

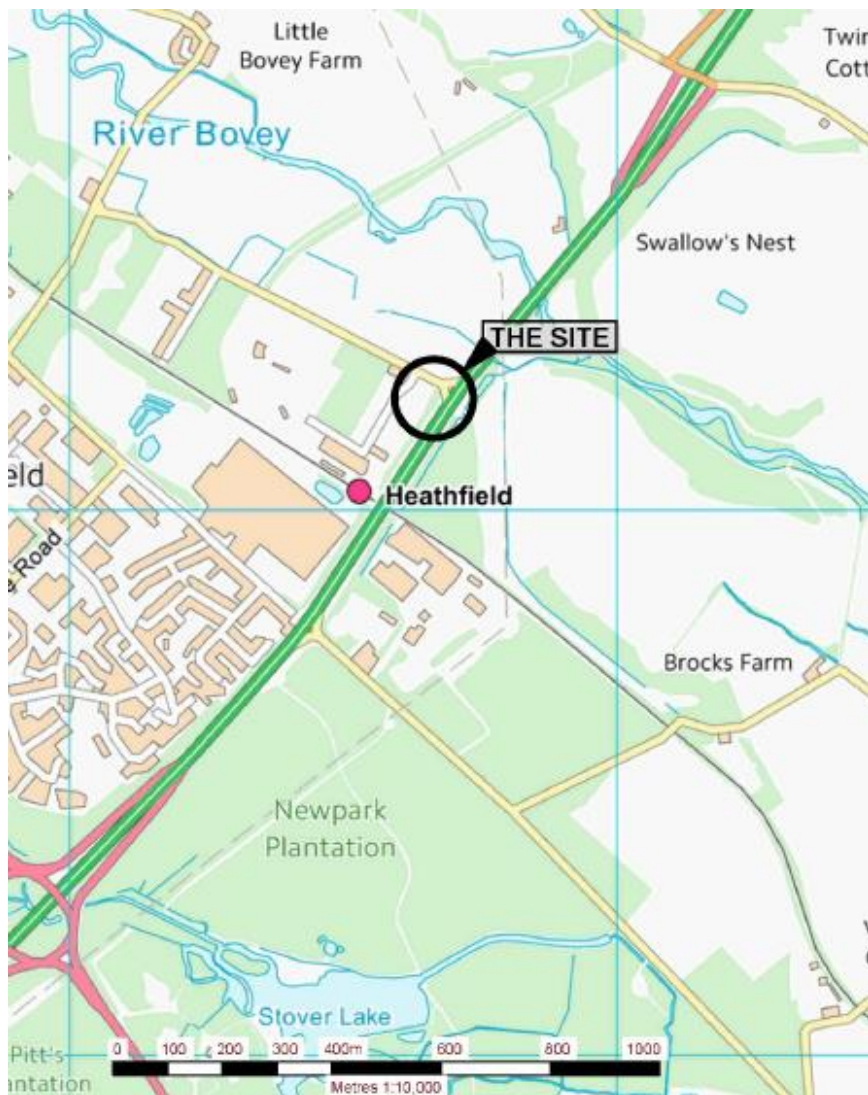
PLANNING COMMITTEE REPORT

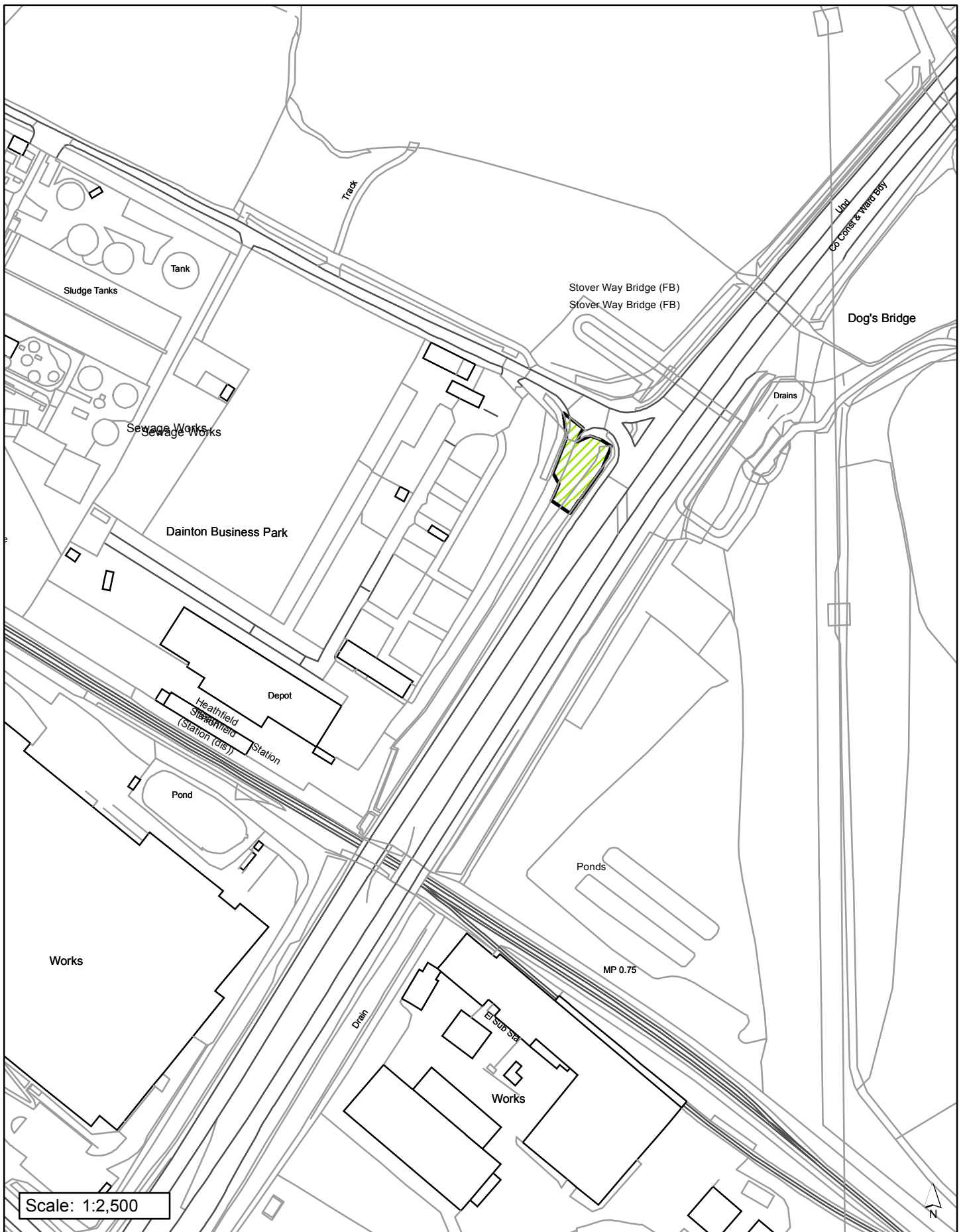
18 February 2020

CHAIRMAN: Cllr Mike Haines



APPLICATION FOR CONSIDERATION:	19/01342/FUL - Sabre Power, Station Park - Construction and operation of an urban reserve 2.5MW gas fired power plant and associated equipment	
APPLICANT:	Mr B Wallace	
CASE OFFICER	Gary Crawford	
WARD MEMBERS:	Cllr George Gribble Cllr Avril Kerswell Cllr Sally Morgan	Bovey
VIEW PLANNING FILE:	https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&Refval=19/01342/FUL&MN	





19/01342/FUL - Sabre Power, Station Park, Haytor View, TQ12 6RL



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1. REASON FOR REPORT

Councillor Morgan has recommended that this application be referred to the Planning Committee due to considering that the proposal is a contradiction to the Town and District Council's climate change policies.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Time limit for implementation (3 years);
2. To be built in accordance with approved plans;
3. Prior to commencement of development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority.
4. Prior to the commencement of the development hereby permitted, a detailed drainage strategy shall be submitted to and agreed in writing by the Local Planning Authority.
5. Prior to the commencement of the development hereby permitted, a Landscape and Boundary Treatment Plan shall be submitted to and agreed in writing by the Local Planning Authority.
6. Prior to the commencement of the development hereby permitted, a Tree Protection Plan shall be submitted to and agreed in writing by the Local Planning Authority
7. No external lighting shall be installed on, or in association with, the structures hereby approved, unless otherwise agreed in writing by the planning authority.

3. DESCRIPTION

The Application Site

- 3.1 The application site consists of an area of hardstanding adjacent to an access road which is located between the A38 and the Dainton Business Park at Heathfield. The site is accessed via an unnamed road which joins a junction of the A38 approximately 10m to the north east of the site. The site contains an existing gas kiosk. The site features an existing 2.4m high palisade fence on its northern boundary and, mature trees/vegetation on the eastern and southern boundaries. The western boundary is open to the access road. The site lies within designated open countryside. The site is located within a Greater Horseshoe bat Landscape Connectivity Zone, Sustainance Zone and strategic flyway in association with the South Hams Special Area of Conservation (SAC). Furthermore, the site lies within a Mineral Safeguarding Area for the ball clay resource.

