

ITEM NO:

Location: **Former Landfill Site
Blakemore End Road
Little Wymondley
Hertfordshire**

Applicant: **Miss Kirsty Cassie**

Proposal: **Erection of a gas fired Electricity Generating Station
comprising gas engine casements and associated
buildings and infrastructure together with means of
access and landscaping/groundworks**

Ref .No: 17/04353/FP

Officer: **Kate Poyser**

Date of expiry of statutory period: 13.03.2018

Date of expiry of statutory period: 13th March 2018

Reason for Delay

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

Reason for Referral to Committee

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.

- 1.2 17/01195/1 planning permission was refused in 2017 for the use of the land for a gas fired electricity generating station to deliver electricity during times of peak demand of up to 49.99 MW, for the following reason:
 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.

2.0 Policies

- 2.1 **North Hertfordshire District Local Plan No. 2 with Alterations, Saved policies**
 - 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 **Submitted Local Plan 2011 - 2031** (sufficiently through the local plan process to carry some weight)
 - 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)** – requests further information and clarification with regard to air quality. Subject to these matters being satisfactory, would raise no objections and recommends conditions and informatives for both land contamination and air quality.

- 3.2 **Environmental Health (noise & other nuisance)** – no comments received. However, I consider comments to the previous scheme to still be relevant, which are as follows. – “considers that with the mitigation measures 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 the submission of a Construction Traffic Management Plan.

3.6 **Hertfordshire Ecology -**

No objections are raised and a condition is recommended requesting the submission of a Landscape and Ecology Management Plan. The following comment is also made. *“I note from local comments that nesting Peregrine falcon have been recorded in the local adjacent electricity substation. If still present and breeding, any development must ensure these are not unduly disturbed, although the substation is some distance from the proposals. Furthermore Peregrines are a bird used to some disturbance in places – they attempted to nest in the middle of Welwyn Garden City recently for which appropriate provisions were made and agreed with relevant Hertfordshire bird experts prior to redeveloping the site, so I am not convinced their presence represents a fundamental constraint to the proposals. 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** –“We commented on a similar application last year (your ref 17/01195/1). We objected initially to the previous application but then were able to recommend conditions following the submission of further information. However I can't see that the information that allowed us to condition the previous application has been submitted for the current application.”

3.8 **National Grid** - no comments received.

3.9 **Landscape & Urban Design Officer** – no comments received due other work commitment.

3.10 **Lead Local Flood Authority** – “the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy”. Conditions are requested to secure this.

3.11 **CPRE** – “This application is essentially a re-submission of Application 17/01195/1 which was refused by the Council in October 2017. There are minor modifications regarding height and number of chimneys, etc., but these do not mitigate the impact which the development will have on the openness of the Green Belt or on the surrounding countryside and the community of Little Wymondley. This development is contrary to the Green Belt policies contained in the National Planning Policy Framework, the current North Hertfordshire Local Plan and the emerging Local Plan. The case for very special circumstances to offset the harm to the openness of the Green Belt or other harm, remains unchanged and consequently the planning balance remains unaltered. As such, and in order to be consistent, the Council should reject it.”

3.12 **Wymondley Parish Council** – object to the proposal for the following reasons:

“Conflict with Government Green Belt Policy and the National Planning Policy Framework

We have repeatedly aired our concerns regarding the way in which development of the land in and around our Parish is being taken forward without due regard to the Government's Green Belt policy, or the detrimental impact on the local environment and residents' health of inappropriate proposals to locate industrial and large-scale residential developments in an area which lacks the infrastructure to support them, would have its character and identity destroyed by their creation, and its inhabitants quality of life downgraded due to increased traffic, noise, flood risk and air pollution.

We are creeping towards an undesirable coalescence with Stevenage and Hitchin via encroachment on, and destruction of, our Green Belt, with the potential doubling in size of our main settlement along the way.

