

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

19 OCTOBER 2016

**REPORT OF DIRECTOR, ECONOMIC
GROWTH AND DEVELOPMENT SERVICES**

16/1978/FUL

**High Middlefield Farm , Durham Road, Thorpe Thewles
Development of a battery operated facility of up to 49.95MW capacity to meet peak supply
demands on the local distributed power network and/or balancing services to National Grid
with associated ancillary equipment and infrastructure**

Expiry Date: 4 November 2016

SUMMARY

Planning permission is sought for the erection of a battery operated facility of up to 49.95MW capacity to meet peak supply demands on the local distributed power network and/or balancing services to National Grid with associated ancillary equipment and infrastructure. The application site is to the south west of High Middlefield Farm, Durham Road, Thorpe Thewles, with 4 of dwellings between, including Thorpe Thewles Lodge who operates a bed and breakfast facility. To the south of the site is a railway line with Norton Substation beyond and to the north are open fields with Thorpe Thewles village located approximately 1.3 kilometres to the north west. To the west is Castle Eden walkway.

The proposed peaking plant will operate during periods where there is a shortage of generation and peak demand and would be capable of serving the equivalent of up to 50,000 homes. The facility is designed to provide back-up power at very short notice. It would not operate continuously, but would run as a flexible back up supply to meet periods of peak demand or during a major power shortage or system stress event.

The proposed development consists of an energy barn containing the inverter units and transformers, storage containers, transformer station, CCTV cameras, security fence and formation of access tracks. The design of the main building is intended to be agricultural in style with the colour of the cladding and roof indicated to be olive green.

As the facility will not be staffed, permanent operational lighting is not required, other than provision of some lighting for security and maintenance purposes when engineers are working on site in low light. In addition to the security fence, a closed circuit television (CCTV) system shall be provided to monitor the perimeter fence for intruders and also provide coverage within the main plant areas.

Construction is anticipated to take 12 to 15 months and the maximum number of outward movements of construction vehicles in any one day will be approximated 50 HGVs however this is the peak and will be confined to the early phase of the project.

In addition to the scheme a significant landscaping scheme with mounding is proposed to aid screening and an attenuation pond is proposed to assist in surface water management of the site.

50 objections have been received, albeit many before the revised scheme was submitted. The main reasons for objection are highway safety concerns due to construction traffic, its location outside the limits to development and its visual impact on the area, air quality and noise.

The application site is located outside the limits to development where saved policy EN13 restricts development in the interests of protecting the character and appearance of the area. In this case whilst it is recognised that there are elements of both national guidance and the local plan which discourage development that does not need a rural location from locating in the countryside; at the same time the proposed site is adjacent to the Norton Electricity Grid substation, which the applicant states is essential for the proposed project. Within the Borough there are 2 principal NG substations; Norton and Saltholme. Saltholme was discounted due to ecology and grid constraints. Other substations are either too small and or do not have enough land. On balance it is considered that the scheme has significant benefits which could outweigh any harm.

The existing substation and transmission lines heavily dominate the character of area and the views of the proposed peaking plant development site would be seen in the context of this character. The existing trees and hedges, as well as the proposed mounding provided on the northern and western site boundaries, and the new woodland planting would help to soften and ultimately screen views of the proposed building, which is the main visual element within the development. Overall it is considered that the proposed development will not have an adverse impact on the character and appearance of the area.

The nearest residential properties which will be able to view the development are Thorpe Thewles Lodge and the three adjacent barn conversions. The existing agricultural barn will screen the majority of this development from the view of the barn conversions; however views could still be obtained from Thorpe Thewles Lodge but with the proposed landscaping mitigation the development will appear as a large agricultural shed and will not have a significant adverse effect on the visual amenities of neighbouring properties.

A Noise Assessment accompanies the application which concludes that with the incorporation of design mitigation measures to minimise noise levels that no adverse impact is likely. This view is supported by the Environmental Health Unit.

A flood risk and drainage assessment accompanies the application. Whilst the submitted documents do not contain sufficient information to assess flood risk, surface water management can be controlled by condition.

The construction period is anticipated to last 12-15 months and concerns have been raised regarding the construction traffic. The actual operation of the facility will not have an adverse impact on neighbouring residential properties other than short term construction disturbance. Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, (covered by Control of Pollution Acts) are not material planning considerations however a Construction Traffic Management Plan will ensure that highway safety is not compromised.

The proposed building works are located north of the existing railway and conditions and informatives will ensure the operation and safety of the railway is not compromised. Other matters in relation to ecology and contamination can be controlled by conditions.

It should be noted that concerns regarding air quality are no longer relevant as the facility will not produce any emissions.

Overall it is considered that the principle of the proposed development meets the requirements of national guidance and the local Plan with regards to development in the countryside in this particular case due to its proximity, and co-location, next to Norton substation and the benefits in this instance would outweigh any harm and the proposal is considered acceptable.

RECOMMENDATION

That planning application 16/1978/FUL be approved subject to the following conditions and informatives;

01 Time Limit

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

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

02 Approved Plans

The development hereby approved shall be in accordance with the following approved plan(s);

Plan Reference Number	Date on Plan
132_400	28 July 2016
132_600	28 July 2016
00 J1/01064	28 July 2016
SL153_500 A	23 September 2016
SL153_800	10 October 2016
SL153_100 Rev C	10 October 2016
SL153_900	10 October 2016

Reason: To define the consent.

03 Materials

Construction of the external walls and roof shall not commence until details of the materials, finish and colours to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control details of the proposed development.

04 Buildings

Notwithstanding the submitted plans, precise details of the energy barn, storage containers, DNO control and metering unit, customer control and metering unit and any other ancillary equipment shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control details of the proposed development.

05 Noise disturbance from New Plant

On completion of the installations and before the plant is brought into use, the applicant will carry out a noise survey at the nearest noise sensitive premises (Thorpe Thewles Lodge). The survey should demonstrate that the design mitigation measures as recommended in table 7.2 of the submitted Noise Report No. JAS9081-REPT-06-R0 (dated 21 September 2016) is implemented and the noise changes as set out in the table are not exceeded. Such noise mitigation measures shall be thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of protecting the nearby residential properties from noise disturbance.

06 Surface Water Management

The development hereby approved:

- I. Shall not be commenced until a scheme for the drainage and management of surface water from the site has been submitted to and approved by Local Planning Authority.
- II. That element of the approved scheme relating to the off-site drainage, including the discharge point, shall be implemented and fully operational to the satisfaction of the local planning authority prior to commencement of development on site.
- III. All other elements of the approved scheme shall be implemented and fully operational, to the satisfaction of the local planning authority, prior to bringing the development into use.