The Application

- 3.2 The application seeks consent for the construction and operation of an urban reserve 2.5MW gas fired power plant and associated equipment. The proposals would be contained within a fenced compound and comprise:
- One 2.5MW generator
 - Gas supply and substation connection points
 - Oil and waste oil storage tanks
- 3.3 The proposed generator would measure 12.2m in length, 2.4m in depth and would have a maximum height of 7m. The site would have a gated access from the adjacent access road.
- 3.4 The applicant's agent has advised that according to the Department for Business, Energy and Industrial Strategy (BEIS) UK Energy Statistics in 2018, a record 52.8% of electricity was generated from renewable resources. However, this means that the UK is still heavily reliant on old inefficient and carbon intensive forms of electricity generation such as coal power. These power stations are predominantly located in the Midlands and North of England, and electricity generated from these stations has to be transported long distances at high voltages to provide power to areas such as Teignbridge. Moving electricity is inefficient and increases the carbon intensity of grid supplied power.
- 3.5 The agent has explained that the Urban Reserve sites such as the development currently proposed do not replace renewable energy generation capacity but support its use and further development. In order to transition the electricity network to a low carbon system there is a need to move away from high carbon intensive technologies in favour of lower carbon options and in the UK this has predominantly been new solar and wind farms. However, both solar and wind power generation are 'weather dependant'. Natural Gas has a significantly lower carbon intensity than coal and is dispatchable – in that it can be turned on, and off, as demand requires. Urban Reserve projects also export electricity at lower voltage providing electricity to the local area reducing losses experienced when transporting electricity through the transmission network.
- 3.6 As renewable generation grows there are times when wind and solar farms fail to generate enough electricity to meet demand. The reduction in renewable generation capacity is most acutely felt during periods of high pressure in the winter months. During this time wind speeds are low, and the daylight hours are short meaning the UK is increasingly reliant on 'dispatchable technologies' such as that proposed.
- 3.7 Building new, localised, highly efficient natural gas 'back up' power stations therefore enables the further penetration of renewables in the UK without risking black outs and interruption to businesses (and similar disruption of residential supplies) and helps move away from large centralised carbon intensive power stations. The overall effect is to reduce the carbon intensity of grid supplied electricity, support further development of renewables and give resilience to the local network.

- 3.8 The locations for Urban Reserve sites are chosen as local to areas with a risk of power outages and being small under-utilised sites within the areas they are intended to serve.
- 3.9 In terms of the future, the agent has advised further that gas fired generators are 'temporary' in that they are seen as a solution to bridging the gap between traditional and renewable energy generation until either advancing technology provides alternative grid support solutions or renewable energy generation/storage methods are developed with sufficient capacity to render them obsolete. In the case of alternative grid support solutions, given that the generators are containerised, they are readily replaceable with similar small scale units fired by, for example, hydrogen if/when that technology is suitably advanced.

Planning History

- 3.10 Relevant site history:
- 97/02549/FUL: Change of use, conversion and restoration of Old Railway Sidings Buildings into offices. Approved 15/10/1997
 - 07/02508/CLDE: Certificate of Lawfulness for existing use of land for general storage. Refused 10/1/2008.

Main issues

- 3.11 The main issues for consideration are:
- The principle of the development/sustainability;
 - Impact of the development on the residential amenity of the occupiers of surrounding properties;
 - Impact of the development upon the character and visual amenity of the area/open countryside;
 - Impact on ecology/biodiversity;
 - Highway safety;
 - Impact on trees;
 - Land drainage/flood risk;
 - Other matters

Principle of the development/sustainability

- 3.12 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions; however, the relevant development plan is the Teignbridge Local Plan 2013-2033.
- 3.13 The application site is located within designated countryside and Policy S22 (Countryside) of the Local Plan details that in open countryside, development will be

strictly managed, and limited to uses which are necessary to meet the overall aim of the policy. These uses include energy infrastructure.

- 3.14 Policy S6 (Resilience) of the Local Plan states that the Council will work with communities, developers and infrastructure providers to ensure that the future impact of climate change and fossil fuel scarcity is minimised. Furthermore, Policy S7 (Carbon Emission Targets) of the Local Plan sets out that the council will work proactively with partners and through public and private investment and the management of development, will seek to achieve reductions in carbon emissions per person arising within Teignbridge of about 42% from 2009 levels by 2030. This policy was adopted back in 2013 so is not new however; it was updated at the end of last year to reflect national policy changes at that time. The new wording to take immediate effect was approved recently;

“the carbon emissions reduction target in S7 should be read to reflect the new national carbon reduction target which is to achieve a reduction in carbon emissions of at least 100% by 2050 compared to 1990 levels (equivalent to a 48% reduction between 2017 and 2033)”

Policy EN3 (Carbon Reduction Plans) of the Local Plan specifies that development proposals should seek to minimise their carbon footprint both during construction and in use, to achieve the carbon emissions target in Policy S7.

