

Committee Report

Application No:	DC/17/01054/FUL
Case Officer	Graham Stephenson
Date Application Valid	2 October 2017
Applicant	Miss Kirsty Cassie
Site:	Long Acre Farm Lamesley Birtley DH3 1RQ
Ward:	Lamesley
Proposal:	Development of a 49.99 MW Gas Fired Electricity Generating Facility, with associated infrastructure and landscaping. (Amended on the 30.11.2017. Amendments include revised siting of attenuation pond, reduction in the number of stacks from 11 to 4 and a reduction in the height of the stacks from 15 metres to 8 metres).
Recommendation:	GRANT TEMPORARY PERMISSION
Application Type	Full Application

1.0 The Application:**1.1 DESCRIPTION OF THE APPLICATION SITE**

The application site covers approximately 1.93 ha in area and takes up a large proportion of existing agricultural land to the south of an existing substation. The site is wholly located in the Green Belt.

1.2 To the west there is the East Coast Mainline and the Tyne Marshalling Yards, to the south Lamesley Road and beyond there the Bowes Railway. To the east there is a Public Right of Way/Bridleway (PRW) which leads to Long Acre Wood Local Wildlife Site which is to the north. The PRW is screened on each side by well-established hedging. Beyond the PRW there are more fields and Long Acre Dene Local Wildlife Site.

1.3 Access to the field is via an existing gate off Lamesley Road.

1.4 The nearest residential properties are at Long Acre Farm which has been converted into a number of cottages. The closest property is in the region of 220 metres away.

1.5 Birtley is to the south with Kibblesworth approximately 1.5 km to the west.

1.6 The land on site slopes up gently from west to east. However on the opposite side of the PRW the land levels increase more sharply as you go towards the A1.

1.7 DESCRIPTION OF THE APPLICATION

The planning application is for a Gas Fired Electricity Generating Service (GFEGS) facility, which will generate electricity for the regional distribution network in times of generation shortfall and/or high demand.

- 1.8 The Plant will have a maximum electrical capacity of 49.99MW. The GFEGS will comprise of 11 x 4.5 MW gas engine units in a broadly linear configuration. Each gas engine is housed within a concrete case. Air cooling fans will be positioned on the side of the concrete cases.
- 1.9 Each engine will have an exhaust but the exhausts are now proposed to be grouped together in clusters so rather than 11 individual stacks 4 stacks are proposed. The height of each stack has been reduced from 15 m to 8 m from ground level. The facility is also proposed to include a 66kV substation and two control and metering kiosks. The electrical equipment within the substations will be up to 6m high. The concrete containers and substation will sit on a porous gravel surface and swales and an attenuation pond is proposed to try and ensure that there will be no increase in the amount of water that flows into the surrounding ditches. The facility will run automatically and staff are only required for routine maintenance. The separation distance between the proposed attenuation pond and the boundary with the railway has been increased to 20 metres.
- 1.10 To accommodate the development the area will need to be levelled creating a cut and fill profile. Once completed the compound is proposed to be protected with a 2.5 m high steel mesh fence and a 4-5m high acoustic fence.
- 1.11 An abundance of planting is also proposed to screen the development.
- 1.12 The development is initially proposed to have a lifespan of 25 years. A temporary car park is also proposed for the construction phase which is expected to take up to 6 months.
- 1.13 When operational the GFEGS facility would cover periods when there is a shortage of electricity generation and peaks in demand and provide ancillary services to National Grid to help it manage both frequency and voltage on the Grid system. The gas engines would be one of a total extra capacity of approximately 1.5GW (1500MW) that the National Grid is looking to be deployed over the next 4 years.
- 1.14 The facility is designed to provide back-up power at very short notice. The facility 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. The plant would be able to reach full load in less than three minutes from cold.
- 1.15 For the majority of the time the station would be switched off, waiting for an instruction from National Grid to generate electricity. These instructions would typically require the facility to generate electricity for no more than a couple of hours between 7am-11pm, generally on weekdays.

