction period is 12-15 months with up to 50 deliveries per day. The Highway Authority have recommended a condition requesting a Construction Traffic Management Plan to be submitted. The following points are matters that should be met:

- Working hours will be restricted to Monday – Friday 7am to 7pm and on a Saturday 7am – 3pm
- During the construction phase the traffic movements will be as follows:

Monday – Friday

- It is anticipated the delivery times will be 09:15 – 15:15 Monday to Friday.
- Deliveries should be scheduled to avoid peak travelling periods thus avoiding the ‘school run’ traffic.
- There will be no deliveries on Saturdays, Sundays, and School Holidays. There will be no construction work or deliveries taking place on Sundays or Bank Holidays.
- The numbers of deliveries expected in total are;

Throughout the life of this planning permission, the total number of heavy goods (HGV) vehicle movements at the site shall be no more than 100 per day (50 in and 50 out) on Mondays to Fridays and 40 per day (20 in and 20 out) on Saturdays. For the purpose of any permission a HGV is defined as any vehicle over 7.5 tonnes.

- The haulage route from the north direction shall avoid the villages of Gt Wymondley and Little Wymondley which the through roads are very narrow (prohibition signage should be erected at these junctions) and directional signage would regulate the route of construction vehicles to and from the A1 (M).
- The haulage routes from the north would avoid the village of Little Wymondley and use the Wymondley Bypass to connect to Blakemore End Road via the Stevenage Road construction vehicles approaching from the south would route through the A1 (M) junction via the Wymondley Bypass then connect onto the Stevenage road which would be the most direct route for vehicle arriving from the both directions.

4.3.20 There would need to be alterations to the width and radii of the existing vehicular access to accommodate the large vehicles. The visibility from the site access to the west is inadequate, due to trees and general vegetation in front of the electricity substation. This could be overcome by the signalisation of the access during the construction phase.

4.3.21 The Highway Authority has considered a highway capacity assessment at the site and that the highway network could accommodate the amount of HGV's likely to be generated by the proposal. It is recognised that there could be slight congestion caused on the junction of Stevenage Road and the Wymondley Bypass if the deliveries were undertaken at peak travelling periods, consequently, for this reason, the amount of vehicle movements are recommended to be restricted to be 50 throughout the day, between the hours of 09:15 – 15:15. This equates to around a vehicle every 7 minutes entering the site. This is considered reasonable for a temporary period of a maximum of 15 months.

4.3.22 **Subject to the conditions recommended by the Highway Authority, I consider there are no sustainable highway objections to the proposed development.**

#### 4.3.23 Water pollution and flood risk

The site is located on a principle aquifer. It also overlies a former landfill previously used for the disposal of inert, industrial, commercial household and special waste. The Environment Agency advise that the site is considered to be of high sensitivity and the development could present potential pollutant linkages to controlled waters. The documents submitted with the original application failed to recognise the principle aquifer and the recommendation of the Environment Agency was originally one of refusal. However, the applicant has submitted further information and the Environment Agency have now withdrawn their recommendation for refusal. However, this is subject to a number of conditions. These require:

- a Preliminary Risk Assessment,
- remediation measures,
- a verification report,
- a plan for long term monitoring and
- a further remediation report in the event of unsuspected contamination,
- a scheme for surface water disposal.
- Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority,

**4.3.24 As the Environment Agency have withdrawn their objection, I can see no sustainable planning objections relating to pollution and flood risk, subject to the recommended conditions.**

#### 4.3.25 Effects upon the environment inc: noise, air quality and ecology

The Council's Environmental Health Officer has considered the potential for landfill gas to escape into the environment and recommends a condition asking for a phase 2 site risk assessment to be carried out, together with any remediation work. With regard to the generation of air pollutants, two conditions are requested to ensure the chimney stacks are a minimum of 15 metres high and for a written guarantee relating to the make and models of the gas engines.

4.3.26 A noise assessment report has been submitted. The generating station would be in use intermittently, daytime, evening or night time, according to demand. Noise modelling of the proposed development was undertaken for night time, with all equipment operational (100% load), to produce a 'worst case' assessment. Noise mitigation measures would be required and those proposed would minimise noise to as low as possible. It is considered that the proposed mitigation measures are satisfactory and the development should not have an adverse impact on any residents.

4.3.27 Although the site has no statutory designation itself, it does lie next to Wymondley Transforming Station Local Wildlife Site. A Preliminary Ecological Survey has been carried out. The site is known to have contained several butterfly species and breeding birds. The grassland has the potential for reptiles. There is a known badger set within 30 metres of the site. Should permission be granted, Hertfordshire Ecology recommend conditions requiring a reptile and breeding bird survey and protection for badgers from becoming entrapped in excavations and pipework during building work.

**4.3.28 I can see no sustainable planning objections relating to noise, air quality and ecology.**

#### 4.3.29 Other matters

The proposed development is for a temporary period of 20 years, after which the site would be cleared and returned to its current state. There is a risk that, in the event of the applicant becoming bankrupt, the site would not be cleared. The land would become an eyesore over time. It would also be costly for the Council to seek the reinstatement of the land by enforcement or through a Section 215 site tidy notice. The applicant has therefore been required to demonstrate that a bond exists between the applicant and landowner to ensure that there will be sufficient funds to remove the peaking plant. The applicant has submitted a small extract of a bond, but there is no reference to the site or who the bond is between. The applicant has, therefore, failed to satisfactorily demonstrate that such a bond exists. **I consider this to amount to a reason for refusal.**

#### 4.4 **Conclusion**

4.4.1 In conclusion, I consider that the application fails to demonstrate special circumstances to justify the development within the Green Belt; furthermore, due to the scale and appearance of the development, demonstrable harm would be caused to the openness of the Green Belt. The proposal also lack sufficient assurances that the site will be cleared after the proposed temporary period of 20 years.

#### **5.0 Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

#### **6.0 Recommendation**

6.1 That planning permission be **REFUSED** for the following reasons:

1. The application site is located within an area designated in the North Hertfordshire District Local Plan no. 2 - with Alterations proposals map as Green Belt, within which there is a presumption against inappropriate development unless very special circumstances can be demonstrated. In the opinion of the Local Planning Authority this planning application proposes inappropriate development in the Green Belt, which would harm the Green Belt by reason of inappropriateness and cause harm to the purposes of the Green Belt as defined in paragraph 80 of the National Planning Policy Framework (NPPF) as follows. The proposal would cause harm to the purpose of safeguarding the countryside from encroachment. In the opinion of the Local Planning Authority the applicant has not demonstrated Very Special Circumstances which are sufficient to outweigh the substantial weight that should be given to any harm to the Green Belt that is required under paragraph 88 of the NPPF. Furthermore, due to the scale, appearance of the development and its prominent location, demonstrable harm would be caused to the openness of the Green Belt. The proposal therefore conflicts with saved Policy 2 'Green Belt' of the North Hertfordshire District Local Plan No. 2 - with Alterations and Section 9 'Protecting Green Belt Land' of the NPPF.

2. The application lacks assurance that the site would be satisfactory cleared following the proposed temporary period of 20 years in the event of the applicant becoming bankrupt. This could lead to the land becoming dilapidated and increasingly more unsightly and could result in unreasonable cost upon the Council to rectify. The development would, therefore, be contrary to Section 215 of the Town and Country Planning Act 1990 and paragraph 17 of the National Planning Policy Framework.

### **Proactive Statement**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.