The scheme shall include the arrangements for the long term management and maintenance of the scheme and shall thereafter be managed and maintained in accordance with the scheme.

Reason: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site and surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

07 Excavations - Railway

Prior to commencement of works, a method statement for any excavations and earthworks to be carried out within ten metres of the railway undertaker's boundary fence should be submitted to and approved by the Local Planning Authority and the works shall only be carried out in accordance with the approved details.

Reason: In the interests of protecting the railway operational needs and integrity of the railway assets.

08 Ecology

Work shall be undertaken in accordance with the recommendations contained in Part 6 of the ecological appraisal (ref SE-16-01 dated 20th June 2016).

Reason: To ensure that the development does not have an adverse impact on protected species and wildlife in accordance with the National Planning Policy Framework and Core Strategy Policy CS10.

09 Construction Management Plan

A Construction Management Plan shall be submitted and agreed, prior to the commencement of development on each phase, with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases and to effectively control dust emissions from the site works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents, and a joint visual inspection with the Local Authority to monitor and assess the condition of the highways and associated structures on the selected route of construction traffic.

Once agreed, all Heavy Goods Vehicles and Abnormal Load Vehicles shall use only the agreed routes, unless otherwise agreed in writing by the Council.

Development hereby approved shall not commence until the developer has agreed a scheme in writing with the Local Planning Authority which details how any damage to the highway or associated structures caused by the traffic associated with the development shall be repaired, made good or mitigated at the applicant's expense. The approved details shall specify the time period within which repair works shall be undertaken.

Reason: In the interests of the occupiers of adjacent and nearby premises and to ensure the impacts of transport movements associated with the construction phase of the development are adequately mitigated where necessary.

10 Land Contamination

No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason : To ensure that the risks posed by the site are assessed and addressed as part of the redevelopment.

11 Landscaping Softworks

All works shall be in accordance with the approved landscaping plan (SL153_900) and the scheme shall be completed in the first planting season following commencement of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the local planning authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season.

Landscape maintenance shall be detailed for the initial 5 year establishment from date of completion of the total scheme regardless of any phased development period followed by a long-term management plan for a period of 20 years. The landscape management plan shall be carried out as approved

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

12. Construction/ Demolition Noise

No construction activity or deliveries shall take place except between the hours of 0700 and 1800 on Monday to Friday (October –Mar) and 0700 and 2000 (April- September). There shall be no construction activity on Saturdays, Sundays or Bank Holidays.

Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties and in the interests of highway safety.

INFORMATIVE OF REASON FOR PLANNING APPROVAL

Informative: Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions.

Informative from Network Rail

Network Rail have identified a number of issues in their response which will need to be considered before commencement of work. Applicants should contact the persons identified in the reponse for further advice.

Informative from the Environment Agency

The proposed activity will require an IED (Industrial Emissions Directive 2010/75/EU) permit prior to the commencement of operations. The applicant should contact Mrs Chloe Harvey-Walker, chloe.harvey-walker@environment-agency.gov.uk to discuss the permit application and for the latest information relation to the implementation of the Medium Combustion Plant Directive.

Informative from the Lead Local Flood Authority

If the applicant proposes to discharge surface water into an ordinary watercourse a land drainage consent will be required from the Lead Local Flood Authority (LLFA). A land drainage consent is separate application that could take up to 8 weeks for completion and no works on the watercourse can proceed until consent has been approved by the LLFA.

BACKGROUND

1. Planning permission was originally sought for the erection of a gas fired energy reserve facility. This scheme was amended to the current battery operated facility of up to 49.95MW capacity to meet peak supply demands on the local distributed power network and/or balancing services to National Grid with associated ancillary equipment and infrastructure.
2. The submitted information states that the UK electricity network faces tough challenges to deliver the Government's target of reducing carbon emissions. Much of this will be achieved through decommissioning carbon intensive plants and concentrating on the delivery of low carbon generation such as wind and solar. The subsequent integration of significant renewables and nuclear energy supplies places an increasing demand for additional flexibility and reserve supply to be provided within the energy generation mix".
3. In response to the requirement for increased flexibility for local demand, the application proposes to establish a peaking plant on land near to Norton substation. A site selection exercise assessing over 300 substations in England identified the subject site as one of 10 that are suitable for this use.

SITE AND SURROUNDINGS

4. The application site is a field to the south west of High Middlefield Farm, Durham Road, Thorpe Thewles, Stockton. High Middlefield Farm is located to the east of a number of dwellings which resulted from barn conversions associated with the farm, these properties are known as Thorpe Thewles Lodge, Stable View, Copplestone and another property which is not occupied/named.
5. To the south of the site is a railway line with Norton Substation beyond and to the north are open fields with Thorpe Thewles village located approximately 1.3 kilometres to the north west. To the west is Castle Eden walkway.

PROPOSAL

6. Planning permission is sought for the erection of a battery operated facility of up to 49.95MW capacity to meet peak supply demands on the local distributed power network and/or balancing services to National Grid with associated ancillary equipment and infrastructure.
7. The peaking plant will operate during periods where there is a shortage of generation and peak demand and would be capable of serving the equivalent of up to 50,000 homes. The facility is designed to provide back-up power at very short notice. It would not operate continuously, but would run as a flexible back up supply to meet periods of peak demand up to 2750 hours a year. For the majority of the time the station would be switched off, waiting for an instruction from National Grid to generate. These instructions would typically require generation support from the facility for between 1-7 hours per day, between 8am-8pm, generally on weekdays. Outside of these hours, it is only likely to be required during a major power shortage or system stress event, where National Grid may require the facility to step-in and support in an emergency situation
8. The proposed development consists of an energy barn containing the inverter units and transformers, storage containers, transformer station, CCTV cameras, security fence and formation of access tracks.
9. The energy barn measures 75 metres x 25 metres x 5 metres to the eaves and 8.35 metres overall height. The applicant states that this is the maximum height and may be reduced in size at a later date. The design of the proposed building is intended to be agricultural in style with the colour of the cladding and roof indicated to be olive green. The 13 proposed

containers will store the batteries and measure approximately 12 metres x 2.5 metres x 2.89 metres high and the air conditioning units could be sited on the roof or on the floor, however the application has been assessed with the worst case which is roof mounted. The 132Kv transformer station will have plant and machinery, a DNO control and metering unit and control room/metering unit.

