

<b>APPLICATION NO</b>	<b>PA/2015/1106</b>
<b>APPLICANT</b>	Marden Power Limited
<b>DEVELOPMENT</b>	Planning permission for construction of a 20 MW embedded short-term operating reserve and peak power (STOR) generating plant, auxiliary equipment and access
<b>LOCATION</b>	Land to the south of Dragonby Vale Enterprise Park, Mannaberg Way, Scunthorpe
<b>PARISH</b>	<b>Scunthorpe</b>
<b>WARD</b>	Crosby and Park
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillor Christine O'Sullivan – significant public interest)

## **POLICIES**

**National Planning Policy Framework:** Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 93 states planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, supporting the delivery of renewable and low carbon energy and associated infrastructure.

Paragraph 109 states the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, and preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution, or land instability.

**North Lincolnshire Local Plan:** Policies DS1, DS11, IN1, T1, T2 and T19 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS5, CS11, CS17 and CS18 apply.

## **CONSULTATIONS**

**Highways:** Recommend conditions in relation to the unit not being brought into use until the vehicle parking, turning and servicing areas have been completed and the submission of a phased traffic management plan.

**Historic Environment Record:** Does not adversely affect any heritage assets or their settings, therefore no further comment.

**Public Health:** No objection.

**Environmental Health:** Recommend conditions in relation to the capacity, method and height of extraction. In addition, recommend conditions in respect of contamination investigation, specifications of plant and machinery, details of noise levels and installation of external lighting.

**Highways Drainage:** There is a watercourse running through the site which will need to be cleared, replaced, protected or diverted in accordance with riparian responsibilities. Any other drainage features found during excavations should be reported to the drainage team prior to any further construction taking place.

**Humberside Fire and Rescue:** Adequate access for fire-fighting is to be provided to all buildings or extensions to buildings.

**Lincolnshire Wildlife Trust:** Maintain an objection following receipt of an Ecological Mitigation Strategy. There will be a loss in acid grassland. Acknowledge that outline planning permission exists for the site, however insufficient compensation has been agreed to offset the loss of priority habitat. A compensatory area of acid grassland up to 0.5 hectares should be provided. The wider habitat should be protected through a management plan.

**Ecology:** The application site is part of a block of natural greenspace with the priority habitats lowland dry acid grassland and open mosaic habitats on previously developed land. The mitigation proposed would not offset the loss of habitat. However, the site already has extant outline permission, which is partly implemented, thus limiting the mitigation that can reasonably be requested. Therefore a planning condition is recommended in relation to works being undertaken in accordance with the submitted ecological mitigation strategy, together with the biodiversity mitigation measures set out in the report.

## **PUBLICITY**

Neighbouring properties have been notified and a site notice posted. 38 letters of objection have been received, including a letter from the Green Party, raising the following issues:

- health risk
- proximity to schools
- proximity to residential properties
- asbestos dust
- radioactive radon
- it should be built elsewhere
- it will be constructed on allotments and playing fields
- proximity to hospital

- devaluation of property prices
- noise from construction and production phases
- impact on environment
- new school is located just 300 yards away
- no public consultation has taken place prior to the submission of the application
- it should be referred to planning committee
- other power stations are being mothballed
- use of fossil fuels should not be encouraged
- environmental problems
- production of large amounts of CO<sub>2</sub>
- impact on local economy
- it could be used more than 300 hours per annum
- emission of fumes and proximity to new school
- impact on local wildlife
- alternative methods of energy production should be investigated
- no requirement for power station.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

During the planning application process the applicant undertook a community consultation event on 29 October 2015 at the Tahera's Function Hall in Scunthorpe. In order to inform local residents of the consultation event a leaflet drop to 9880 households was undertaken. A copy of the flyer was submitted with the planning application, which provided a description of the development and its operations. The event was attended by 19 members of the public and the applicant concludes that the results of the responses received reflects an informed opinion to the scheme.

## **ASSESSMENT**

The application site comprises a vacant piece of land located to the rear of light industrial units to the north and an electricity sub-station to the west. The land is laid to grassland and a cluster of trees runs along the eastern boundary of the site. High voltage electricity lines traverse the northern boundary of the site in an east to west direction. The site is located within the settlement boundary for Scunthorpe and is accessed from the road serving a number of light industrial units to the north and north-west. Planning permission is being sought for the construction of a Short Term Operating Reserve and Peak power (STOR) power plant to produce electrical power on a stand-by operational reserve basis and which will provide up to 20 MW to the grid with associated equipment and vehicular access from

Mannaberg Way. It has a proposed floor space of 955 square metres and will create eight construction jobs and four FTE operational jobs.