The Council is disappointed to hear that permission for this Electricity Generating Station is still being sought, particularly as the initial application in October 2017, (Case Ref No: 17/01195/1) was refused by NHDC on your recommendation – fundamentally because the proposed development constituted inappropriate development within the Green Belt; the applicant had failed to demonstrate that very special circumstances existed which would allow national Green Belt policy to be set aside; there was harm to the openness of the Green Belt due to the scale and location of the proposed plant and insufficient screening; and there were no guarantees that the applicant would be in a position in 20 years' time to reinstate the land as required after removal of the proposed "temporary structure" – the substantial cost, therefore, being likely to fall on local tax payers.

Having considered the revised application, (and the applicant's views as to why national Green Belt policy should be over-turned in favour of this development), the Council cannot see that this proposal has changed significantly in nature, sufficient to render it compliant with Government Green Belt (or other) policies or to satisfy our objections.

Very special circumstances have not been demonstrated; and we fail to see how the construction of such a large plant, and its type of construction, can possibly be termed a "temporary structure".

The Council therefore remains steadfast in its belief that the proposed development is wholly inappropriate for Green Belt land, cannot be justified, and should be refused on the same grounds as before. (You will be aware, of course, that NHDC has also refused clean energy proposals, such as solar panel fields, on the basis that they were in in Green Belt.).

Environmental Health (detrimental impact on air quality)

At its public exhibition in June 2016, Statera Energy was asked where a similar power station existed, so that councillors and residents might visit to see the pollution and noise such facilities create. We were surprised to be told they had never built one on this scale anywhere in the western world. It follows that sound level, vibration and pollution are all untested; and that situating such a plant near a small rural residential village, is totally inappropriate. This type of plant should be located in an industrial area, well away from residential areas.

The area around Stevenage Road, Little Wymondley is well known as one of the worst areas for pollution and very poor air quality and it abuts the area of the proposed power plant. Whilst the plant is proposed to support peak loading, it has the potential for continuous use, as it has the capacity to power 99,000 homes and subsequently greatly increase air pollution in the Parish. In the light of the results of our recent air quality tests, (see below), which indicated that air pollution in the region of the proposed site already breaches EU legal limits, the Council believes planning permission should be refused.

The Council has major concerns regarding the impact such a plant would have on air quality in the village and surrounding area, particularly regarding its proximity to local schools. We already know that air quality in the village is above the EU's legal limit of 40 for Nitrogen Dioxide in some areas, (most notably adjacent to the proposed site), due to the recent air quality monitoring undertaken in the village by the Wymondley Parish Neighbourhood Planning Committee.

Results were analysed by the same laboratory used by NHDC for testing air quality in the Air Quality Monitoring Areas within its jurisdiction. The results of our air quality tests have been presented at the Local Plan EiP and are included below for your reference:

Location	Your results	Your adjusted results
11 Grimstone Road SG4 7HH	21.75	19.57
School, 32 Sicut Road SG4 7HN	22.44	20.20
1 Rose Cottages, Priory View SG4 7HG	23.29	20.97
Hermit of Redcoats P. H. Stevenage Road SG4 7JR	24.50	22.05
Bus Stop Stevenage Road SG4 7JO	25.25	22.73
Bridge Church Path SG4 7JN	27.82	25.04
Bridge Arch Road SG4 7ET	29.67	26.71
Green Man Public House, Arch Road SG4 7ET	32.47	29.23
Bypass Fence, Ashbrook SG4 7HY Tube number 9.	38.15	34.34
Blackmore End Road, SG4 7JJ Tube number 10. Bypass Bridge.	47.80	43.02
A602 Wymondley By Pass SG4 7JG. Public footpath post.	62.30	56.07

This planning application openly states the proposed plant will emit these pollutants, (nitrogen dioxide in particular), but does not take into consideration the current levels of pollutants already present in the air within Little Wymondley - as no testing, other than by the Wymondley Parish Council's Neighbourhood Planning Committee, has been undertaken.

Given that air quality in the vicinity is already above EU legal limits in places, adding more such pollutants to the air will surely further breach EU safe levels in the locality. More worryingly, the pollutants in question are known to shorten life expectancy and cause respiratory defects and disease in children, (as evidenced by Public Health England), so this is an exceptionally serious matter and must not be over-looked.

