

Application No: 16/4041C

Location: Land at Fields Farm, CONGLETON ROAD, SANDBACH, CW11 4TE

Proposal: Provision of emergency standby electricity generation facility, comprising diesel generators, bunded fuel tanks, acoustic fencing and gates, substation, generator transformers, control and HV cabinet, LV Switch Room, CCTV, landscaping, earthworks and ancillary infrastructure.

Applicant: INRG Solar Ltd

Expiry Date: 28-Apr-2017

SUMMARY:

The site is within the Open Countryside as defined in the adopted Local Plan.

The maintenance of a stable and secure supply is an important material consideration in the determination of this application.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon noise, air quality, ecology, highway safety, amenity, landscape, trees and design.

RECOMMENDATION:

Approve subject to conditions

PROPOSAL

The application originally proposed the provision of an emergency standby electricity generation facility using 40 diesel engines.

Subsequently this has been amended to 10 gas utilisation engines with associated ancillary equipment, sited within a compound enclosed by a 3m acoustic/security fence.

Access would be taken from the existing access on Congleton Road, Sandbach.

SITE DESCRIPTION

The application site is an area of land on Fields Farm, Sandbach which is to the north of Congleton Road and accessed from it. It comprises the south westerly section of a field of a rectangular shape approximately 0.34 hectares in size. It is adjacent to ponds forming part of Fields Farm Fisheries.

The site is designated as being within Open Countryside in the adopted Congleton Borough Local Plan First Review 2005 and the Cheshire East Local Plan Strategy.

RELEVANT HISTORY

No relevant history relating to this site.

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 96, 97, 98.

Development Plan:

The relevant Saved Policies are: -

PS4 – Towns
GR1 – New Development
GR2 – Design
GR3 – Density, Housing Mix and Layout
GR4 – Landscaping
GR6 – Amenity and Health
GR7 - Pollution
GR9 - Accessibility, Servicing and Parking Provision
GR18 – Traffic Generation
GR20 – Public Utilities
GR22 – Open Space Provision
NR3 – Habitats
E3 – Employment Development in Towns
SPD14 – Trees and Development

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
PG 1 Overall Development Strategy
SE 3 Biodiversity and Geodiversity
SE8 Renewable and Low Carbon Energy
IN1 Infrastructure

Sandbach Neighbourhood Plan

The red-edge for the application includes the existing access track which is within the area covered by the Sandbach Neighbourhood Plan. The operational development in the form of the electricity

generation facility is located within Bradwall Parish (there is no Neighbourhood Plan in Bradwall Parish)

The relevant Saved Policies are: -

PC2 Landscape Character
PC3 Policy Boundary for Sandbach
PC5 Footpaths and Cycleways
IFT1 Sustainable Transport, Safety and Accessibility
CC1 Adapting to Climate Change

CONSULTATIONS:

Environmental Protection: No objection subject to conditions.

Highways: Originally objected due to the movement of oil tankers on the access road. Now withdrawn as no oil tankers are necessary.

Natural England: No objection.

Public Rights of Way: No objection subject to informatives.

Flood Risk Manager: No objection subject to conditions.

Jodrell Bank: Make comments relating to radio interference and recommend conditions.

Archaeology: No objection.

Sandbach Town Council: Object to the proposals on the following grounds:

- *The access statement has fundamentally changed from Diesel to Gas generators with not enough time given for all consultees and members of the public to reconsider the application.*
- *The site is a visual intrusion into the countryside. The Generators can clearly be seen over the top of the fencing (as shown in page 26 of the Design Access Statement. Furthermore, this adversely effects the views from footpaths: 5, 7, 8 and 10.*
- *Members have significant concerns in relation to the impact on Jodrell Bank. No new noise assessment appears to have been carried out following the switch from diesel to gas where a difference may be present.*
- *As there is no explanation of how the gas will reach the site, nor any pipelines marked in the plans, members assume that gas will be supplied by tanker which they strongly object to due to the impact on local residents.*
- *The removal of significant hedgerows around the site.*
- *Finally, members object to this application as it does not portray an alternative energy usage which contravenes new government policy on Green power.*

Bradwall Parish Council: No comments received.

REPRESENTATIONS:

At the time of report writing eight representations have been submitted in relation to this application. They express the following concerns:

- Air Pollution
- Noise
- Highway safety
- Dangerous access
- Impact on landscape/open countryside
- Loss of agricultural land
- Views from footpaths
- Impact on wildlife
- Adverse impact on the fishery
- Should be sited at least 2 miles away from urban areas
- Impact on gas supply

These can be viewed in full on the Council website.