**The main issues in the determination of this planning application are the principle of development and its impact on residential amenity and biodiversity.**

### **Principle**

Planning permission is being sought for the construction of a Short Term Operating Reserve and Peak power (STOR) power plant to produce electrical power on a stand-by operational reserve basis and will provide up to 20 MW to the grid. Policy CS1 of the Core Strategy states that Scunthorpe will be the focus for the majority of new development and growth. Policy CS2 states that development should be focused on previously developed land in the Scunthorpe urban area. This policy states that all future development in North Lincolnshire will be required to contribute towards achieving sustainable development, following sustainable development principles. This site is a Committed Industrial Site, accounting for the extant permission afforded to it for industrial development. It is worth noting this site is no longer allocated as an employment site in the draft Housing and Employment Land DPD, however it has extant planning permission for industrial development. Whilst it is acknowledged that the proposed use is not for industrial use (*sui generis*) it is considered acceptable as it will re-use a brownfield site within the settlement boundary for Scunthorpe. Furthermore it will create eight construction jobs and four operational jobs, will be located close to a number of bulkier industries (including British Oxygen), and this site has a legacy of industrial use, owing to the fact that it previously formed part of Scunthorpe Steelworks. This location has been selected as it allows a connection to the grid directly to the north of the site and to the gas pipeline to power the plant. The site selection process has been driven by proximity to existing infrastructure and services in this part of Scunthorpe.

The proposal will reduce the amount of land available for industrial development (owing to the extant planning permission for this site) by 0.5 hectares; this will be developed for use as a STOR facility and will generate four jobs. The proposal wouldn't significantly impinge on the extant permission for the industrial estate as 9.5 hectares would still be available for industrial development. There is a surplus of employment land in North Lincolnshire (as identified in the Employment Land Review in 2014) of approximately 24.5 hectares. Given the extent of this surplus, together with the fact that the wider industrial area hasn't been developed since the reserved matters planning application in 1990 (a period of 26 years), it is considered that the proposal will not compromise the overall delivery of future industrial development in this case. On balance it is considered that the principle of development is acceptable in this case.

The main issue relates to the use of natural gas to power the proposed STOR power station. The Climate Change Act 2008 sets a national legally binding target for UK countries to achieve an 80% reduction in greenhouse gas emissions by 2050 from a baseline of 1990. The European Renewable Energy Directive came into force in 2009 and the UK has agreed to source 15% of its energy from renewable sources by 2020. The UK has also set an aim in the UK Low Carbon Transition Plan 2009 to exceed the European targets by achieving 30% of its energy from renewable sources within the same timeframe.

The National Planning Policy Framework (NPPF) issued on 27 March 2012 is a material planning consideration in planning decisions with a presumption in favour of sustainable development. At paragraph 93 it states that planning plays a key role in helping shape

places to secure radical reductions in greenhouse gas emissions minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development. At paragraph 17 it also states that planning should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the use of renewable resources (for example by the development of renewable energy).

Whilst it is acknowledged that planning policy seeks to promote the use of renewable energy, it also has to be mindful of the fact that fossil fuels are a necessity in some circumstances. Short Term Operating Reserve is needed because at certain times of the day National Grid needs reserve power in the form of either generation or demand reduction to be able to deal with actual demand being greater than forecast demand and/or plant unavailability. Where it is economic to do so, National Grid will procure part of this requirement ahead of time through STOR. They are supported by the Department for Energy and Climate Change and National Grid as a necessary part of the response to the imminent energy capacity crisis facing the UK and the inflexibility of large-scale generation facilities and renewable energy sources to respond to short-term variations in energy demand. Given the proximity of the proposed STOR to the grid connection (electricity generation) and the availability of the gas connection, it is considered that the use of natural gas to power the proposal is acceptable in this case and will not create adverse environmental conditions to nearby developments and adjacent areas. The potential impact on residential amenity will be assessed in the subsequent section of this report.

### **Residential amenity**

The proposal will be gas-powered and contains four flues (each at a height of 12 metres). These will expel the engine exhaust gases via a silencer into the atmosphere. Therefore the proposals have the potential to give rise to loss of residential amenity, particularly in relation to air pollution. The nearest residential property or sensitive receptors to the proposal are located on the Normanby Grange estate, approximately 150 metres to the west (10 Hanover Walk). There are intervening uses and buildings, including an electrical sub-station, between the site and the residential properties. Environmental Health has considered the proposals, including the Air Quality Assessment, and raises no objections on grounds of air quality. Environmental Health has commented that the conclusions of the report show all long-term impacts are predicted to be below current air quality objectives, and as such will not be detrimental to the health of the nearest receptors. A condition is recommended that the plant is constructed to the specification set out in the supporting information, particularly in respect of its capacity and height of exhaust stacks.