Conflict with the Government's 25 Year Environmental Plan

The whole concept of installing this type of energy plant in a residential area is also completely at odds with the Government's recently announced 25 Year Environment Plan (published 11th January 2018), which aims to use clean energy and reduce emissions so that the air that we breathe does not adversely impact health or cause climate change. The main objectives, as set out by the Prime Minister, in her Foreword on the Plan state:

"Its goals are simple: cleaner air and water; plants and animals which are thriving; and a cleaner, greener country for us all. We have already taken huge strides to improve environmental protections, from banning microbeads, which harm our marine life to **improving the quality of the air we breathe** to improving standards of animal welfare. This plan sets out the further action we will take.

By using our land more sustainably and creating new habitats for wildlife, including by planting more trees, we can arrest the decline in native species and improve our biodiversity. By tackling the scourge of waste plastic we can make our oceans cleaner and healthier. **Connecting more people with the environment will promote greater well-being. And by making the most of emerging technologies, we can build a cleaner, greener country and reap the economic rewards of the clean growth revolution."**

Therefore, it follows that to grant this planning application would directly contravene recent Government Policy. The full text of the Government's Plan 'A Green Future: Our 25 Year Plan to Improve the Environment' can be read here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/673203/25-year-environment-plan.pdf

Environmental Health (land contamination and noise)

The site is a historical landfill site. When the A602 was constructed, the arisings/spoil was deposited on top of the remains of the landfill site, resulting in a 5-metre increase in the height of the site. Borehole logs referred to in submission for planning consent were done before the construction of the bypass. There are no records that we can find that indicate the materials that were deposited in the old gravel quarry. There is still no evidence of the type of fill to the top 5 metres; and the possibility of contaminated material being unearthed has neither been addressed or risk evaluated.

The application also admits to possible soil instability possibly resulting in subsidence, which adds to our concerns about the environmental impact and the unsuitability of this site and the overall proposal for construction of a generator.

The initial application for this plant incorporated five blue chimneys, some 15 metres above the tree-line. These would undoubtedly be unsightly, with these chimney stacks rising out of the countryside, and certainly fail to comply with the need to maintain the openness of the Green Belt. Also, the comparative Sightline document provided for deciduous tree screening – unlikely to be of much use in winter, when the likelihood of the plant running would be at its highest probability. (Additionally, it is worth noting that in the last 12-18 months, a significant number of trees have been felled in the area where they were intended to reduce noise pollution from the A602 into the village of Little Wymondley.)

There is nothing in the application that specifically addresses the number and species of trees intended to be planted to screen the site from view, despite the drawings showing trees on the plan. It is also therefore unknown if these trees and the oxygen they release would be enough to mitigate the additional air pollution, most notably Nitrogen Dioxide, that this site would generate, especially considering that the proposed site for the plant is in very close proximity to where our air testing tubes indicated illegal air quality results; and that the pollution from the site would directly affect not only the air quality of residents, but also of the children attending the 3 schools in close proximity to the site (Wymondley JMI, St Ippolyts and Kingshott in Hitchin).

In response to the initial application, NHDC's Environmental Health Department required three conditions, namely: an intrusive site investigation to assess the risk of landfill gas; to ensure that the flue stacks were a minimum of 15 metres high; and a written guarantee relating to the make and model of the gas engines.

There is little evidence of compliance. In fact, the Council notes that in this second application, the height of the chimneys has been reduced from 15 metres to 9.2 metres. Not only is this still unacceptable, (especially considering that the proposed site is on one of the highest points of land in the locality), it fails to comply with the NHDC requirement – which appears to be seeking even higher chimneys than were initially proposed (and would cause even greater harm to the openness of the Green Belt)!

The Council believes there is a distinct possibility of unacceptable noise and vibration, as the slab on which the engines would be built would probably require piled foundations. This would transmit the sonic and vibratory oscillations to the underlying bedrock and could vibrate the entire village. The slab for the engines and cooling array will be 2,000 square metres and, at 500mm thick, will weigh 2,400 tonnes. The concrete for the 11 engine housings will weigh 564 tonnes. This gives a total weight of 3,150 tonnes, not including the perimeter slab and the slab for the ancillary equipment, (which is not mentioned on the drawings, but visually could be a further 1,000 square metres or 2.400 tonnes).

