

ITEM NO:

<u>Location:</u>	National Grid Cadwell Lane Hitchin Hertfordshire SG4 0SL
<u>Applicant:</u>	Mr Ben Wallace
<u>Proposal:</u>	Construction and operation of an urban reserve 2x 2MW gas fired power plant
<u>Ref. No:</u>	18/03282/FP
<u>Officer:</u>	Tom Donovan

Date of expiry of statutory period

29th March 2019

Submitted Plan Nos.

WAL-01; WAL-02; WAL-03; WAL-04; WAL-05; WAL-06; WAL-07; WAL-08.

Reason for Delay

Negotiations with applicant.

Reason for Referral to Committee

Councillor Collins has 'called-in' the application in the wider public interest with specific concerns in relation to the issue of air quality.

1.0 Site History

1.1 None relevant.

2.0 Planning Policy**2.1 North Hertfordshire District Local Plan No.2 with alterations**

Policy 8 – Development in Towns

2.2 National Planning Policy Framework

Section 4 – Decision-making

Section 8 – Promoting healthy and safe communities

Section 12 – Achieving well designed places

Section 15 – Conserving and enhancing the natural environment

2.3 **Emerging Local Plan 2011-2031 (Proposed submission incorporating the main modifications)**

The policies of relevance in this instance are as follows:

Strategic Policies

SP1: Sustainable development in North Hertfordshire
SP2: Settlement Hierarchy
SP9: Design and sustainability
SP10: Healthy communities

Development Management Policies

T1: Assessment of transport matters
D1: Sustainable design
D3: Protecting living conditions
D4: Air quality
NE11: Contaminated land

3.0 **Representations**

3.1 **Public Notice/ Local Residents**

One letter of objection based on air quality grounds.

3.2 **Hertfordshire County Council Highways**

No objection.

3.3 **Environmental Protection**

No objection subject to two recommended conditions.

3.4 **Environmental Health**

No objection.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is a rectangular parcel of land which is located adjacent to an existing warehouse at the far end of Wallace Way. The site currently appears to provide a car parking area in relation to the warehouse building next door to the site.

4.2 **Proposal**

4.2.1 'Construction and operation of an urban reserve 2x 2MW gas-fired power plant'.

4.2.2 Development required in association with the proposal as follows:

--2 x gas-powered generators;
--1 x gas kiosk;
--1 x transformer with 1m high concrete bollards;
--Combined DNO () and customer substation;
--Double gates and 2.4m high palisade fence.

4.2.3 Section 3.1 of the Planning Statement describes the proposed development as follows:

--A fenced compound consisting of palisade fencing (2.4m) on all boundaries. A set of double gates will be located on the southern fence line of the site. The removal of trees necessary for the construction of the fence and installation of the plant would be undertaken outside the bird nesting season or under the direction of a suitably qualified ecologist;

--The compound would be accessed from Wallace Way, via an existing access;

--The compound would contain two 2MW generators in '40ft' steel containers (approximately 12.2m long, 2.45m wide) with exhaust stacks (7m high from ground level) and ventilation/cooling equipment mounted on the roof. These are referred to as 'gensets'; and

--Gas supply and sub-station connection points contained within kiosk/sub-station structures, along with a customer substation (within a '20ft' container). These are connected by underground gas pipelines and electricity cables, to the respective grids.

4.2.4 Section 1.1 of the Atmospheric Dispersion Modelling Report February 2019 provides the following information about the generators themselves:

--They will be natural gas fired generating sets and have a capacity of 2.0MW;

--The combustion emissions are discharged via individual 7m high exhaust stacks;

--The generators will comply with a nitrogen oxide (NO_x) exhaust emission limit value (ELV) of <95mg/Nm³ at 15% O₂.

4.3 Key Issues

4.3.1 The key issues for consideration are as follows:

--The principle of the development.

--The effect on the character and appearance of the area.

--The effect on the environment and on the living conditions of neighbouring properties.

--The effect on the safe operation of the highway.

4.3.2 Principle

The proposal would not result in the loss of any usable employment or business floor space nor would it affect the delivery of such services. As such, I do not consider that there should be any objection to the principle of the proposed development.