The proposal also has the potential to result in noise disturbance to residential properties. In terms of noise, an acoustic report has been submitted with the planning application. This has been considered by Environmental Health and no objections have been raised, subject to two conditions being recommended. These conditions are in respect of the installation of noise attenuation measures identified in the acoustic report and in relation to the cumulative level of noise from the facility not exceeding 43 dBA between 7am and 11pm and 40 dBA at any other time. An additional condition is recommended by Environmental Health in relation to the external lighting being installed and maintained in accordance with the specification set out in the planning application submission. In conclusion it is considered that the planning conditions recommended by Environmental Health in respect of air quality, noise and external lighting are sufficient to protect the amenity of residential properties and

adjacent areas (including the new school being constructed approximately 230 metres to the south-west of the site) in this case.

It is worth noting that the nature of this STOR facility is one where it will only be operational for short periods of time (i.e. during periods of high power demand). This, in turn, means the potential impact upon residential amenity or public safety is significantly reduced. One letter of objection states that the facility could be used for more than 300 hours per year. This equates to a total of 12.5 days in any calendar year, thus reflecting the fact that it will operate for short periods of time. Inevitably there will be some noise and disturbance to residential properties during the construction period, however this will be short-term without affecting the long-term amenity of residents and neighbouring land uses.

### **Biodiversity**

Lincolnshire Wildlife Trust has maintained their objection to the proposal on the grounds there will be a loss of acid grassland habitat (the site area) and compensatory habitat should be provided. However the council's ecologist has taken a practical approach and considered the proposal against the extant planning permission which exists for industrial development at the site, thus limiting the biodiversity mitigation which can reasonably be requested. In conclusion the ecologist recommends a condition requiring the development to take place in accordance with the ecological mitigation strategy, which incorporates some opportunity for biodiversity enhancement, thus according with guidance in the NPPF.

### **Other issues**

A number of letters of objection have been received raising issues in relation to health risks, radioactive radon and asbestos dust. These issues are not relevant to the planning application proposals in this case, therefore they will not be formally assessed. Similarly, devaluation of property prices is not a material planning issue and will not be formally assessed. Also, as Scunthorpe General Hospital is located 1.25 miles to the south-east of the site, the proposed STOR facility is not considered to give rise to issues associated with public safety. There may be power stations being mothballed around the UK, however the local planning authority can only consider the proposals being presented in the planning application submission.

### **RECOMMENDATION      Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: AEL011\_SC\_006A 02, AEL011\_SC\_007 03, AEL011\_SC\_008 02, AEL011\_SC\_009 02, AEL011\_SC\_010 03, AEL011\_SC\_010A and 616860/110 P4.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

The proposed new unit shall not be brought into use until the vehicle access to it and the vehicle parking, turning and servicing areas serving it have been completed in accordance with the approved details. Once complete the vehicle parking, turning and servicing areas shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

4.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

5.

Works and biodiversity mitigation shall be carried out strictly in accordance with the submitted document 'Scunthorpe Reserve Power, Dragonby Vale Enterprise Park- Ecological Mitigation Strategy' ref SET1309\_03\_ms, dated November 2015. The management prescriptions set out in sections 3 and 5 of the mitigation strategy shall be carried out in their entirety in accordance with the timescales described. All biodiversity features shall be retained thereafter.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

6.

Prior to completion of the approved development, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the Ecological Mitigation Strategy. Thereafter, the results of monitoring shall be reported to the local planning authority in accordance with the timescales set out in section 3.4 of the Ecological Mitigation Strategy.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

7.

The generating plant shall be fuelled by natural gas, limited to 20 MW capacity and the generators shall exhaust via four stacks that shall each be 12 metres high. The development shall take place in accordance with the agreed details unless otherwise agreed in writing by the local planning authority.

#### Reason

To define the terms of the permission, in order to safeguard residential amenity and neighbouring land uses in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

8.

[Part 1 deliberately omitted]

#### **Part 2: Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### **Part 3: Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

#### **Part 4: Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

9.