- 3.15 Paragraph 148 of the National Planning Policy Framework (NPPF) states that the planning system should support the transition to a low carbon future in a changing climate and support renewable and low carbon energy and associated infrastructure. Furthermore, Paragraph 154 of the NPPF details that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
- 3.16 The use of small-scale gas fired generation facilities into the local electricity distribution network is also supported in the National Policy Statement for Energy EN-1. Paragraph 3.3.11 of this document with regards to ‘The need for more electricity capacity to support an increased supply from renewables’ states:

“An increase in renewable electricity is essential to enable the UK to meet its commitments under the EU Renewable Energy Directive. It will also help improve our energy security by reducing our dependence on imported fossil fuels, decrease greenhouse gas emissions and provide economic opportunities. However, some renewable sources (such as wind, solar and tidal) are intermittent and cannot be adjusted to meet demand. As a result, the more renewable generating capacity we have the more generation capacity we will require overall, to provide back-up at times when the availability of intermittent renewable sources is low. If fossil fuel plant remains the most cost-effective means of providing such back-up, particularly at short notice, it is possible that even when the UK’s electricity supply is almost entirely decarbonised we may still need fossil fuel power stations for short periods when renewable output is too low to meet demand, for example when there is little wind”.

- 3.17 Paragraph 3.3.12 details that ‘It is therefore likely that increasing reliance on renewables will mean that we need more total electricity capacity than we have

now, with a larger proportion being built only or mainly to perform back-up functions'. Paragraph 3.6.2 notes that 'gas will continue to play an important role in the electricity sector – providing vital flexibility to support an increasing amount of low-carbon generation and to maintain security of supply'. Furthermore, paragraph 3.6.8 specifies that 'it is clear that there must be some fossil fuel generating capacity to provide back-up for when generation from intermittent renewable generating capacity is low and to help with the transition to low carbon electricity generation'.

- 3.18 The National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2) further highlights the role for Fossil fuel electricity generation in providing a diverse energy mix as the UK makes the transition towards a secure decarbonised electricity system.
- 3.19 The Committee on Climate Change's report 'Net Zero, The UK's contribution to stopping global warming' (May 2019) details that electricity systems need to match electricity supply to demand in real-time. It notes that as more weather-dependent sources of electricity supply come online, matching supply to demand can become more challenging. The report states further that given important roles for electrification in both transport and heat, electricity demand will rise in most areas. Solutions that enhance system flexibility (e.g. smart charging of vehicles and hybrid heat pumps), will be important in ensuring that demand peaks are manageable and enabling maximum use of renewable generation. As such, many networks will need to be upgraded in a timely manner and future-proofed to limit costs and enable rapid uptake of electric vehicles and heat pumps.
- 3.20 The proposed development is one of many proposed nationally to address the capacity shortfalls in the grid due to peak demands, the unpredictability of renewable energy and the inability for large centralised power stations to react quickly. The need and support for such facilities is now reflected in a number of appeal decisions where Inspectors have allowed appeals for these facilities as they support the transition to a low carbon future. In an appeal decision for a 14MW Peaking Power Generation Plant in Derbyshire (appeal reference APP/R1010/W/17/3172633), the Inspector concluded that the proposed gas-fired engine-driven electricity generators could be described as 'associated infrastructure', as described in the NPPF and in paragraph 3.15 of this report, that would support the move towards low carbon energy supplied increasingly by renewable energy developments.
- 3.21 In an appeal decision for a flexible electricity generation plant in Hampshire (appeal reference APP/C1760/W/18/3194508), the Inspector stated:

14. The Overarching National Policy Statement for Energy (EN-1) states that as part of the country's need to diversify and decarbonise electricity generation, the Government is committed to increasing dramatically the amount of renewable generation capacity. However, it explains that some renewable sources (such as wind, solar and tidal) are intermittent and cannot be adjusted to meet demand. As a result, additional generating capacity will be required overall, to provide back-up at times when the availability of intermittent renewable sources is low. This may include generation using fossil fuels.

3.22 The Inspector commented further in appeal number 3194508 that the scheme would contribute to national objectives by delivering electricity to the grid on a demand responsive basis.

3.23 In an appeal decision for the construction and operation of an 8MWe Peaking Power Generation Plant in Cumbria (appeal reference APP/G0908/W/17/3189773), the Inspector stated the following when granting planning permission in April 2018:

12. Whilst noting that the appeal scheme would rely on a non-renewable energy source to provide energy to the National Grid, the appellant points out that flexible peaking power generation capacity specifically forms part of the renewable energy infrastructure being developed to meet the UK's obligations under the EU Renewable Energy Directive in order to cover the intermittency of generation. The proposed plant would be a low utilisation peaking asset, which would not be in continuous operation. It is designed to specifically work around renewables and to support the system when renewable generation levels decline. Combined carbon emissions from these peaking assets, along with renewable sites, can provide very low carbon power. In this respect, I agree with the conclusions drawn by the Inspector in the submitted appeal decision that the proposed plant could reasonably be described as low carbon energy 'associated infrastructure' as supported by paragraph 93 of the Framework.

13. Taking the above into account, the proposal would accord with the Framework's aims of securing economic growth in order to create jobs and prosperity, whilst meeting the challenges of a low carbon future. The plant would be connected to the Local Distribution Network and may improve the viability of the industrial estate by providing greater security of supply. In providing infrastructure, supporting the well-being of the community and supporting the move to a low carbon economy, the development would accord with the three dimensions of sustainable development within the Framework. Therefore, even if I had concluded that the plant would not constitute an appropriate sui generis use in terms of Policy S12, the benefits of the proposal would, in my opinion, outweigh the policy conflict and the loss of a modest sized parcel of employment land in an area where the Council accepts that employment land is not in short supply.