4.3.3 Design and appearance

The proposed development would not be aesthetically pleasing although clearly one must consider the industrial backdrop to the site and moreover, the fairly secluded nature of the application site. The site is small and the elements included as part of the proposal would appear fairly small in scale compared to the large industrial building which is located next to the site. Ultimately, given the fairly limited scale of the development and the context of the site I do not consider that there are compelling reasons to object on the basis of its impact on the wider character or appearance of the area.

4.3.4 Effect on the environment: Air quality

An Atmospheric Dispersion Modelling report (Feb 2019 ref: 404.08678.00001) has been submitted in support of the application and this concludes that the impact of the proposal on air quality will be negligible. The objective of the study is to assess the impact of NO_x emissions against the relevant Environmental Quality Standards for nitrogen dioxide (NO₂) for the protection of human health and designated ecological receptors.

4.3.5 I have asked the Council's Environmental Protection Officer to review the submitted documentation and he agrees with the conclusions reached. However, to ensure that the development has an acceptable impact two conditions have been recommended. The first is to ensure that the flue stacks have a minimum height of 7m and the second is to ensure that NO_x emission concentrations at 15% O₂ for the selected gas engines are $\leq 95\text{mg.Nm}^{-3}$ and that they comply in all other respects with the Medium Combustion Plant Directive. On this basis I am satisfied that the proposed development would not have a negative effect on air quality in the area and would thus be compliant with the relevant sections of the Framework and Emerging Policy D4.

4.3.6 Effect on the environment/ living conditions: Noise

A noise assessment report by SLR Consulting Limited has been submitted in support of the application and this has been considered by the Senior Environmental Health Officer as follows:

"The report has concluded that noise from the plant at the nearest identified receptors will be very low and whilst no background noise levels were taken as part of the noise assessment, I am satisfied that the predicted levels are low enough such that the noise from the plant should be below or equal to the background noise level in each area. To this end, I agree with the conclusion reached in the report that the development is unlikely to have an adverse noise impact and I therefore have no objections to this application."

I agree with the conclusions reached by the EHO and am satisfied that the proposed development would not cause harm to the living conditions of any of the neighbouring properties by way of noise associated with the plant.

4.3.7 Effect on the safe operation of the highway

The Highways Authority has commented on the proposal raising no objection on highway safety grounds. The only caveat to this pertains to the provision of a visibility splay to the northern side of the existing access to ensure that visibility is sufficient for drivers entering and leaving the site. This is to be secured by way of condition.

4.4 **Conclusion**

4.4.1 It is considered that the proposed development would be acceptable in land use terms and would moreover have an acceptable impact in highway safety terms and environmentally. Accordingly it is my recommendation that planning permission be **GRANTED**.

4.5 **Alternative options**

4.5.1 Not applicable.

4.6 **Pre-commencement conditions**

4.5.1 All agreed.

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 Planning permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Before the development hereby permitted is first brought into use a 2.4 metre x 22 metre vehicle to vehicle inter-visibility splay shall be provided and permanently maintained to the northern side of the existing access. It shall be measured from the point where the edge of the existing access crosses the adjacent carriageway, 2.4 metres into the site and 22 metre along the highway leading towards the builders merchants. Therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway level.

Reason: To provide adequate visibility for drivers entering and leaving the adjacent site.

4. Notwithstanding the approved plans, each of the two (2) flue stacks shall be 7m high (measured from the finished ground level of the site). The flue stacks shall be maintained permanently on site at the stipulated height.

Reason: To ensure appropriate pollution dispersion and prevent adverse impacts from the emission of air pollution.

5. Prior to installation of the gas engines, evidence shall be submitted in writing to the Local Planning Authority that confirms that the NO_x emission concentrations at 15% O₂ for the selected gas engines are < 95mg.Nm⁻³. And that they comply in all other respects with the Medium Combustion Plant Directive. Gas engines which do not comply with the above are not permitted to be installed at the site.

Reason: To control and minimise the generation of air pollution

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.