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

The site lies in the Open Countryside as designated in the adopted Congleton Borough Local Plan First Review 2005 where Policy PS8 requires that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings and affordable housing.

The issue in question is whether this proposal represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the presumption in favour of sustainable development.

In terms of the Cheshire East Local Plan Strategy the Strategic Priority 2 states that all the infrastructure required to support the community should be provided and this includes working with infrastructure providers to make sure that infrastructure to support the community is provided this includes energy provision. This is then repeated within Policy SD1 (Sustainable Development in Cheshire East).

The development is also in compliance with Policy IN1 which states that *'The Council will also require new and improved social and community facilities, utilities infrastructure and other infrastructure to be provided in a timely manner to meet the needs of new development as they arise so as to make a positive contribution towards safeguarding and creating sustainable*

communities, promote social inclusion and reduce deprivation'. The justification to this policy states that infrastructure includes energy including heat, gas and electricity.

The site itself falls outside of the Sandbach Neighbourhood Development Plan (SNDP) Area, however the pipeline connection for provision of the gas supply and the electricity connection to the Grid fall within it, as does the access track.

Having regard to the access, Policy IFT1 is the relevant policy in the SNDP. This policy requires, inter alia that development must demonstrate the impacts of traffic from the proposed development and indicate how any impacts will be mitigated, demonstrate that the proposed site is located in an acceptable location in relation to the existing highway network, especially from a safety and aggregate congestion viewpoint and not adversely impact on existing footpaths or cycleways. The proposal is considered to be in compliance with these requirements.

The installation of the gas pipeline and electricity connection to the grid fall under the Town and Country planning (General permitted Development) (England) Order 2017, Schedule 2 Part 15 (Power Related Development). As such they constitute permitted development and do not require planning permission to be granted by the Local Planning Authority.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

"Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment"

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

These roles should not be undertaken in isolation, because they are mutually dependent.

ENVIRONMENTAL ROLE

Energy Efficiency

The plant is designed to supply decentralised emergency electricity generation as and when instructed by National Grid to ensure a continuous supply when the grid is experiencing capacity shortage.

Other types of existing quick-start power generation methods are heavy fuel or diesel generators that are less efficient and have worse emissions profiles or open cycle gas turbines that are also less efficient and produce power in much larger blocks.

The proposal therefore would represent an efficient and responsive method of supplying power at times of peak demand.

Noise

An amended noise impact assessment (NIA) has been submitted in support of the application and Environmental Protection are in agreement with the methodology, noise measurement locations and prediction calculations.

The assessment concludes that the plant can be mitigated such that the site can operate within acceptable noise limits and therefore comply with relevant guidance and standards for noise. The results show that the noise contribution from maximum site operations with the chosen mitigation measures is below the representative background sound level during the daytime and marginally above background at West View and Sandvorne, Bradwall Road.

The Noise Consultant has calculated that noise from the site would result in a low impact or under the lowest background conditions at the nearest receptor it would be below an adverse impact. The assessment demonstrates that with appropriate mitigation the site can be designed to comply with relevant noise guidance and standards.

Environmental Protection recommends that once the proposed development is operational, that a noise assessment is undertaken within 6 months, to ensure that the BS4142 assessment is correct and if it is identified that mitigation is required then works will be undertaken accordingly. This should be controlled by condition.

Air Quality

This is a revised proposal which proposes 10 gas fuelled generators as opposed to 40 diesel powered generators to provide a Short Term Operating reserve (STOR) for emergency backup power provision to the National Grid.

Since submission of the application the Council is preparing to declare a further Air Quality Management Area in Sandbach (along Middlewich Road) and this response reflects that process.

Emissions from gas generators, whilst cleaner than diesel engines still have the potential to cause an adverse impact on Local Air Quality, and subsequently human health and ecological receptors. Emissions of concern include nitrogen dioxide (NO₂), particulates (PM₁₀, PM_{2.5}), Carbon Monoxide (CO) and Hydrocarbons (VoC's).

The application is accompanied by a revised Air quality Impact Assessment which considers emissions from the diesel generators, and the potential impact on human health, and ecological receptors. The assessment has been undertaken in accordance with current guidance and best practice.

When assessing emissions from STOR sites, account must be taken of the variability of operation. The generators will not operate continuously and there is a contractual cap on the operation of the engines to 2,500 hours per year. The generators are required

Assessment of Air Quality Impact Report

The Air Quality assessment submitted with the application uses detailed dispersion modelling techniques to predict concentrations of pollutants at sensitive receptors. One critical input into any dispersion model is the length of time the generators are operating (as there are no emissions at other times).