The specification of plant and noise attenuation measures shall be provided in accordance with the details set out in the Acoustic Technical Report written by MLM Acoustics dated August 2015 (document reference KF/100866/MA). The specified noise attenuation



measures shall be installed before the site is used and shall be maintained thereafter for the lifetime of the development. No additional plant shall be installed unless the details have been submitted to and agreed in writing by the local planning authority.

**Reason**

To define the terms of the permission, in order to safeguard residential amenity and neighbouring land uses in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

10.

The total cumulative rating level of the noise emitted from the installation shall not exceed 43 dBA between 7am and 11pm and 40 dBA at all other times at any residential property. The assessment of rating level shall be as detailed in BS4142:2014.

**Reason**

To define the terms of the permission, in order to safeguard residential amenity and neighbouring land uses in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

11.

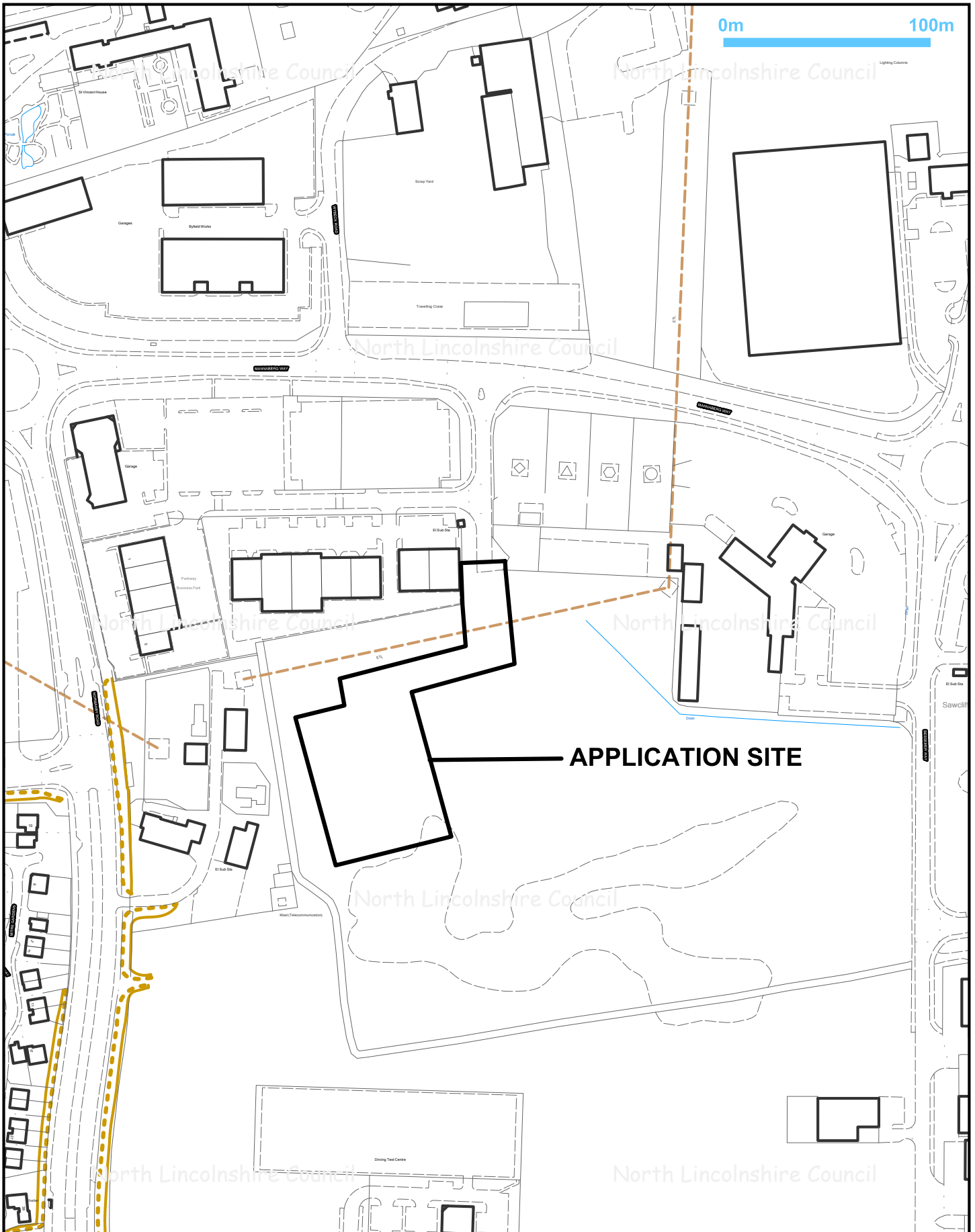
The external lighting shall be installed, maintained and operated in accordance with the information supplied with the application, document reference LE50487/JG dated 26 August 2015, and permanently retained. The development shall take place in accordance with the agreed details unless otherwise agreed in writing by the local planning authority.