It is interesting to note that the noise assessment carried out in relation to this energy plant application was undertaken for just 5 days in June 2016. We fail to see how a new development with a noise value, (no matter how quantified), cannot add to the existing level of noise - potentially putting the ambient noise level above that set out in the World Health Organisation Policy, and particularly given that no similar gas-powered electricity plant has been built in the UK, let alone in a quiet, rural, residential village.

Environmental impact (wildlife)

We believe Peregrine Falcons nested for the first time in Hertfordshire last year (2017), at the electricity sub-station site in Wymondley, and spent the subsequent months raising their young in the area. They are a Schedule 1 protected bird, under The Wildlife and Countryside Act 1981, so the construction works needed to prepare the land for, and to construct the power station would disrupt their nesting and breeding. There are also Red Kites, Buzzards and Polecats in the area, all of which are protected species whose habitats need protecting.

Increased flood risk arising from the proposed development

Flood risk has been addressed in relation to a 1 in 100 years event. Reports commissioned by HCC, (referred to in the Wymondley Parish Neighbourhood Plan) identify the land below the site (Ash Brook) as having a risk event level of 1 in 3 to 1 in 5 years. Whilst the application states the site is in Flood Zone 1, it also states it is sited "on a mound" and that there are no surface water run-off facilities in existence at present.

We would suggest that if HCC has accepted, and is acting on, its commissioned reports it would be inappropriate for NHDC to disregard them when considering this application.

Flood events in the Parish in February 2014 closed Stevenage Road, (the main road through the Parish), and the roundabout at its junction of Blakemore End Road and Arch Road was under water (this is in Flood Zone 3) - caused by surface water run-off from the adjacent elevated green field land once it was saturated and the water table breached. Whilst the plans show water attenuation areas on the proposed site, they are miniscule in comparison to the area of land that will be covered in concrete, (2,000 square metres and @ 500mm thick). Once this green field land is concreted over, there will be a higher potential for more surface water to run off and downhill into the village of Little Wymondley, as there will be significantly less green fields to soak up the rain.

Insufficient need

The site has a potential capacity of 50mw, this is sufficient capacity to power 99,000+ homes and not a requirement of a peaking plant and as such, has no direct benefit to the residents of the Parish, whose energy needs are currently met with no reported issues. The power plant is designed to be un-manned, therefore it does not even present an employment opportunity for the residents.

If it is needed to boost the National Grid supply to other areas, we suggest that it should be located at another site, where it would be more in keeping with the surrounding area and have a less detrimental impact on its character and landscape – and on nearby residents.

The likely impact of this proposal, (should the application be granted) would be wholly detrimental in relation to Wymondley Parish residents' quality of life, health and well-being; the environment (particularly via harm to wildlife, the character of the countryside and openness of the Green Belt); increased noise, air pollution, traffic and flood risk. It is particularly important, therefore, that the impact of this proposal is not considered in isolation, but in totality with other significant developments proposed in the locality under the NHDC and Stevenage Borough Council Local Plans."

3.11 **Local Residents** – 1 letter of support and 44 letters of objection have been received from local residents. 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 and would allow coalescence between Lt Wymondley and Hitchin;
- there are no special circumstances;
- 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;
- Applicant has not built power station this large before;
- Trees have recently been felled allowing more noise towards Lt Wymondley.

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 This is the second application for a peaking plant gas station here. It seeks to overcome the Green Belt objection raised to the previous refused application by reducing the visual impact and supplying further information to support special circumstance to set aside Green Belt policy. 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, 4 x 9.2 metre high chimneys and an array of cooling fans. The chimneys have been reduced in height from the previous scheme, which showed 15 metre high stacks. 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 bunding, which would be 6.5 metres high to the north end of the site and 2 metres high to the south, both with tree planting on top. 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 an improved landscaping scheme, showing 3 wooded areas are included in the proposal. It is intended that the plant would only run for 1500 hours a year. Supporting information submitted with the application include reports on noise, air quality, ecology, construction traffic management, SUDS, landscape appraisal, flood risk, a Green Belt statement and a Planning, Design and Access statement.