10. As the facility will not be staffed, permanent operational lighting is not required, other than provision of some lighting for security and maintenance purposes when engineers are working on site in low light. In addition to the security fence, a closed circuit television (CCTV) system shall be provided to monitor the perimeter fence for intruders and also provide coverage within the main plant areas.
11. The Construction of the facility is anticipated to take 12 to 15 months. The maximum number of outward movements of construction vehicles in any one day will be approximated 50 HGVs however this is the peak and will be confined to the early phase of the project.
12. In addition to the scheme a significant landscaping scheme with mounding is proposed to aid screening and an attenuation pond is proposed to assist in surface water management of the site.

CONSULTATIONS

- 14 The following Consultations were notified and any comments received in relation to the revised scheme are set out below:-

- 15 Spatial Planning & Regeneration

As you will be aware section 38(6) of the Planning and Compulsory Purchase Act 2004 requires an application for planning permission to be determined in accordance with the Development Plan, unless the material considerations surrounding the proposal indicate otherwise. The development plan for Stockton on Tees Borough is made up of policies from the adopted Core Strategy (2010) and saved policies from Local Plan Alteration Number One (2006).

Policies of relevance to this application which are considered in detail in this response are:

- EN13 - identifies the site as outwith the Limits to Development
- CS10(3) - identifies the site within the Strategic Gap

As you will be aware, the NPPF includes a presumption in favour of sustainable development which requires proposals in accordance with the development plan to be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF, or specific policies in the NPPF indicate development should be restricted.

Paragraph 215 of the NPPF states that development plans adopted under the Town and Country Planning Act should give due weight to 'relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).'

In this instance, the relevant policies in the Development Plan, as specified above, are consistent with national planning policy. In addition to these policies, the determination of the application should consider other planning policies and material considerations relating to the design of the development, amenity of residents, highway impact, amongst other things.

It is noted that the proposal is within close proximity to Summerville Farm (approved for approximately 350 dwellings) and an area identified for residential development within the Yarm Back Lane and Harrowgate Lane Masterplan. Consideration of whether there are any impacts on these developments will be required.

- 16 SBC Highways Transport And Environment

Executive Summary: The Highways, Transport & Environment Manager has no objections to this development. The existing substation and transmission lines heavily dominate the

character of area and the views of the proposed peaking plant development site would be seen in the context of this character. The existing trees and hedges, as well as the proposed mounding, provided on the northern and western site boundaries, and the new woodland planting would help to soften and ultimately screen views of the proposed building, which is the main visual element within the development. Once constructed the proposed development will have few associated traffic movements and there are no highway concerns regarding the operational phase of the site. A construction traffic management, to minimise the impact of the development during the construction phase, and highway condition survey should be secured by condition. The applicant has not provided sufficient information regarding the management and disposal of surface water runoff from the proposed development site, therefore the flood risk associated with the proposed development cannot be fully assessed at this stage. It is recommended that this information is secured by Grampian planning condition to ensure an appropriate surface water management solution can be agreed prior to development commencing on site.

Highways Comments: Once constructed the proposed development will have few associated traffic movements and there are no highway concerns regarding the operational phase of the site. The applicant has submitted a Construction Traffic Management Plan (CTMP); access is to be taken from Old Durham Road along the existing track serving High Middlefield Farm. For approximately 75m from its junction with Old Durham Road, the track and a wide verge on either side is adopted highway. Given the proposed number of HGV trips during the construction phase (up to 50no. 2-way trips per day), highway condition surveys must be carried out prior to commencement and following completion of the construction phase of the development in conjunction with the Highway Authority.

Landscape & Visual Comments: The application is supported by a Landscape and Visual Impact Assessment (LVIA) and Photomontages. The LVIA notes that between 2009 and 2010 a Landscape Character assessment was undertaken by the Council covering all rural and urban fringe areas of the Borough. The study identified seven broad 'Landscape Character Areas' (LCA's) and then subdivided these LCA's into a total of 197 smaller 'Landscape Units' (LU). The Site and the Norton electrical substation both lie within the Thorpe and Billingham Beck valley LCA. The main characteristic of this landscape is its 'rural nature and the green wedge' linking the rural landscape with the urban areas allowing the countryside to break into the built environment. The lines of transmission towers and road network are noted in the study as creating visual detractors within the area and that the lack of tree cover allows these to be viewed throughout most of the east of the LCA. With regards to Landscape Change and Condition the study notes: 'Urban Fringe development associated with the outskirts of Billingham and Stockton and the smaller settlements is anticipated to be minimal. It was assumed at that time, which was pre NPPF, that the current land use of the area as agricultural land will remain unchanged. The application site lies within LU107, Howden Hall, while the Norton electrical substation lies within the Summerville Farm LU106. For LU107 the study assigns a Medium score for Landscape Capacity, Aesthetic Sensitivity and Landscape Sensitivity and recommends 'No development' in this area. The development will be located outside the limits to development on agricultural fields to the west of High Middlefield Farm. The site is currently small open fields which do not have any landscape designations.

The proposed Battery Energy Reserve Facility (also known as a Peaking Plant) includes a large warehouse type building 75m long by 25m wide, which would house the inverters and control gear for the development. It has a maximum height of 8.35m above a local datum. The batteries are housed in 13 shipping containers which are 12.2m long, 2.4m wide and 2.9m high and are located to the south of the proposed building. They are mounted on 450mm high concrete plinths with two air conditioning units on the roof at 1.25m high, giving a total height of 4.6m. A transformer station is situated to the south west of the batteries. The development infrastructure is enclosed by a security palisade fence. An attenuation pond for site drainage is located in the western part of the site which is allocated as a horse paddock. Landscape mitigation is proposed to screen the development as shown on the Landscape Planting Plan drawing reference SL153_900 and Site sections drawing. In the south eastern part of the site mounding of an approximate height of 5m is proposed to assist in this screening. It is noted that the development platform of the plant is set at a FFL of 47.25m, which would increase the screening potential of the mounding to approximately 6.75m. Mounding is also provided on the northern boundary at an