- 1.16 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.
- 1.17 The operation of the facility would also be subject to an Environment Agency Permit.
- 1.18 In terms of identifying this specific site the applicant embarked on an exercise to investigate the largest substations for spare export capacity in England that could serve either battery storage facilities or GFEGS.
- 1.19 For site identification there are a number of technical criteria that need to be met before substations can be considered to have the potential to work for this scale of facility (49.99MW). For GFEGS critically there has to be a viable gas supply within a reasonable distance (considered to be 1-2km at most). Intermediate pressure distribution gas pipes are ideal, as they are most likely to be able to provide the correct volume and pressure of gas for a scheme of this size (49.99MW). The site at Ravensworth has an intermediate pressure gas pipe in the public highway next to the site.
- 1.20 A large proportion of the potential substations are therefore necessarily close to conurbations if not in urban locations and approximately 20-30% of the substations are located in Green Belt.

Design and Access Assessment
 Planning Statement
 Air Quality Assessment
 Ecology Assessment
 Landscape and Visual Impact Assessment
 Flood Risk Assessment and Drainage Plan

- 1.21 A screening request was submitted on the 29.08.2017 and a response was provided on the 27.09.2017 confirming that the Local Planning Authority did not consider the proposal to be EIA Development.

1.22 PLANNING HISTORY

EIA/17/03, 27.09.2017, Environmental Statement not required.

2.0 Consultation Responses:

Tyne and Wear Archaeology Officer No Objections subject to conditions

Northumbria Water No Objections

Network Rail Object due to the proximity of the attenuation pond. Amended plans received to address the concerns.

Environment Agency	No Objections as the EA will be the Competent Authority in relation to amenity issues such as noise, odour and dust.
Coal Authority	No Objections subject to conditions
National Grid Property Holding Ltd	Support the scheme.
Northern Gas Networks	No Objections

3.0 Representations:

Neighbour notifications, press and site notices were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) (England) Order 2015 on the 04.10.2017. 7 letters of objection have been received. The issues raised have been summarised below:

- The land is in the Green Belt and a landscape character area and should not be built on.
- It would be inappropriate development in the Green Belt
- Despite the screening proposed the development will still be visible.
- This development would be more dominant than the existing substation.
- A 30 year life span for the development would be akin to a permanent development.
- The noise generated by the development will result in a disturbance.
- The access road is close to the marshalling road and will be unsafe due to the number of lorries that leave the yard.
- The cumulative effect of the development along with the sewage works, marshalling yard including the crushing plant and concrete plant on Longshanks Lane would result in industrial creep.
- The development would be invasive in the countryside
- The attractiveness of the access to Long Acre Woods would be compromised by this development.
- What is the demand? No attempt has been made to determine whether there is a local shortage of power.
- Does demand ever peak close to the current supply available?
- Is this development actually required.
- The development is not sustainable. It requires gas which is in short supply.
- The development will increase the potential risk of explosion.
- The Landscape and Visual Impact Study is vague and doesn't provide a meaningful assessment.
- Will the equipment be removed after the lifetime of the development.
- The potential ground works required in relation to any coal mining legacies could impact on wildlife habitats. The assessment is inadequate.
- The scheme is not worth the compromises it causes.

- This development would be contradictory to the to Gateshead Councils own district heating scheme.
- The process of using waste heat is not uncommon and should not impede the development but instead make it beneficial the local community, and attractiveness to business and industry to operate from Team Valley area.
- The plant will discharge toxins and smoke and there will be times when the wind direction will blow all of this towards residential properties. direction although in general we will suffer from an increased background level.
- Scientific studies conclude that the toxins from this type of generating facility are harmful to children and old people.
- There will be a loss of privacy and the site will attract interest from undesirable characters.
- The development would not generate any local jobs.
- The existing industrial products and processes in the area means there is a huge increase of heavy goods vehicles back and forth at least 5 days a week with a constant flow all day from 6am. Lamesley Road has also become a rat run for cars and commercial vehicles which means construction traffic will cause queuing.

3.1 Neighbours were re-notified about the amendments to the scheme on the 4.12.2017. Two further letters have been received confirming their concerns still stand. Any additional representations will be provided in an update report.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC1C Landform, landscape and after-use

DC1D Protected Species

DC1E Planting and Screening

DC1G Energy Conservation-Sustainable Building

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV49 Sites of Nature Conservation Importance

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

ENV21 Sites of Archaeological Imp - Known

ENV22 Sites of Archaeological Imp - Potential

5.0 Assessment of the Proposal:

5.1 The main planning issues in this case are considered to be development in the Green Belt, impact on visual amenity, residential amenity and ecology.