19. Furthermore, National Policy Statement EN-1 states that whilst the UK must reduce its dependence on fossil fuels, gas is the cleanest and most reliable fossil fuel and will continue to be a central part of Britain's energy mix during the transition to a low carbon economy as a reliable source of flexible power generating capacity. Moreover, the plant proposed will use gas only intermittently and not continuously. Whilst I have not been provided with full copies of those policies of the ALP referred to by the Green Party, I see no conflict in their aims to reduce Allerdale's carbon footprint.

3.24 On 18 April 2019, Teignbridge District Council declared a climate emergency. In addition, Bovey Tracey Town Council declared a climate emergency on 1 July 2019. Furthermore, Devon County Council declared a climate emergency on 21 February 2019. Point 6 of the Devon Climate Declaration details that:

In collaboration, we will engage Devon's residents, businesses and visitors to develop and implement a plan to facilitate the reduction of Devon's production and consumption emissions to meet IPCC recommendations at the latest. We will

openly report progress on its delivery. We know this transformational change will be challenging and will include:

- *Deploying more renewable, decentralised and smart energy systems*
- *Retrofitting energy-efficiency measures into our existing buildings*
- *Constructing zero-carbon new buildings*
- *Travelling less and using improved walking, cycling and public transport infrastructure more often, and using electric and hydrogen vehicles*
- *Changing our consumption to use less, re-use more and choose low-carbon options*
- *Challenging all economic sectors to review their practices and the values of those they do business with*
- *Divesting from fossil fuels*
- *Changing our dietary patterns and reducing food waste*
- *Changing agricultural practices to reduce emissions associated with farming operations, manage soils sustainably and replenish soil carbon*
- *Encouraging carbon storage such as through tree planting, the use of wood in construction and peatland restoration*
- *Empowering the people of Devon with the knowledge and skills to act collectively.*

3.25 The proposed development would be powered by natural gas and therefore it is important to recognise that this technology is not a renewable technology or low carbon project itself. However, the proposal will support the UK's shift towards low carbon energy by acting as a back-up facility for the production of energy for the National Grid at times when renewable energy sources cannot meet demand (e.g. dark, still winter mornings with no wind) rather than more carbon intensive forms of electricity generation such as coal power. Consequently, it can be considered that the proposal would help contribute towards helping to achieve reductions in carbon emissions in accordance with Policy S7 of the Local Plan and in line with the objective of Policy EN3 of the Local Plan.

3.26 Policy S22 of the local plan does support energy infrastructure within the countryside and the NPPF states that the planning system should support the transition to a low carbon future in and support renewable and low carbon energy and associated infrastructure. As outlined in the appeal decisions referred to previously in this report, Inspectors for appeal decisions for similar proposals elsewhere in the country have been allowed as Inspectors consider gas-fired electricity generators to be associated infrastructure as supported by the NPPF. Furthermore, national policy documents detail that there must be some fossil fuel generating capacity to provide back-up capacity when generation from renewable generating capacity is low and to help with the transition to low carbon electricity generation.

3.27 Furthermore, gas fired generators can be considered as 'temporary' in that they are seen as a solution to bridging the gap between traditional and renewable energy generation until either advancing technology provides alternative grid support solutions or renewable energy generation/storage methods are developed with sufficient capacity to render them obsolete.

3.28 The principle of the proposed development is finely balanced as the proposed development is not a renewable technology or low carbon project itself, although the proposal is a facilitator of renewable energy. As such, the proposal would support the UK's shift towards low carbon energy by acting as a back-up facility for the production of energy when renewable energy sources cannot meet demand and consequently would help contribute towards achieving a reduction in carbon emissions. Given the support provided by our Local Plan for the development of energy infrastructure and the number of appeal decisions where Inspectors have supported such proposals on the basis of them supporting the transition to a low-carbon future in appropriate locations and as 'associated infrastructure' supported by the NPPF, it is considered that, on balance, the principle of the proposed development is acceptable as it would support the transition to a low carbon future and would provide an element of energy security for the local area.

Impact of the development on the residential amenity of the occupiers of surrounding properties

3.29 The nearest residential properties are Swallow's Nest which is located approximately 340m to the north east of the application site, Heathfield Cottages which are located approximately 465m to the north west of the application site and Sharps Crescent which are located approximately 480m to the south west of the application site. Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan details that proposals will be required to perform well against 10 criterion which include health, safety and environmental effects of noise, smell, dust, light, vibration, fumes or other forms of pollution or nuisance arising from the proposed development.