approximate height of 5m which would increase to 5.25m with the development platform of the plant set at a FFL of 47.25m. Gradients of 1:4 are proposed for the mounding facing the countryside and these should be maintained tying into the existing landform: such gradients would be more naturalistic when viewed from the receptors. Slopes as steep as 1:2 are acceptable to be formed internally, where integration with the surrounding landscape is not necessary. To further assist in the screening of the development, native woodland block planting is provided on top of the mounds and the slopes facing the open countryside. This would consist of a naturalistic style of planting that will blend into the local countryside, containing native trees including evergreen species such as Holly and Scots Pine, in a curving, organic shaped planting area at an average width of around 13m. This planting continues around to the western site boundary where mounding is not required, as views of the development to this part of the site are blocked by the intervening landform (see comments on views from the National Cycle Route 1 below). This planting would also wrap around the western edge of the attenuation pond providing the added benefit of improving the bio-diversity of the site. It is also noted that the grassed areas of the development are listed as species rich grassland further benefiting the bio-diversity of the site. LU107 proposed as the location for the peaking plant development is heavily influenced by the infrastructure of the existing Norton electrical substation located to the south with its many transmission lines that dominate the skyline. Highways Transport and Environment agrees with the findings of the LVIA that on a micro scale the application site should, with its medium capacity classification, have the capacity to absorb some development without significantly impacting on the wider LU. Whilst the peaking plant would in isolation be deemed as an unacceptable level of development in Landscape and Visual terms, in this instance with its close proximity to the existing Norton electrical substation it considered logical to aggregate the additional electrical infrastructure with existing infrastructure. There is also the addition of a strong functional argument for locating it next to the substation.

Existing and Proposed Views: Views from residential properties include those for the existing residential properties within High Middlefield Farm lying 225m to the east, the bungalows on Letch Lane 375m to the south and the houses on Harrowgate Lane 680m to the south east. In between Letch Lane and the A177 where it passes the Tesco Store, there is a site located to the south of the application site known Summerville Farm that benefits from an extant permission for housing. As part of the extant permission an illustrative Masterplan P-01-002 has been agreed. This plan illustrates that the proposed housing would be constructed around 300m from the proposed peaking plant development. The views from the farm are largely screened by a large barn. Views from Letch Lane are screened by the substation. Views from the upper storeys of the houses on Harrowgate Lane are not considered under LVIA guidelines. From the proposed development at Summerville Farm views from habitable rooms would, with the benefit of time, be screened by the 10-80m wide belt of landscaping that is proposed to be planted between the two sites as part of the agreed Masterplan. The application site benefits from intervening mature vegetation and changes in the local topography. Views from travellers on the A177, Blakeston Lane and Durham Road to the north and east are at a distance and considered transitory. These views are also largely screened by the existing roadside planting and the intervening topography which will be enhanced by the proposed mounding. Views from the passengers using the adjacent railway which runs immediately to the south of the site are again transitory and largely blocked by the planted slopes of the line, which runs through a deep cutting as it passes the site. Where limited views are afforded towards the application site from the north the proposed peaking plant actually screens views of the existing substation infrastructure. There are several footpaths and a cycle route in the local area. There are very limited views from the footpath that uses the disused railway line to the west, as these are largely obscured by existing tree and hedge cover and much of this route lies in a cutting.

- Footpath reference FP47 Stockton runs along the southern boundary of the railway cutting at approximately 60m from the application site. The character of this route is heavily influenced by the existing substation. Whilst views of the proposed peaking plant development could be significant from the route, they are again transitory and in westerly directions viewed in the context of the existing substation. In places views are heavily filtered by the existing tree cover growing along the railway cutting. FP47 is proposed to be upgraded as part of the extant Summerville Farm;

- Significant views of the site are afforded from a short section of National Cycle Route 1 to the north of the site at an approximate distance of 400m where it rises to a slight hill to the north east of the site. However, as shown in the site sections, only the roof top of the building can be seen over the mound on the first day of operation and from this point the development would be viewed as set against the substation. The proposed woodland block planting would help soften views of the roof in time as it grows and referring to the site sections would reach the 5m height shown within 5-10 years. In time views of the building will be effectively screened by the planting and mounding. Elsewhere along this route, the site is screened by the existing landform.

On day one of operation, whilst the proposed peaking plant would be seen in the general context of the existing substation, which would either feature in the background or foreground of the view, its appearance has the potential to dominate the local landscape as illustrated in the submitted photomontage views taken from the National Cycle Route 1. The proposed mitigation in terms of landscape treatment will take 5-15 years to achieve the desired level of screening and up to 25 years to achieve maturity. However, a significant visual receptor likely to be impacted are the views from the east at High Middlefield Farm, which should benefit by the proposed mounding which would allow a reasonable level of screening from day one of operation and generally filtering all views of the proposed development from these receptors within 5-10 years. The proposed peaking plant development site would be generally viewed in the context of the existing substation and transmission lines that heavily influence the area and the existing trees and hedges, as well as the proposed mounding and woodland planting, would help to soften and ultimately screen views of the proposed building. On day one of operation only the roof of the building would be seen from the limited viewpoints rising above the proposed mounding. It is also proposed to further mitigate the building by painting it a dark colour as shown in the photomontage.

Flood Risk Management: The proposed development is in a Flood Zone 1 and the Environment Agencies' flood maps shows a medium risk of surface flooding in the south west corner of the site boundary. The proposed development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any increase in surface water generated by the proposed development or existing surface water / groundwater issues on the site must be alleviated by the installation of sustainable drainage system within the site. If the applicant proposes to discharge surface water into an ordinary watercourse a land drainage consent will be required from the Lead Local Flood Authority (LLFA). A land drainage consent is separate application that could take up to 8 weeks for completion and no works on the watercourse can proceed until consent has been approved by the LLFA. The applicant has not provided sufficient information regarding the management and disposal of surface water runoff from the proposed development site, therefore the flood risk associated with the proposed development cannot be fully assessed at this stage. It is recommend that this information is secured by Grampian planning condition to ensure an appropriate surface water management solution can be agreed prior to development commencing on site.

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Environmental Health Unit

The power station is proposed to be sited on a farmland close to Norton Substation on Letch Lane, Stockton on Tees. There are number of residential properties near the site with the closest one being High Middlefield House, approximately 0.3Km to the east. There is also a large proposed residential development which is in close vicinity at the Summerville Farm, Durham Lane. The application is for an energy reserve facility consisting of containerised battery units, transformers, inverters and a cooling plant which will generate electricity to feed to Norton sub- station. The main concerns from an Environmental Health perspective are noise. There shall be no emissions to air from the plant as it will be battery operated. Environmental Health has studied the noise report submitted by the applicant which shows that noise levels are unlikely to cause an adverse impact upon residents using present guidance by British Standard 4142:2004. I would therefore have no objection in principle to the above proposal subject to the noise mitigation measures being implemented, and the conditions being imposed in relation to Noise disturbance from New Plant working hours of all construction/demolition operations including delivery/removal of materials on/off site

Network Rail

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met,

Easements and Wayleaves: It is noted that the development includes an electrical connection over the railway to the Norton Substation south of the proposed development. The developer should contact our Easements and Wayleaves Team as soon as possible to discuss rights over the railway and the installation of this connection. They can be contacted by email at easements&wayleaves@networkrail.co.uk.