5.2 **DEVELOPMENT IN THE GREEN BELT**
The site is located wholly in the Green Belt and therefore any development needs to be assessed against the relevant paragraphs in the National Planning Policy Framework (NPPF).

5.3 As set out in paragraph 89 of the NPPF development within the Green Belt will be inappropriate except for:

* outbuildings for agriculture and forestry;

* provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;

* the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

* the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

* limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or

* limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

- 5.4 In this case it is considered none of the above exceptions apply and therefore in order for the development to be considered acceptable, very special circumstances must exist, for which the test is strict.
- 5.5 Paragraph 88 of the NPPF states that in considering any planning application, Local Planning Authority's should ensure that substantial weight is given to any harm to the Green Belt. Furthermore, 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of 'inappropriateness', and any other harm, is clearly outweighed by other considerations. Therefore, whilst the proposal is by definition inappropriate development in the Green Belt, if it can be demonstrated that other considerations exist which outweigh the harm (both from inappropriateness and other harm), very special circumstances may exist.
- 5.6 The Green Belt serves five purposes as defined in the NPPF and this is backed up by policy CS19 of the CSUCP. They are:
- * To check the unrestricted sprawl of large built up areas;
 - * To prevent neighbouring towns from merging into one another;
 - * To assist in safeguarding the countryside from encroachment;
 - * To preserve the setting and special character of historic towns; and
 - * To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.7 With regards to the first and second purpose, although the site is located next to an existing electricity sub-station and the railway, the site is primarily located in an open area of the countryside. However due to the separation distance to Birtley and Kibblesworth and the surrounding fields and woodland, the development would not contribute to un-restricted urban sprawl or the merging of towns. The site is also not within an historic town or adjacent any historic assets therefore satisfying the fourth purpose site.
- 5.8 Therefore in this case it is considered points three and five are most relevant as the development would result in some encroachment into the countryside and potentially the development could be located on other urban land.
- 5.9 Consequently by virtue of the development's inappropriateness that is by definition harmful and the potential for other harm, very special circumstances are required to outweigh the harm.

- 5.10 The overarching argument provided by the applicant for very special circumstances is the critical need for this type of development.
- 5.11 The supporting information submitted claims that over the last 10 years the Government have implemented policies to respond to climate change threat. Renewable generation has been deployed and coal power plants closed. In the last 10 years 8 major power plants have closed and the contribution from nuclear power has been declining.
- 5.12 From this the margin between the amount of electricity the country needs in the winter and what is likely to be available in the coming years has narrowed and this presents a risk of power interruption in cold winter evenings, when there is little wind and solar. There is therefore a need to provide back up at different response times, some of which can only be provided by developments such as the one proposed, where supply can be switched on quickly.
- 5.13 Currently the main method for balancing the power market in this country is to bring online a new power station at half capacity, back another power station down to half capacity and to then use the upside available margin created at the two power stations to fill any requirements for increased generation in the market if required during the peak period.
- 5.14 This can act successfully as a means for balancing in the market, but incurs increased levels of carbon emissions on start-up, increased levels of carbon emissions by not generating at the optimal output point and incurs these higher emission rates even when no additional balancing is required.
- 5.15 The development proposed as part of this application can start in minutes (normally 2-5 minutes), run for 1 or 2 minutes and be used to provide upwards generation as required, with no requirement to back down large power stations which in turn safeguards the overall capacity.
- 5.16 This ability to run over short periods has been driving the interest in these assets as larger plants face increased challenges due to the changeable nature of renewables in the market.
- 5.17 This approach is supported by the National Grid as well as local providers with Northern Powergrid providing comments in support of the scheme.
- 5.18 This need for flexible and decentralised energy generating facilities is also well established within the national planning policy context.
- 5.19 The NPPF sets out in paragraph 93 the importance of the planning system in minimising vulnerability and providing resilience in energy generation and supply and the National Policy Statement for Energy (EN - 1) states 'it is critical that the UK continues to have secure and reliable supplies of electricity as we make the transition to a low carbon economy.' It too recognises that a flexible approach to energy generation is required to provide backup supply for intermittent renewable energy and states 'we need more total electricity

capacity than we have now, with a larger proportion being built only or mainly to perform back-up functions.'

