

DELEGATED

AGENDA NO 7
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

UPDATE REPORT

Since the original report further matters have been raised and additional correspondence received as detailed below;

Alex Cunningham MP

Correspondence from Alex Cunningham MP has been received and following the request for circulation to the Planning Committee it is attached to this update report.

Safety of the Batteries

Since the original report, an additional resident's letter has been received querying the safety of the batteries.

In response the applicant states "*The Lithium-ion battery is the battery of choice for Grid services throughout the world. The system design in itself prevents fire however, in the event that there is a fire the comprehensive fire suppression system operates. The facility is remotely monitored and faults (that might lead to a fire) are picked up by operators before the Fire Suppression System is activated. Emergency Services can be notified should the need arise*".

The Health and Safety Executive have confirmed that there is no information in the planning application and associated documents to indicate that the site will require hazardous substances consent, or be subject to the Control of Major Accident Hazard Regulations 2015 (COMAH); The COMAH Regulations relate solely to the safe operation of the site and if applicable, these are matters for the applicant to consider and apply for consent and notify HSE under the COMAH regime if necessary. In addition the Environment Agency raises no objection to the proposal and confirmed that a Permit will not be required for the proposed scheme and the informative will be removed from the recommendations in the main report.

Cleveland Emergency Planning Unit and Cleveland Fire Brigade are aware of the proposed scheme and whilst have no objections to the scheme will ensure that appropriate methods of dealing with an emergency at the site are in place should the application be approved.

Condition 5 –Noise from Plant

The condition has been amended (see section in bold) to ensure that appropriate further measures should they be required are implemented to safeguard residential amenity.

05 *Noise disturbance from New Plant*

*On completion of the installations and before the plant is brought into use, the applicant shall 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) have been implemented and the noise levels as set out in the table are not exceeded. **In the event that the***

survey does not demonstrate that the noise levels are not exceeded additional mitigation measures shall be submitted to and approved by the Local Planning Authority. All noise mitigation measures shall be thereafter maintained to the reasonable satisfaction of the Local Planning Authority.

Construction Hours

A condition had been recommended in relation to construction hours; however since the writing of the report a neighbour has expressed concern over the hours conditioned.

The advice of Environmental Health was sought who confirmed that the applicant is required to apply for a "prior consent" under The Control of Pollution Act 1974 to address the impact of noise and construction activities. Specific restraints can be applied upon construction and demolition activities, hours of work or the type of plant to use, so that noisy activities can be identified and controlled in advance with mitigation used to minimize the impact.

As this matter can be adequately addressed through the prior consent process, it is recommended that the construction hours condition be removed should the application be approved.

CONCLUSION AND RECOMMENDATION

The recommendation of the main report remains unchanged, which is that the application be approved with conditions along with the amended condition 5 Noise disturbance from New Plant as set out above and removal of condition 12 Construction/Demolition Noise. In addition the informative in relation to and Environment Agency permit will be removed.

**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