Drainage: We ask that all surface and foul water drainage from the development area be directed away from Network Rail's retained land and structures into suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site. Water must not be caused to pond on or near railway land either during or after any construction-related activity.

The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment. In this instance the development site is ABOVE Network Rail's operational infrastructure, which is in a deep cutting. The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

Protection of existing railway drainage assets within a clearance area: There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution. No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent. There must be no interfering with existing drainage assets/systems without Network Rail's written permission. The purchaser is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the sale/development area before work starts on site. Please contact Matthew Shelton (matthew.shelton@networkrail.co.uk) for further information and assistance.

Fail Safe Use of Crane and Plant: All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks: All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary: Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Armco Safety Barriers: An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is especially relevant to the proposed track that runs parallel with the top of the railway embankment.

Fencing: Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions: Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE: Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Vibro-impact Machinery: Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Encroachment: The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Trees/Shrubs/Landscaping: Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

Not Acceptable: Acer (*Acer pseudoplatanus*), Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar

(Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea) A comprehensive list of permitted tree species is available upon request.

Lighting; Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application. Network Rail is required to recover all reasonable costs associated with facilitating these works.

I would advise that in particular the drainage, boundary fencing, Armco barriers, method statements/OPE, soundproofing, lighting and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

19 Sabic UK Petrochemicals Ltd
No objections

20 Contaminated Land Officer

I have considered the application for what is a substantial building footprint and whilst I accept the location would appear to be on previously undeveloped land, the issue of potential contamination does need to be considered and I have not seen any evidence that it has. Furthermore, our records suggest that this same address was subjected to assessment of land quality in recent times and high levels of PAH were returned and therefore there will be the need to assess the land quality in terms of suitability for this proposed final use. This will take into account the amount of human exposure in the building whilst functional, which given the nature of the operation, may be low. I would therefore recommend that our standard contaminated land condition be placed on any planning permission granted, this will mean that before any remediation or development takes place, we will require the developer to assess the significance of these features, in accordance with Environment Agency (EA) and the Department for Environment, Food and Rural Affairs (DEFRA) guidelines on conceptual Risk Assessment, namely:-

It is recommended that no development shall be permitted to start until a staged approach to the investigation, carried out by a qualified environmental consultant, is carried out. This would normally include the following steps: -

Phase 1 desk study and site reconnaissance including conceptual site model, which may lead to,

Phase 2 staged intrusive site investigation and characterisation, which in turn may lead to,
Phase 3 risk management (which may involve remediation and validation).

21 Grindon Parish Council

Noise: Reading carefully the information provided in the acoustic surveys, the professionals involved have agreed that it is difficult to be certain on the impact, frequency range, harmonics and disturbance of the background sound pattern as the equipment has not been specified, and hence there is no "sound signature" to work on.

Different people find different sounds irritating, sufficient to influence their health. Without a sound signature, no amount of modelling will lead to an accurate and precise answer. This development should not proceed without further analysis, specifically with regard to the sound signature of the engines. Whilst the acoustic report mentions noise reduction strategies, these are, at best, theoretical models, and not accurate in situ examples of the site and the equipment being used. Further investigation is required and the Parish Council suggest that until this information is available, and fully and independently evaluated, the application should be rejected. The council finds it interesting that such a development could not be placed near Saltholme because of "adverse effects of noise".

Fumes: Similarly, having read much documentation from the USA where these plants are popular it does seem that there are problems with gas quality and contamination, and steps can be taken to mitigate this. There is no mention of this in the application. NOx must be kept to a minimum as this is well known to play a part in respiratory disease, but there doesn't appear to be a mention of how this will be achieved. It certainly has been a problem

in the USA. The Parish Council does feel it rather strange that this plant cannot be sited in a location where there is already considerable discharge from, albeit a much cleaner, chemical industry for fear of adverse effects on wildlife, yet the developer wishes to site this in a residential area. Again the council feel strongly that the plan should be opposed until such time as the proposed developer is able to specify the design/layout/equipment in much greater detail, so that detailed investigation can be undertaken.

Visual impact: The human psyche is a strange thing indeed. Even if there was no increase in sound pollution, or NOx, the mere appearance of the 15-metre-high chimney stacks MAY deter buyers and lead to reduced property values, based on visual appearance or the mere threat that the site may be noisy/polluting/or developed further. The Parish Council appreciates that the intended developer has looked at screening, but in a fairly flat landscape, 4 metre screening will not cover a 23 - 33 x 15 metre chimney stacks, and the closer residents live to them, the more intrusive they will be. The council suspects there will be a devaluation of many properties if this goes ahead, and this impact has not been considered, other than that a sum of money will be made available to local areas for community projects. This will certainly NOT compensate home-owners in the area. The council feels that this on top of the already huge pylons and substation in this area will further de-value the area.

Transport whilst building: It is estimated that there will be 50 vehicles/day entering and leaving the site, many of which the council suspects will be large, heavy vehicles. The roads in this area are already overburdened and congested between 8am and 10am, and again especially at 3 until 6pm. A diversion was proposed through the villages which will have significant impact on local communities. This is hardly likely to be acceptable through the construction phase, which will be lengthy. I note that many of the local lanes are used extensively by cyclists and those riding horses. They too will be at considerable risk from heavy vehicles on this sort of scale.

A further concern to the residents living on this route is the dust and fumes the wagons will create.

Adverse effect of local businesses; At least one of the adjacent properties is operating as a Bed & Breakfast. If this development proceeds it may have a significant adverse effect on business. The Hamilton Russell pub is on the Old Durham Road, where the HGV's will be travelling to and from the site. The external decking and car park faces onto this road. The Vane Arms pub which faces onto the village green does not have a great deal of parking space and it is usual practice that customers park on the main road. As mentioned earlier the road throughout village is usual restricted to a single lane of traffic.

Set a precedent: The council feels that should this application be approved it may open the floodgates for other similar development in the rural area. Some planning applications were refused within Grindon parish when residents wished to build houses on their land or develop outbuildings due to Thorpe Thewles area to be "sustainable" and felt that the additional traffic these applications would create would place pressure on the area.