Due to the change to gas generators, the maximum operating times have changed from the original application, and this is a key consideration with respect to emissions. The generators have a contractual cap, restricting operations to a maximum of 2,500 hours a year. However they are required to be available 24 hours a day.

The assessment report considers two scenarios. An absolute worst case scenario (where the generators are assumed to operate continually i.e. 8,760 hours per year), and a scenario assuming 2,500 hours a year over a typical operating profile obtained from data from other existing sites.

Nitrogen dioxide (NO₂)

For NO₂ the following Air Quality Standards apply:

- Annual Mean Limit – 40 µg/m³
- Hourly Limit Value – 200 µg/m³ (not to be exceeded more than 18 times in a year or 99.79 percentile).

Atmospheric chemistry results in nitrogen dioxide concentrations drop off rapidly with increasing distance from the source.

With respect to the typical operating profile, no exceedances of the annual mean or short term air quality standards are predicted at any receptor, and any increases in NO₂ are considered to be insignificant.

When the worst case (continual operation) profile has been assessed, there are no exceedances of the long term air quality standards. However there is a potential exceedance of the short term air quality standard at the nearby recreational facility (Fishing Lakes).

The model at this location (worst case) predicts a possible 260 exceedances of the short term air quality objective. It is noted that with diesel generators this figure was over 1000.

It is accepted that it is unlikely that the generators will operate continually, at full load for a full year, and it is far more likely that the generators will operate for the 2,500 contractual cap. As such, it is felt this aspect can be conditioned by requiring the operator to monitor usage, and should the usage exceed 2,500 hours per year the operator will be required to undertake further work and potentially install additional abatement onto the generators.

Particulates (PM₁₀, PM_{2.5})

For Particulates (PM₁₀) the following Air quality standards apply:

- Long term AQS - Annual Mean – 40 µg/m³
- Hourly Limit – 50 µg/m³ not to be exceeded more than 35 times per year (90.41 percentile)

For PM_{2.5} (Ultra-fine particulates) there are no air quality standards (in England) however there is a Target Value;

- Long term AQS - Annual Mean – 25 µg/m³

The dispersion model predicts (for worst case and typical operating profiles) that the annual mean and short term hourly PM₁₀ limit value and PM_{2.5} target will not be exceeded as a result of the development at any receptors.

Carbon Monoxide (CO)

Carbon Monoxide has an Air quality Standard of;

- 8-hour running mean – 10,000 µg/m³
- EAL 1-hour mean – 30,000 µg/m³

The air quality impact assessment predicts that, for the worst case continual operating scenario the highest concentration (1-hour) at the closest receptor (the fishing Lake) is 1618 µg/m³ or 5.39% of the Air Quality Standard. As such there is not considered to be an impact from Carbon Monoxide.

Discussion

It is clear from the dispersion modelling report that the proposed STOR facility will have a negative impact on Local Air Quality, however this impact is not considered to be significant.

The modelling report shows there will be no breaches of the Long Term health based Air Quality Standards for NO₂, Particulates (PM₁₀ and PM_{2.5}) and Carbon Monoxide at any human receptor points. There is small potential for a breach of the short term air quality standard for NO₂ at the fishing lakes close to the site; however it is considered that the continuous operation profile is extremely conservative and it is far more likely operations will be in accordance with the typical operating profile. As such, it is considered there is not a likelihood of an exceedance of the air quality objectives.

As all the receptors used in the report are significantly closer to the site than the existing AQMA at Junction 17, and the potential new AQMA on Middlewich Road, Sandbach there would not be an impact on NO₂ levels within either of these AQMA's.

The Department for Environment Food and Rural Affairs has released a statement with respect to regulating emissions from STOR generation facilities as they are a recognised contributor to poor air quality. The current consultation (if it became regulation) would require the permitting of installations of this nature, and tighter emission limits may be imposed in the future.

Conclusion

The conclusions of the report are accepted, and it is accepted that the generators are not likely to operate at "worst case" and in the typical operating scenario there are not predicted to be any exceedances of the AQS's.

Highways

The proposal would be located off an unadopted track which itself is accessed via Congleton Rd. Any vehicles accessing/exiting the site would be from here.

As originally proposed, the Head of Strategic Infrastructure objected to the application, in particular because of oil tankers using this access. Subsequently the scheme has changed to using gas generation and as such there is no requirement for oil deliveries. This objection has subsequently been removed.

During the construction and decommissioning periods there would be a need for large vehicles to use the site; however this would be short lived and is not considered to have such a severe impact as to warrant a reason for refusal.