4.3 Key Issues

4.3.1 The key planning considerations relate to the following, and it is relevant to consider whether objections raised to the previous scheme have been overcome:

- whether the development is appropriate in the Green Belt;
- whether there is harm to the openness of the Green Belt;
- any very special circumstances;
- 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 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 A602; 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.

4.3.4 The gas engines have individual casements attached to form a continuous structure. Overall, the casements, plant and fans, excluding the chimneys, would measure up to 8.2 metres high. The number of chimneys has now been reduced in number and height, to 4 chimneys with a total height from ground level of 9.2 metres. The casements would measure 57 metres long and 35.2 metres wide. An access road, 6 metres, wide for maintenance vehicles runs around the block of engines. The transformer station is a compound 36 metres by 20 metres, with a 2.5 metre high fence and 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.

- 4.3.5 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. Although there is concern from local residents relating to the recent removal of some of these trees There are points further north along the A602 and on Stevenage Road leading into Little Wymondley where the proposed peaking plant would be glimpsed.
- 4.3.6 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. Existing trees on the slope 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.
- 4.3.7 The current application presents an amended landscaping scheme. A 6.5 metre high bund would be created to the north of the site and trees are proposed to be planted on top. This would help screen the site as seen from the north, including Ashbrook Lane. Similarly, a bund with trees is proposed to the south of the site and would help to screen the site from Blakemore End Road. A further 'wooded' is proposed to the west. Overall, the current scheme would provide better screening of the structures from public view points than the previous scheme. However, the site as proposed would have a very different character and appearance to the present site. The very large structure and other buildings partly enclosed by contrived tree planting, would be intrusive, contrasting significantly with the current open grazing land.
- 4.3.8 **Overall, I consider the proposed development would present a very substantial built form in both area and height. This, together with hard surfaces, high banded earth exacerbated by contrived tree planting, would amount to an intrusion and encroachment into the countryside. The site would be publicly visible from several locations and the development would cause significant harm to the openness of the Green Belt.**
- 4.3.9 Whether there are any very special circumstances
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. The details to support a case for very special circumstances can be found in the submitted Green Belt Statement, which is available on the Council's website for planning applications.

4.3.10 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 that a more recent application there was refused on the grounds of inappropriate development in the Green Belt. **I am satisfied that there is sufficient evidence to support the need for peaking plants in the UK.**

4.3.11 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 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.

4.3.12 Site Selection

The difficulty in finding a suitable site is described in the Green Belt Statement. Paragraph 4.26 states the following.

"There is a need to be adjacent to Grid Supply Points or Bulk Supply Points (Substations) and at 49.99 MW to minimise cost, limit transmission losses and so maximise the chances of despatch by National Grid in a market where there is no subsidy. This approach helps keep costs lower for both regional and UK electricity customers. Locating at substations allows for services into Grid now and in medium term into the local distribution network. A national search of sites has been undertaken over 2 years and been subject to detailed research and a sequential approach by the applicant."

4.3.13 Scotland and Wales have principally been ruled out as the demand is low and renewable energy supply is high. The 5 District Network Operator areas of England were considered. Requirements of a suitable site relate to the need for close proximity to a gas supply, close proximity to a suitable substation, availability of land and a willing landowner and the technical requirements of the District Network Operator. In East Anglia/ Essex/ South East region, this has resulted in 5 sites all of which are being pursued by the applicant. These include the Lt Wymondley site (Green Belt), Rochford (Green Belt), Ninfield, Pelham (constructed) and Bolney.

4.3.14 In the West and East Midlands and South West region the search has resulted in planning permission being granted at Langley Road, which is in the Green Belt. This would be battery operated due to a lack of gas in the area. 2 sites in the South Central region have permission for battery operated peaking plants. 3 Sites in the North East, all of which are being pursued by the applicant. In total, 7 sites across England are being pursued by the applicant, 4 of which are in the Green Belt.