Residential amenity: The company has included in its application that CCTV systems will be in place as at times the development will be unmanned and the company has stated that the equipment will record any intruders that may enter the site. The council feels that this is another factor that will place additional stress on nearby residents fearing that the presence of the development may attract opportunists into the residential area.

22 The Environment Agency

Environment Agency Position: Having assessed the supporting information I can advise that we have no objections to the proposed development and have the following comments/advice to offer:

Permitting Advice: The proposed activity will require an IED (Industrial Emissions Directive 2010/75/EU) permit prior to the commencement of operations. We recommend the applicant contacts Mrs Chloe Harvey-Walker, chloe.harvey-walker@environment-agency.gov.uk to discuss the permit application and for the latest information relation to the implementation of the Medium Combustion Plant Directive.

23 National Grid

National Grid has No Objection to the above proposal which is in close proximity to a High-Pressure Gas Pipeline and a High Voltage Overhead Electricity Line.

- 24 Natural England
No comments - The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development. We recommend referring to our SSSI Impact Risk Zones prior to consultation with Natural England
- 25 Northern Gas Networks
Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.
- 26 Northumbrian Water Limited
In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.
Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:
Northumbrian Water actively promotes sustainable surface water management across the region. The Developer should develop their Surface Water Drainage solution by working through the following, listed in order of priority:
- Discharge into ground (infiltration); or where not reasonably practicable
 - Discharge to a surface water body; or where not reasonably practicable
 - Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable
 - Discharge to a combined sewer
- 27 Tees Archaeology
The site is located within an area of medieval ridge and furrow and was probably agricultural land from the 12th century onwards. There is some potential for earlier remains, e.g. prehistoric and we would expect a developer to have considered this potential in their proposal. The applicant has now provided a desk based assessment of the site and a geophysical survey has been carried out. This has fulfilled the requirements of the NPPF (para 128) and demonstrated that the site has low archaeological potential. I therefore have no objections to this application
- 28 Councillors
No comments received
- 29 Durham County Badger Group
No comments received
- 30 Northern Powergrid
No comments received

PUBLICITY

31 Neighbours were notified and letters of objection were received from the addresses detailed below with the main objections summarised below. In addition a letter of representation was received from an adjacent neighbour querying a number of points in relation to the proposed on site works. The full details of the objections can be viewed on line at the following web address <http://www.developmentmanagement.stockton.gov.uk/online-applications/>

1. Mr Ronald Kay 1 Wynyard Road Thorpe Thewles Stockton-on-Tees TS21 3JL
2. Mrs L Smith 2 Mill Terrace Thorpe Thewles Stockton-on-Tees TS21 3JS
3. Mr Derek Jones 2 Manor Cottages Thorpe Thewles Stockton-on-Tees TS21 3JT
4. Mrs Lynn James 2 St James Close Thorpe Thewles Stockton-on-Tees TS21 3LH
5. Linda Robson 1 North Close Thorpe Thewles Stockton-on-Tees TS21 3JY
6. Mrs yvette stais The Cottage Bank Terrace Thorpe Thewles Stockton-on-Tees
7. D W Mansell Manstead Letch Lane Carlton Stockton-on-Tees TS21 1EG
8. Mr J R Hesketh Because House Bank Terrace Thorpe Thewles TS21 3JW
9. Mr Neil and Judith Chapman 14 Lax Terrace Wolviston Billingham TS22 5LE
10. Barbara Gillson 4 Hamilton Court Thorpe Thewles Stockton-on-Tees TS21 3LL
11. Dr A P Cook Four Winds Letch Lane Carlton Stockton-on-Tees TS21 1EG
12. Mr Mark Overton 10 Durham Road Thorpe Thewles Stockton-on-Tees TS21 3JN
13. Mrs Phillipa Cooper 24 North Close Thorpe Thewles Stockton-on-Tees TS21 3JY
14. Mr D Brown 3 Mill Terrace Thorpe Thewles Stockton On Tees
15. Owner/Occupier Vine Cottage Mill Terace Thorpe Thewles Stockton On Tees
16. Mrs Linda Robson 1 North Close Thorpe Thewles Stockton-on-Tees TS21 3JY
17. Mrs Allyson Horner 7 Wynyard Court Thorpe Thewles Stockton-on-Tees TS21 3LN
18. Fred Webster Hawthorne Cottage, Carlton Stockton On Tees
19. Mrs Ann Harris Stable View, Thorpe Thewles Stockton On Tees
20. Mr Ian McGlade Coppelstone, Drummoyne, Thorpe Thewles Stockton On Tees
21. John Davies Thorpe Thewles Lodge, Drummoyne, Thorpe Thewles, TS21 3JB
22. Brian Swales Hawthorne Lodge, Letch Lane, Carlton Stockton On Tees
23. Rob Goldsbrough Willowtree, Letch Lane, Carlton Stockton On Tees
24. Mr Ian Coverdale 19 Wynyard Road Thorpe Thewles Stockton-on-Tees TS21 3JL
25. Mrs Gillian Overton 10 Durham Road Thorpe Thewles Stockton-on-Tees TS21 3JN
26. Mr James Hill 4 Wynyard Court Thorpe Thewles Stockton-on-Tees TS21 3LN
27. Mr paul stais The Cottage Bank Terrace Thorpe Thewles Stockton-on-Tees
28. Mr David Gibbon 1 Vicars Close Thorpe Thewles Stockton-on-Tees TS21 3LJ
29. Mr Paul John 4 Durham Road Thorpe Thewles Stockton-on-Tees TS21 3JN
30. Dr Paul Frith 8 St James Close Thorpe Thewles Stockton-on-Tees TS21 3LH
31. Mr Andrew Hewitt 1 St James Close Thorpe Thewles Stockton-on-Tees TS21 3LH
32. Mr Gareth Rees 2 School Close Thorpe Thewles Stockton-on-Tees TS21 3JE
33. Dereck And Joyce Mills 4 Green Leas Carlton TS21 1EJ
34. Miss Amanda Hall Primrose Cottage Bank Terrace Thorpe Thewles Stockton
35. Mrs Beryl Chan Orchard Farm Thorpe Thewles Stockton-on-Tees TS21 3JR
36. Mr Christopher James 2 St James Close Thorpe Thewles Stockton-on-Tees
37. Mrs Jayne Steel 21 Wynyard Road Thorpe Thewles Stockton-on-Tees TS21 3JL
38. Kathryn Lee Manor House Cottage Durham Road Thorpe Thewles Stockton TS21
39. Mr Ronnie Alexander 9 North Close Thorpe Thewles Stockton-on-Tees TS21 3JY
40. Mr Chris Dargue 12 Durham Road Thorpe Thewles Stockton-on-Tees TS21 3JN
41. Mr Jeff Steel 21 Wynyard Road Thorpe Thewles Stockton-on-Tees TS21 3JL
42. Dr John Tait 8 Durham Road Thorpe Thewles Stockton-on-Tees TS21 3JN
43. Mrs Sandra Hannan 20 North Close Thorpe Thewles Stockton-on-Tees TS21 3JY
44. Mr Sean Lynch 6 Wynyard Court Thorpe Thewles Stockton-on-Tees TS21 3LN
45. Mr Mark Fishburn 6 Durham Road Thorpe Thewles Stockton-on-Tees TS21 3JN
46. Jeffrey Gillson 4 Hamilton Court, Thorpe Thewles, TS213LL
47. Mrs Wendy Dalton 7 Durham Road Thorpe Thewles Stockton-on-Tees TS21 3JN
48. Mr Edward Sunley The Paddock Letch Lane Carlton Stockton-on-Tees TS21 1EG
49. Mr Mark Willis 4 Manor Cottages Thorpe Thewles Stockton-on-Tees TS21 3JT
50. Mr Keung Chan Orchard Farm, Thorpe Thewles, Stockton-on-Tees TS21