3.30 In terms of noise from the proposed development, Teignbridge District Council's Environmental Health department were consulted on this application and they requested the submission of a noise impact report. Following the submission of a Noise Impact Assessment, the Council's Environmental Health department have commented that they have no objections to the proposal in terms of noise impacts. As such, subject to compliance with the submitted Noise Impact Assessment, it is deemed that the proposal would not result in any unacceptable noise impacts upon the amenity of nearby residential properties.

3.31 In terms of air pollution from the proposed development, the applicant will need to apply for an Environmental Permit from the Environment Agency (EA) to be able to operate the proposed plant. During its determination of the application for the environmental permit, the EA will assess risks associated with emissions to air from the plant. Environmental permits for Specified Generators require that the air quality standards must not be breached and they will also contain emission limit values that must be complied with. The EA will assess during the course of its determination whether stringent conditions will be complied with and will only issue an environmental permit where no significant impact to human health will occur.

3.32 Whilst the Council's Environmental Health department initially commented that they had no objections to the proposal in terms of air quality, following a representation from Teign Energy Communities, the Environmental Health department requested if the applicant could provide evidence that demonstrates adequate elevation and dispersion of flue gases. The applicant stated in an e-mail dated 13 November 2019 that stack height and adequate dispersion of flue gases is a matter for the EA and the permitting process and an environmental permit will not be issued if the stack height is not adequate or if the stack is not performing its function adequately. The

Council's Environmental Health department have confirmed that they are happy with the applicant's response and have recommended the application for approval in terms of air quality.

- 3.33 Given that the Council's Environmental Health department have not raised any objections to the proposed development in terms of noise or air quality, it is deemed that the proposal would comply with Policy S1 of the Local Plan and would not result in any adverse impacts upon the residential amenity of the occupiers of surrounding properties.

Impact of the development upon the character and visual amenity of the area/open countryside

- 3.34 Although the proposed generator would be up to 7m in height, the site would be screened by the existing mature trees/vegetation on the eastern boundary of the site. Whilst the proposal involves the removal of three Scots pine trees from the site, it is recommended that a landscaping condition is included with any permission to ensure that the site is adequately screened when viewed from the A38. Furthermore, there are a number of existing commercial and industrial uses within the vicinity of the application site. As such, given the relatively small-scale nature of the proposed development, the existing screening on the eastern boundary of the site, and the nearby existing commercial and industrial uses, it is considered that the proposal would not result in a significantly harmful impact upon the character and visual amenity of the area or open countryside.

Impact on ecology/biodiversity

- 3.35 Representations regarding the impact of the proposed development are noted and the Chudleigh Knighton Site of Special Scientific Interest (SSSI) is located approximately 370m to the north east of the site. Teignbridge District Council's Biodiversity Officer has raised no objections to the proposal subject to the removal or cutting back of any vegetation taking place outside of the bird breeding season. Natural England have also been consulted on this application and they have stated that they have no comments to make on the application.
- 3.36 As the application site lies within a landscape connectivity zone in association with the South Hams Special Area of Conservation for Greater Horseshoe bats, it is considered necessary to include a condition with any permission which states that no external lighting shall be installed unless an external lighting scheme is first agreed in writing by the Local Planning Authority.

Highway safety

- 3.37 The site would be accessed off an unclassified county road which joins a junction of the A38 approximately 10m to the north east of the site. Devon County Council's Highways department have commented that the number of trips that the proposed development could generate once in operation would not be a severe impact or safety issue on the county highway network. As such, the County Highway Authority have raised no objections to the proposal.
- 3.38 In terms of traffic impact, Highways England have commented that based on the estimated 1-2 two-way maintenance trips per week to the site post construction, when considering the existing trips to the adjacent industrial estate, they accepted that the additional trips will fall within the daily variation expected at the nearby junction with the A38. As such, Highways England consider that the proposal is

unlikely to have a material impact on the safe and efficient operation of the strategic road network. With regards to Highway Safety, Highway England have commented that whilst access from the existing road into the site itself is in relatively close proximity to the A38 Trunk Road junction, entry speeds are constrained by the alignment of both approaches to this junction. In addition, neither the construction nor operational phases of the site are expected to generate large numbers of additional movements at the existing access. As such, Highways England do not consider that the proposal would result in a severe impact on road safety.

- 3.39 Both DCC Highways and Highways England have requested that prior to commencement of any part of the site, the Planning Authority shall have received and approved a Construction Management Plan. These details will be required via a planning condition. It is therefore considered that this application is acceptable with regard to the impact on highway safety.

Impact on trees

- 3.40 Teignbridge District Council's Senior Arboricultural Officer has commented that if trees on the northern and eastern boundary of the site are to be removed, a landscape plan showing significant tree planting will be required prior to determination of the application. Highways England have also requested that if the local planning authority (LPA) are minded to grant consent for the proposed development, prior to the commencement of the development, a Landscape and Boundary Treatment Plan shall be submitted to and agreed in writing by the LPA in consultation with Highways England.