- 4.3.15 In summary, the applicant advises that: ***“What this exercise demonstrates is that firstly the country will not easily meet the level of generation it requires from this type of technology and because of this it is absolutely inevitable that a large proportion of these projects will have to be developed within the Green Belt as that is where much of the critical electrical infrastructure is located.”***
- 4.3.16 Essentially, this information on site selection is the same information used for the previous application only described with better clarity. It is for the Local Planning Authority to determine whether the very special circumstances put forward by the applicant is sufficient to outweigh the fundamental Green Belt objection.
- 4.3.17 In order to give the circumstances weight it is relevant to take into account appeal decisions for similar proposals. At the time the previous application was being considered, officers were not aware any such cases in the country. However, there has now been a recent appeal decision for an “energy storage facility to provide energy balancing services to the National Grid” at Broadditch Farm, Southfleet, Gravesend; appeal reference No. APP/T2215/W/17/3178737, decision date 6TH November 2017. The site also lies within the Green Belt and the inspector’s consideration of whether the proposal would amount to very special circumstances to overcome the Green Belt objection is relevant.
- 4.3.18 The Inspector takes into account that the technology would support renewable energy sources; the constraints in finding a suitable site and the Government’s general support for a smarter energy system and considers these matters to weigh substantially in favour of the proposal. However, in the planning balance, the Inspector concludes that the substantial harm to the openness and purposes of the Green Belt would not be outweighed by the benefits of the scheme and the appeal is dismissed.
- 4.3.19 **I, therefore come to the same conclusion for the current scheme before us, that the environmental benefits and other matters presented would not be sufficient to outweigh the harm to the Green Belt. As such, there are no special circumstances.**
- 4.3.20 The applicant has sent a response to the Broadditch Farm appeal decision, which I copy below.
- “1) The APP/T2215 land has views from 2 footpaths that cross over the site and roads that give it a greater visibility and sense of openness than ours (which can only be viewed from one location along Ashbrook road. You can’t actually see our site from the footpath running along the brook because one is on lower ground and the view is obscured by trees). There is therefore less harm to the openness with our proposal, particularly as the view, such as it is, is dominated by the existing substation (this of course is not the case with T2215 as the substation is over a kilometre away).
 - 2) The appellant provided no evidence of VSC; a point recognised by the Inspector. The locational criteria for batteries is also considerably less exacting than for gas peaking plant. We have shown with a comprehensive sequential test how difficult it is to find the coincidence of electrical capacity, suitable land and proximity to an economic gas supply at the right pressure. We have continued to search in the south-east for sites. We have found 2 others; one which is now consented in GB at Rayleigh and the other at Tilbury in GB where we are proceeding with a DCO application.

- 3) The need for highly flexible gas generating plant is greater than it was when we started to seek planning permission here over a year ago. In terms of carbon dioxide emissions, our facility will displace older thermal plant and CCGT's that have to be started up to meet peak demand; a demand that has been exacerbated by the intermittency of renewables. For the first 2 hours of operation our plant is twice as efficient and so cuts carbon dioxide emissions by 50% for this period. Deploying flexible gas fired plant helps manage the renewables on the system and enables further deployment of renewables."

The applicant also draws our attention to some sites within the Green Belt which have successfully gained planning permission for similar development. However, I do not consider these examples to outweigh the Inspector's appeal decision.

Other Matters

4.3.21 Effect upon the landscape

There are close, medium and long distance views of the site. The close view is from Blakemore End Road. The nearest structure, the gas kiosk, would be approximately 25 metres away, the gas engine casements about 270 metres away. Some hedge planting, tree planting and a 2 metre high bund are proposed to the east of the kiosk. The shape of the site limits how much landscaping can take place here. The line of new hedgerows would mark the line of the new access drive. Although set back from the road, the site would lose the character of open grazing land. The development, being on the top of a hill, would alter the ridgeline as seen from here.