The proposal is therefore considered to be acceptable in terms of highway safety, parking and traffic generation and in accordance with Policies GR9 and GR18 of the adopted local plan.

Ecology

The proposed development is located within 4km of Bagmere SSSI which forms part of the Midland Meres and Mosses Phase 1 Ramsar. It is noted that consultation comments that Natural England advise that the proposed development is not likely to have an adverse impact upon any statutory designated site.

Under regulation 61 of the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'. This assessment has been undertaken and is available in the planning documentation. The assessment concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required.

It is considered that Great Crested Newts, Water Voles or reptiles are not reasonably likely to be affected by the proposed development.

Field signs suggestive of the potential presence of Otter on this site was recorded during the submitted survey. It is considered that the level of evidence recorded is insufficient to confirm the presence of this species. The proposed development would also not result in the loss of any habitat that is likely to be significant for this species. The suggested ecological assessment advises that, provided the lighting scheme for the site is designed sensitively, the proposed development would be unlikely to have an adverse impact upon this species.

It is therefore recommended that in the event that planning permission is granted a condition should be attached requiring the submission of a detailed lighting strategy for the scheme.

Landscape

The development would have a utilitarian appearance appropriate to its use. It would be screened by 3m high acoustic fencing and this in turn would be screened by additional native planting.

The submission now includes a Landscape Appraisal dated August 2016, with a revision dated February 2017. The findings conclude that landscape and visual effects would be largely contained to the landscape within 500 metres of the site with limited visual effects from greater distances. Although a number of viewpoints are assessed, the main potential visual impacts on receptors are identified when viewed from sections of 2 public footpaths, 2 residential properties and a 100 metre section of a minor road.

The report places significant weight on the benefits of proposed mitigation structural landscape treatment. It is important to consider that for a period of up to half the 20 year life span of the development, the development would not be fully screened by the mitigation proposed. For users of public footpath Bradwall 5 passing close to the site, the development would be prominent. The report indicates that after the 20 year period, the site would be decommissioned and the land reinstated to agricultural use but with the planting retained.

Should the application be approved, conditions should be imposed relating to implementation of the proposed landscaping, reinstatement of hedgerows and restoration of the site after decommissioning.

ECONOMIC SUSTAINABILITY

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’

With regard to the economic role of sustainable development, the proposed development would involve some employment and economic benefits during construction and the creation of four full time jobs related to the power plant and other related maintenance employment opportunities.

Ensuring that there is a responsive supply of energy is also a key economic consideration.

SOCIAL SUSTAINABILITY

Amenity

The site is located in open countryside and the nearest residential dwelling is in excess of 200m away. The proposal therefore raises no issues relating to residential amenity.

Ensuring a stable supply of electricity is an important benefit of the proposal contributing to the social sustainability of the development.

Response to Observations

The representations of the members of the public have been given careful consideration and are addressed in the individual sections of this report.

The Town Council have expressed concerns that not enough time has been given for all consultees and members of the public to reconsider the application in the light of the change from diesel to gas powered generation. However; consultation letters were sent to all consultees and local residents on 3rd February 2017 giving 21 days to reply. This meets the statutory requirements and in addition comments are accepted in writing and by email until the point that the application is determined. As such it is considered that adequate time has been provided to allow for comments and observations to be submitted.

Conclusion – The Planning Balance

The site is within the Open Countryside as defined in the adopted Local Plan.

The maintenance of a stable and secure supply is an important material consideration in the determination of this application.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon noise, air quality, ecology, highway safety, amenity, landscape, trees and design.

RECOMMENDATION

Approve subject to the following conditions:

- 1. Time limit**
- 2. Approved plans**
- 3. Compliance with the submitted Ecology Report dated August 2016**
- 4. Updated Badger Survey if development commences after August 2017**
- 5. Protection for breeding birds**
- 6. Submission of details of any external lighting**
- 7. Implementation of the submitted landscape scheme**
- 8. Implementation and compliance with submitted tree protection measures and tree works**
- 9. Submission of a noise assessment within 6 months of first operation of the facility**

10. Restriction of any piling operations to 9am to 5.30pm Monday to Friday, 9am to 1pm on Saturdays, with no working on Sundays or public holidays
11. Maintenance of a record of the hours of operation of the generators
12. Generators shall be as specified in the Air Quality Impact Assessment (January 2017)
13. Should the operations exceed 2,500 hours per annum, submission of a detailed air quality assessment
14. Submission and implementation of details of equipment including radiated emission levels
15. Submission and implementation of a scheme of radiated emission mitigation measures, liaison, monitoring and testing
16. Submission of a Decommissioning Method Statement

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