- 3.41 The applicant has detailed in the submitted Planning Statement that prior to the construction of the proposed development, three Scots pine trees would need to be removed. Although no replacement tree planting details have been provided, it is considered necessary to include a condition with any permission requiring a Landscape and Boundary Treatment Plan to be submitted to and agreed in writing by the LPA prior to the commencement of the development. Highways England have also requested that a tree protection plan shall be submitted and these details will be required via a planning condition.

Land drainage/flood risk

- 3.42 The application site is not located with Flood Zones 2 or 3. With regards to land drainage, Highways England have requested that if the LPA are minded to grant consent for the proposed development, a condition is included with any permission which states that prior to the commencement of the development, a detailed drainage strategy shall be submitted to and agreed in writing by the LPA in consultation with Highways England.

Other matters

- 3.43 The site lies within a Mineral Safeguarding Area for the ball clay resource. However, Devon County Council have raised no objections to the proposed development in their role as mineral planning authority as the application site is a small area of land between existing development and the A38, and extraction of ball clay is very unlikely to be economic. Representations regarding the impact of the proposed development on property values are noted, however, this is not considered to be a material planning consideration.

Conclusions

- 3.44 Although finely balanced, given that the proposed development would support the transition to a low carbon future and consequently would help contribute towards achieving a reduction in carbon emissions, it is deemed that the principle of the development is acceptable. It is also considered that the proposal would not result in any adverse amenity or visual impacts or would result in any unacceptable impacts upon biodiversity, highway safety, trees or flood risk. It is therefore recommended that planning permission be granted subject to conditions.

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S5 Infrastructure

S6 Resilience

S7 Carbon Emission Targets

S10 Transport Networks

S11 Pollution

S22 Countryside

EN3 Carbon Reduction Plans

EN6 Air Quality

EN8 Biodiversity Protection and Enhancement

EN9 Important Habitats and Features

EN10 European Wildlife Sites

EN11 Legally Protected and Priority Species

EN12 Woodlands, Trees and Hedgerows

Devon Minerals Plan

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

TDC Environmental Health (Air Quality):

Comments dated 5 August 2019

No objections

Comments dated 22 October 2019

I have revisited the application and note the range of observations from Teign Energy Communities which cover many other disciplines.

However with focus specifically on local air quality impacts and stack emissions I do take the point made that there is very little numerical detail about content of emissions, velocity of flue gases, to support the notion that the stack will deliver

adequate dispersion, even though the nearest potentially significant receptor is 60 metres to the north west of the site.

In short, and for the sake of certainty, can the applicant provide evidence that demonstrates adequate elevation and dispersion of flue gases.

Comments dated 5 December 2019:

I have reviewed the comments in the email of the 11th Nov and am pleased that there is confirmation that adequate dispersion will be delivered via the environmental permitting regime, which is akin to the environmental permits we issue as a regulator.

On this basis I recommend approval.

TDC Environmental Health (Noise):

Comments dated 3 October 2019:

The applicant should seek and obtain the services of a professional sound consultant to submit a noise impact report for this proposal.

Works should not commence until such time as the report has been received and any remedial action agreed with the local planning authority.

Details should also be provided by the application with regard to CO₂ capture and flue gas recycling from this proposal.

Comments dated 4 December 2019:

No objections

TDC Senior Arboricultural Officer:

Provided trees on the northern and eastern boundary of the site are retained there are no arboricultural objection to the proposal.

If the above trees are to be removed a landscape plan showing significant tree planting will be required prior to determination of the application.

TDC Biodiversity Officer:

It is not clear if the proposal would entail removal or cutting back of vegetation. If the council is minded to grant consent, please include an informative with regards to cutting or clearance of shrubs, hedges or other vegetation, which may form nesting sites for birds.

DCC Highways:

This site will be accessed off an unclassified County Road which is restricted to 60 MPH.

Although the access to the site is off Devon County Council Highway Network, it will also be accessed and will possibly be visible from the A38, therefore Highways England should be consulted on this application.

The number of trips this power plant could generate once in operation would not be considered to be a severe or safety issue on the County Highway network. Therefore the County Highway Authority has no objections.

DCC Minerals:

The application site lies within a Mineral Safeguarding Area for the ball clay resource, as defined in the Policies Map for the Devon Minerals Plan. Policy M2 of this Plan seeks to safeguard mineral resources from sterilisation or constraint by other forms of development.

In this case, the application site is a small area of land between existing development and the A38, and extraction of ball clay is very unlikely to be economic. Devon County Council therefore has no objection in its role of mineral planning authority.

Highways England

Comments dated 17 September 2019:

Drainage

The Planning statement mentions a proposed layout plan and a flood risk assessment exist, can we please have copies of these. The application form indicates that surface water will be disposed of to the existing watercourse although no information is currently available which details this.

As-built drawings relating to the construction of the trunk road appear to suggest the presence of drainage assets within the plot, which will need to be investigated should construction be proposed in this location. The 'unnamed road' the other side of the site was also installed during the trunk road construction and the drainage of that road heads into a ditch that appears to follow the Highways England boundary going northwards as per the screenshot below. Unless the applicant can demonstrate that this land falls within their ownership, this must not be impacted by the proposals, nor will any new/change of use connections be permitted into this drainage asset, in line with paragraph 50 of DfT Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development'.