**Reason**

To define the terms of the permission, in order to safeguard residential amenity and neighbouring land uses in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

**Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

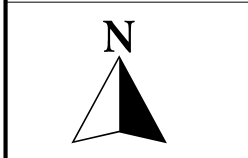


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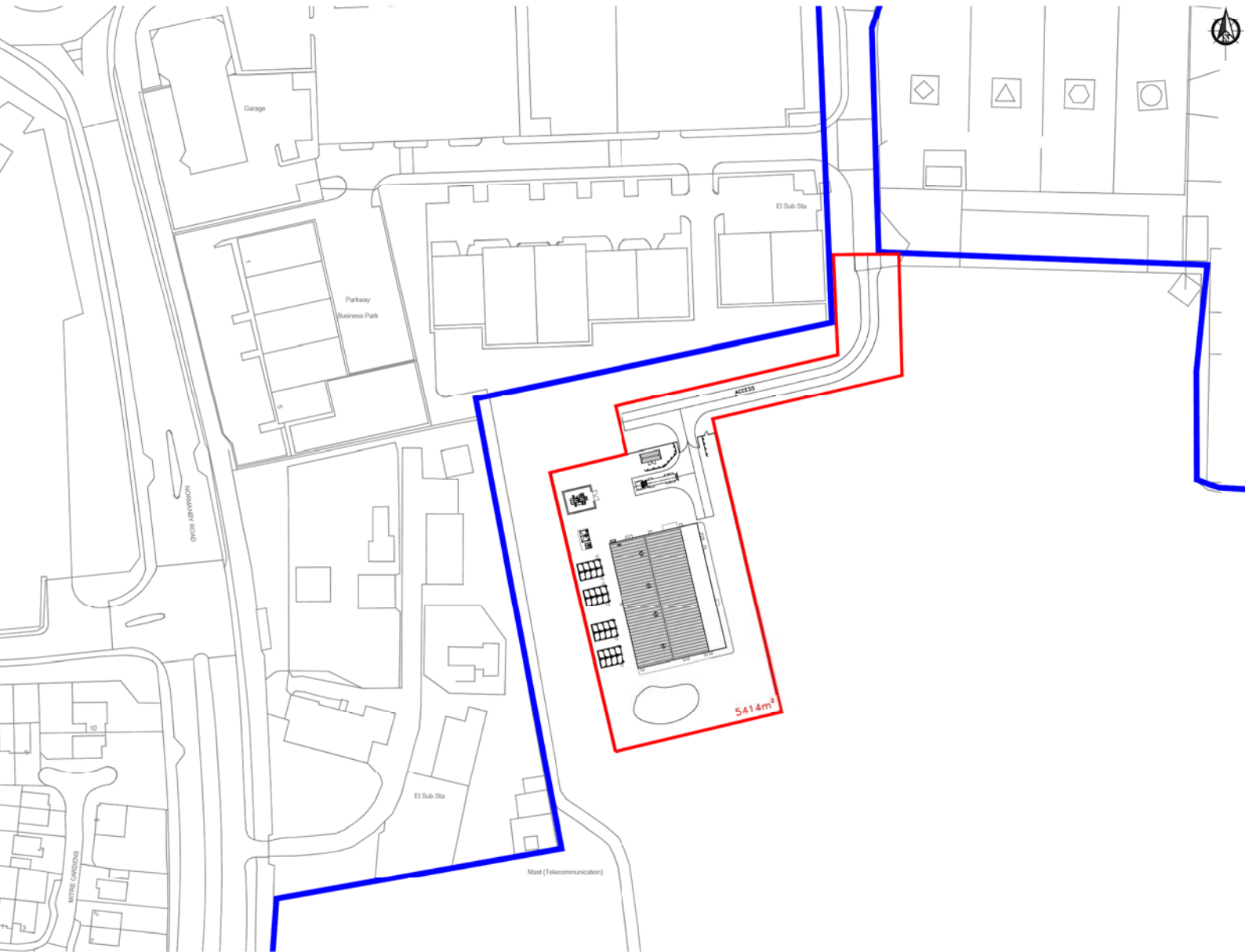


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# PA/2015/1106 Proposed Layout Not to scale



# PA/2015/1106 Proposed Elevations Not to scale