32 Reasons for Objections:

1. Highway Safety due to narrowness of roads and parked cars
2. Heavy duty traffic through the village creating major traffic safety concerns
3. Durham Road is used regularly by walkers, walkers with dogs and cyclists. The road has no footpath, with the proposed amount of traffic this will become exceedingly hazardous.
4. The bridge over the beck is already starting to crumble due to age
5. Location outside the limits to development and on a greenfield site when there appears plenty of additional space / areas in other industrial areas of Teesside where this plant could be located
6. Visual impact of the proposed scheme, too large for the area.
7. Air Quality due to emissions
8. Noise from the proposed development and impact on residents
9. Limited Jobs as once up and running will be temporary construction jobs.
10. Increased use and reliance on burning fossil fuels is not in line with the government's energy policy which is to reduce our reliance on this type of fuels.
11. If planning approval is granted for the battery development there is no guarantee that there will not be a change of use in the future to a gas fuelled provision.
12. Lack of consultation with local residents
13. Devaluation of properties
14. Queries over the surface water drainage
15. Alternative uses for Co2 which would-be exported if located elsewhere

PLANNING POLICY

- 33 Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

National Planning Policy Framework

- 34 Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

Local Planning Policy

- 35 The following planning policies are considered to be relevant to the consideration of this application

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.
2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular

02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide. Further guidance will be set out in a new Supplementary Planning Document.

37 Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

4. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.

5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.

6. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.

8. Additionally, in designing new development, proposals will:

_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

38 Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:

i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.

ii) Green wedges within the conurbation, including:

_ River Tees Valley from Surtees Bridge, Stockton to Yarm;

_ Leven Valley between Yarm and Ingleby Barwick;

_ Bassleton Beck Valley between Ingleby Barwick and Thornaby;

_ Stainsby Beck Valley, Thornaby;

_ Billingham Beck Valley;

_ Between North Billingham and Cowpen Lane Industrial Estate.

iii) Urban open space and play space.

9. New development will be directed towards areas of low flood risk, that is Flood Zone 1, as identified by the Borough's Strategic Flood Risk Assessment (SFRA). In considering sites elsewhere, the sequential and exceptions tests will be applied, as set out in Planning Policy Statement 25: Development and Flood Risk, and applicants will be expected to carry out a flood risk assessment.

10. When redevelopment of previously developed land is proposed, assessments will be required to establish:

_ the risks associated with previous contaminative uses;

- _ the biodiversity and geological conservation value; and
- _ the advantages of bringing land back into more beneficial use.

39 Saved Policy EN13 of the adopted Stockton on Tees Local Plan

Development outside the limits to development may be permitted where:

- (i) It is necessary for a farming or forestry operation; or
 - (ii) It falls within policies EN20 (reuse of buildings) or Tour 4 (Hotel conversions); or
- In all the remaining cases and provided that it does not harm the character or appearance of the countryside; where:
- (iii) It contributes to the diversification of the rural economy; or
 - (iv) It is for sport or recreation; or
 - (v) It is a small scale facility for tourism.

MATERIAL PLANNING CONSIDERATIONS

40. The main material considerations in relation to this application are the principle of development; landscape/visual impact, impact on neighbours, air quality, noise, drainage and flood risk, highways and any other residual matters.

Principle of Development

41. The application site is located outside the limits to development where saved policy EN13 restricts development in the interests of protecting the character and appearance of the area. In this case whilst it is recognised that there are elements of both national guidance and the local plan which discourage development that does not need a rural location from locating in the countryside; at the same time the proposed site is adjacent to the Norton Electricity Grid substation, which the applicant states is essential for the proposed project.
42. The applicant states that the proposed development is required to compliment the mix of electricity generation and to meet the Government's objective of maintaining a reliable electricity supply. Once operational, the facility will have the ability to respond rapidly to the short term variations related to local demand and fluctuations in the output from renewable energy sources.
43. The applicant has identified that the application site is located within an area that requires additional backup capabilities to meet peak demand. The applicant states that whilst peaking plants up to a scale of 20MW can be deployed on the local distribution network, plants of greater generating capacity need to be on the 33kV network or adjacent to substations to operate effectively. The principal selection criteria applied to this type of project which, needs to be close to adequate substations, that have the electrical capacity to export, land that was both suitable and available and located in an area that would not present a problem for either noise or air emissions. (The gas supply and air emissions were also factors but as the application has been amended to battery this would no longer be an issue).
44. Within the Borough there are 2 principal NG substations; Norton and Saltholme. Saltholme was discounted due to ecology and grid constraints. Other substations are either too small and or do not have enough land.
45. On balance it is considered that the scheme has significant benefits which could outweigh any harm and this is considered through the remainder of the report.

Impact on the character and appearance of the area

46. The application is supported by a Landscape Appraisal which has been considered alongside the landscaping plans which have been revised to provide more substantial landscaping and mounding.

47. The Highways Transport and Environment Manager has considered the scheme and raises no objections to this development. The existing substation and transmission lines heavily dominate the character of area and the views of the proposed peaking plant development site would be seen in the context of this character.
48. The existing trees and hedges, as well as the proposed mounding provided on the northern and western site boundaries, and the new woodland planting would help to soften and ultimately screen views of the proposed building, which is the main visual element within the development.
49. Overall it is considered that the proposed development will not have an adverse impact on the character and appearance of the area providing the landscaping scheme is implemented. A condition is recommended to ensure this landscaping is provided and maintained and also that the colour and finish of the buildings are agreed.