Owing to the proximity to our boundary, we will need to understand the interaction with existing drainage assets as well as the proposed internal layout of the site and how it will direct water close to the boundary.

Land Ownership

With reference to Land Registry records, the applicant will be required to cross land within Highways England Ownership to access the development. Can the applicant please provide the relevant legal agreement(s) that permit this use, both under the current site usage and the proposed change of use.

Comments dated 26 September 2019

Highways England has no objection in principle to the proposed development subject to planning conditions being attached to any consent the planning authority is minded to grant to the effect that:

1. Prior to the commencement of the development hereby permitted, a detailed drainage strategy including relevant plans and details of overland drainage flows shall be submitted to and agreed in writing by the Local Planning Authority (in

consultation with Highways England). **Reason:** To ensure the protection of the Highways England drainage asset.

2. Prior to the commencement of the development hereby permitted, a Landscape and Boundary Treatment Plan shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with Highways England). The plan shall include as a minimum, details of any proposed works that may impact on the adjacent highway planting and a method statement for the protection of the planting during the construction phase. Works shall be undertaken in accordance with the approved plan and any damage to highway planting shall be remediated. **Reason:** To ensure the protection the Highways England soft Estate.

3. Prior to the commencement of the development hereby permitted, a Tree Protection Plan which conforms to “*BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations*” shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with Highways England). **Reason:** To ensure the protection of the Highways England soft estate.

4. Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to and approved in writing by the local planning authority (in consultation with Highways England). The plan shall include as a minimum: construction vehicle movements, construction operation hours, a routing and signing strategy for construction vehicles to and from site, construction delivery hours, expected number of construction vehicles per day, and car parking provision arrangements for contractors. Construction shall be carried out in accordance with the approved plan. **Reason:** in the interest of the safe and efficient operation of the A38 trunk road.

Natural England:

No comments.

Wales & West Utilities Ltd:

No objections to the proposals, however Wales & West Utilities apparatus may be at risk during construction works and should the planning application be approved then Wales & West Utilities require the promoter of these works to contact Wales & West Utilities directly to discuss their requirements in detail.

6. REPRESENTATIONS

A site notice was erected at the entrance to the site. At the time of drafting this report (30 January 2020), 197 letters of objection, 10 letters of representation and one letter of support had been received.

The letters of objection raised the following planning issues:

- Should be using renewable energy.
- Existing noise issues on the site.
- Inappropriate location for the type of development.
- Will cause light, noise and air pollution.
- Greener options should be considered first.
- Burning fossil fuel conflicts with Teignbridge's objective of being carbon neutral by 2025.

- In conflict with climate emergency declared by Teignbridge District Council, Devon County Council & Bovey Tracey Town Council.
- The applicant has not included a statement justifying the need for a gas fired power station in this area.
- Intermittent gas fired power stations will have a substantial impact on the local environment, including nearby housing, in terms of:
 - Increase in CO2 and other pollutants including NOx.
 - Noise
 - Sudden reduction in oxygen levels in the close vicinity of the plant
- Once there is significant renewable generation in the area there will be need for alternative local supply to balance intermittent renewable supply, but this needs to use a carbon neutral supply to meet the zero carbon objective.
- There are new commercially available technologies that can bulk store excess renewable energy.
- The proposal would exacerbate global warming and release toxic nitrogen compounds.
- Water pollution.
- Would set a precedent for future similar developments.
- The infrastructure is unable to sustain the increase in traffic, plant vehicles and people.
- Any increase in greenhouse gases will worsen the climate emergency.
- Impact on biodiversity.
- The proposal would cause noise pollution and, thereby, increase stress for local inhabitants.
- No environmental impact study has been submitted.
- Impact on human health.
- Visual impact.
- Impact on property values.
- Impact on road safety.
- Located near schools, houses and employment areas.
- Loss of trees.

The letters of representation made the following comments:

- Can the proposed plant be converted to burn hydrogen when and if this becomes available, or to replace the plant with other lower carbon technology as soon as possible; and what carbon offset mitigation is proposed in the meantime.

The letter of support made the following comments:

- Without facilities like the proposed development then there would be electrical outages if we were to rely on just renewable technologies such as wind and solar.
- The proposal is a local system which generates electricity locally therefore it is more efficient as the losses which can arise in the national grid when electricity is distributed nationally are eliminated.

7. TOWN COUNCIL'S COMMENTS

Object as the proposals appear to contradict the Town, County and District Council's climate change policies.

8. COMMUNITY INFRASTRUCTURE LEVY

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development. The site is less than 0.1ha, significantly less than the threshold where EIA is more likely to be required for energy generating sites of 0.5ha and above.

10. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Business Manager – Strategic Place