- 4.3.22 Medium distance views are from Ashbrook Lane, East View in St Ippolyts, the playing field in Folly Lane and from Footpath 14. From these view points the 6.5 metre high bund with trees on top would alter the slope and ridgeline of the site. Some residents of the nearby town of Hitchin advise that the site is visible from some first floor windows. A Landscape Appraisal has been submitted with the scheme, in which it is concluded that the development would not be prominent or be of a scale that would adversely affect the character of the landscape. The Council's Landscape and Urban Design Officer has been unable to comment due to commitments to the Local Plan submission.

4.3.23 Highway and traffic matters

The applicant has submitted a Construction Traffic Management Plan with basic information relating to the type and quantity of vehicles and the access route from the A602. It is stated that a more detailed construction traffic management plan would be required. Once up and running, the peaking plant would generate little traffic, mostly the site would be controlled remotely with visits on an ad hoc basis. The main traffic issue, therefore, relates to the construction of the development. It is noted that the construction period is expected to be 6 months, with a total of 340 HGV vehicles over this time. It is expected there would be 10 heavy duty vehicle outward movements per day.

- 4.3.24 There would need to be alterations to the width and radii of the existing vehicular access to accommodate the larger 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 management or signalisation of the access during the construction phase, rather than the loss of the vegetation.

4.3.25 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. The Highway Authority raise no objections and recommend a condition requiring a Construction Management Plan to be submitted for approval and lists the areas of detail required.

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

4.3.27 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. For the previous application, the Environment Agency advised 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 one of refusal. Further information was then submitted and the Environment Agency was able to withdraw the objections and recommended a list of conditions. Unfortunately, the applicant has not submitted sufficient information for this revised scheme. The Environment Agency is, therefore, unable to make a favourable recommendation. **Due to the sensitive location of the site, I consider a lack of information on this matter amounts to a reason for refusal.**

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

The Council's Environmental Health Officer raises no objections to site contamination, but advises of a requirement for further assessment of the potential for land contamination and recommends a condition requesting this. Further information and clarification is required with regard to air quality, although no fundamental objection is raised. The applicant has provided some additional information, but unfortunately it has arrived too late to be properly considered before the Meeting. There is much concern from local residents about this particular aspect of the proposal. As the exhaust chimneys have been reduced in height and number, I feel that areas of concern should be resolved before any permission is granted. I, therefore add the lack of adequate information on this matter as a reason for refusal.

4.3.29 A noise assessment report carried out by RPS 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 daytime, evening and night time. 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.

4.3.30 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. It is noted that nesting Peregrine falcons have been recorded in the adjacent electricity substation by local residents. Hertfordshire Ecology

consider that, if still present and breeding, any development must ensure these are not unduly disturbed, although the substation is some distance from the proposals. Furthermore it is advised that Peregrines are a bird used to some disturbance in places – they attempted to nest in the middle of Welwyn Garden City recently for which appropriate provisions were made and agreed with relevant Hertfordshire bird experts prior to redeveloping the site. It is considered that their presence is not a fundamental constraint to the proposals.

4.3.31 **I can see no sustainable planning objections relating to noise and ecology, but consider the lack of sufficient information and clarity relating to air pollution, this would amount to a reason for refusal.**

4.3.32 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. An agreed bond exists between the applicant and site owner to ensure the removal of the equipment and reinstatement of the site.

4.4 **Conclusion**

4.4.1 In conclusion, I consider that the application is inappropriate development within the Green Belt and that harm would be caused to the purpose of the Green Belt and to its openness. The applicant has been unsuccessful in justifying very special circumstances to set aside Green Belt policy. There is also a lack of sufficient information to demonstrate that no harm would be caused to the principle aquifer that runs through the site, or that the development would not result in unacceptable levels of air pollution.

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. **Reason for Refusal**

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, Section 9 'Protecting Green Belt Land' of the NPPF and Policy SP5 'Countryside and Green Belt' of the submitted Local Plan 2011 - 2031.

2. **Reason for Refusal**

The application lacks sufficient information to provide assurance that the development would not result in the contamination of a principle aquifer and would not result in significant harm to air quality. The development would, therefore, fail to satisfy Sections 10 and 11 of the National Planning Policy Framework and Policies SP11 and SP12 of the Submitted Local Plan 2011 – 2031.

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.