Impact on neighbours

50. The nearest residential properties which will be able to view the development are Thorpe Thewles Lodge and the three adjacent barn conversions. The existing agricultural barn will screen the majority of this development from the view of the barn conversions; however views could still be obtained from Thorpe Thewles Lodge.
51. The proposals will be located over 130 metres from this neighbour and it is considered that with the proposed landscaping mitigation (which includes mounds), that the development will appear as a large agricultural shed and will not have a significant adverse effect on the visual amenities of this neighbour.
52. It should be noted however that the top of the building will be visible until the landscaping is matured (estimated at 5-15 years) but this impact would not be significant to warrant refusal of the application.

Noise

53. A Noise Assessment accompanies the application which concludes that with the incorporation of design mitigation measures to minimise noise levels that no adverse impact is likely.
54. Environmental Health considered the report and its findings and raised no objections subject to conditions to ensure noise levels are not exceeded at the nearest residential receptor. This condition has been recommended.

Flood Risk and Drainage

55. A flood risk assessment accompanies the application. The site is within Flood Zone 1 which is defined as the low probability zone in terms of flood risk. This assessment concludes that the risk of tidal and fluvial flooding of the development site under consideration is considered to be low, however a number of flood proofing measures have been incorporated into the design.
56. It is intended that surface water run-off from the development site will be dealt with via an onsite drainage system, leading to an attenuation pond to the west of the site. The water in the attenuation pond will eventually discharge into the drainage system which will be linked directly to a drainage ditch out with the boundaries of the site.
57. The submitted documents do not contain sufficient information regarding the management and disposal of surface water runoff from the proposed development site and the flood risk associated with the proposed development cannot be fully assessed at this stage. However a planning condition has been recommended to ensure that an appropriate surface water

management solution can be agreed and installed prior to development commencing on site which will ensure adequate drainage to prevent surface water runoff.

Transport

58. The site entrance is via Durham Road to the north of High Middlefield Farm. This turning is on a sharp bend just before the bridge and will require safety arrangements which can be secured with the submission of a construction traffic management plan.
59. The submitted information states the construction period is anticipated to last 12-15 months. The maximum number of construction vehicles in any one day will be approximately 50 HGVs however this is the peak. For the majority of the construction period the number of construction vehicles in any one day will be between 10 and 30 HGVs.
60. It should be noted that apart from the construction phase of the development where there would be an increase in traffic movements, once installed, the development will not be staffed with very minimal extra traffic movement, although access would be needed for occasional maintenance inspections and an annual service to ensure continued efficient operation. Traffic generated during operation would therefore be negligible.
61. The Highways Transport and Environment Manager has no objections to the scheme subject to highway condition surveys being undertaken prior to commencement and following completion and the submission of an updated construction traffic management plan. These matters can be conditioned.
62. Concerns have been raised regarding the construction traffic. The actual operation of the facility will not have an adverse impact on neighbouring residential properties other than short term construction disturbance. Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, (covered by Control of Pollution Acts) are not material planning considerations. However as recommended by the Environmental Health Unit, to reduce the impact on neighbours from noise and disturbance a condition has been recommend limiting the working hours and a Construction Traffic Management Plan will ensure that highway safety is not compromised.
63. Overall it is concluded that the proposed development would not have any significant unacceptable adverse impacts on the highway network and adequate parking provision is provided.

Impact on the Railway

64. The proposed building works are located north of the existing railway and whilst no objections have been raised by Network Rail the response contained a substantial amount of information which has been brought to the attention of the applicant. A condition has been recommended covering land stability and protecting the railway.
65. Final details of drainage and many of the other matters raised can be considered as part of the discharge of conditions where Network Rail will be consulted for comments to allow them to protect their assets. Their comments on the landscaping scheme are awaited and will be reported to Committee.
66. Overall subject to no objections on the landscaping scheme, it is considered that the proposed development will not have an adverse impact on the railway line and its operation subject to the recommended conditions and the applicant being mindful of the requirements contained in Network Rail's response. An informative has been recommended to this regard.

Contamination

67. The applicant does not include any surveys in relation to contamination, however given the location of the development and previous testing at the site it is recommended that surveys are undertaken before development commences and appropriate remediation be undertaken if required. A suitable condition has been recommended.

Ecology

68. A preliminary ecological assessment, including a protected species risk assessment, accompanies the application and concludes that the area was found to be of low ecological value and of low value for protected species, with no signs of activity of protected species and low habitat suitability for most species.
69. Natural England have raised no objections and using the standing advice it is not considered that the development will have an adverse impact on ecology or biodiversity.
70. The report does make a number of recommendations/mitigation measures to address badgers and nesting birds which must be secured. An appropriate condition has therefore been recommended.

Archaeology

71. The site is located within an area of medieval ridge and furrow and was probably agricultural land from the 12th century onwards. There is some potential for earlier remains.
72. The applicant provided a desk based assessment of the site and a geophysical survey has been undertaken which demonstrated that the site has low archaeological potential.

Other Matters

73. The application has now been revised so that there will be no emissions, therefore air quality is not a matter of concern.
74. Devaluation of properties is not material planning consideration.

CONCLUSION

75. The principle of the proposed development meets the requirements of national guidance and the local Plan with regards to development in the countryside in this particular case due to its proximity, and co-location, next to Norton substation and the benefits in this instance would outweigh any harm. The proposal also would make a contribution to the Government's future energy aspirations.
76. There is no issue to suggest that the development will have a significant impact on the landscape, neighbouring properties, ecology or traffic and transport. Other residual matters have also been examined and though a number of conditions will need to be imposed to properly control the development and its future operation, the proposal is considered acceptable.
77. In summary there are no sustainable land use planning reasons for resisting the development and it is recommended that the application be approved with conditions for the reasons specified above.

Director of Economic Growth and Development Services
Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062

WARD AND WARD COUNCILLORS

Ward: Northern Parishes

Ward Councillor: Councillor J Gardiner

IMPLICATIONS

Financial Implications: There are no known financial implications in determining this report

Environmental Implications: As report .

Human Rights Implications: The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications: The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

Town and Country Planning Act 1990

National Planning Policy Framework

Stockton on Tees Local Plan Adopted 1997

Core Strategy – 2010

Application File: 16/1978/FUL