- 5.20 Paragraph 91 of the NPPF does give more scope for renewable energy projects to be considered as very special circumstances but as this development would be reliant on gas it is not considered to be a renewable energy project. It is however considered to be low carbon infrastructure which is encouraged in paragraphs 93-99 of the NPPF.
- 5.21 Policy CS16 of the Core Strategy and Urban Core Plan for Newcastle and Gateshead (CSUCP) also aims to encourage development that will be sustainable, able to function effectively in a changing climate and address impacts on climate change emissions.
- 5.22 As a result officers are satisfied that there is a need for this type of development but the key question is still whether there are very special circumstances, which justify a facility in this particular Green Belt location.
- 5.23 In order to establish this, the applicant has assessed sites not just locally but nationally and 507 potential sites have been identified. These sites have been assessed using the following criteria to eliminate unsuitable substations:
- 5.24 Sieve 1 - the first level of assessment eliminated substations where there was either;
- * No land or not enough land available adjacent to the substation or housing very close by (<100m).
 - * No prospect of securing a grid connection based on District Network Operator (DNO) heat map and discussions with the DNO.
 - * No landowner response.
- 5.25 Sieve 2 - involved making applications to the DNO, in this case Northern Powergrid and establishing proximity to gas supply and the prospects of making a viable gas connection.
- 5.26 In the North East 48 sites were assessed but using the above criteria only 3 potential sites were identified for either gas or battery connections. Nationally 18 sites are being promoted for gas and battery with only 7 gas sites being considered.
- 5.27 What this shows is that at present there are only a small number of sites available and of these projects 57% would be in the Green Belt.
- 5.28 As such it is reasonable to conclude that the country will not easily meet the level of generation it requires from this type of technology and because of this it is absolutely inevitable that a large proportion of these projects will have to be developed within the Green Belt as that is where much of the critical electrical infrastructure is located. In addition to discount a viable site because of its

Green Belt location will have a significant impact on the ability to secure a reliable source of electricity.

5.29 In terms of local need, the development wouldn't provide a backup electricity supply solely for the local area but it would be fed into the wider connection and the North East in general does require this kind of facility, as confirmed by Northern Powergrid.

5.30 Therefore in summary it is considered that:

- The site subject to this application is considered to be a good site for new capacity from a network perspective;
- It has both electrical and gas capacity available to optimise the deployment of the facility;
- It will better use the existing substation assets currently preventing the need to reinforce further assets on the local distribution network;
- There is to be significant new demand growth across the area in the coming years significantly more than this site can satisfy;
- GFECS are at a premium and allow for increases in demand to be served while deferring, or even avoiding, the need for new network infrastructure;
- Given the scale of current and potential new demand in the area several plants of this scale are needed to fully facilitate this kind of local system balancing;
- There are only a small number of suitable sites available in the north-east region and Northern Powergrid value this type of development.

5.31 With regards to impact on the openness of the Green Belt this can be affected by the presence or otherwise of buildings and/or man-made structures or features and the appreciation of openness is partly, but not entirely, the visual recognition of those structures or features.

5.32 In response to this it is considered the temporary lifespan of the development (25 years), as well its positioning close to existing infrastructure, notably the substation and the existing railway does limit the impact on openness. The innovative design of the development which has resulted in the height of the stacks being reduced from 15 metres to 8 metres and the number of stacks being reduced to 4 also helps to limit the impact on the openness of the Green Belt. This design could also assist in helping to roll out similar developments in Green Belt locations.

5.33 Sensitive landscaping is also proposed to screen the development and this along with other measures for example tree planting, works to hedges and the creation of wetlands, would provide an opportunity to significantly enhance the ecological value of the area. This aspect is addressed in more detail later in the report.

- 5.34 Therefore taking all of the above into account it is considered that the proposed development does constitute inappropriate development in the Green Belt and by definition harms the openness of the Green Belt. However weighing up the harm that would be caused to the Green Belt, and the lack of any other harm, against the significant benefits of development, it is considered there are very special circumstances that outweigh this harm. This includes any encroachment into the Green Belt and the use of other urban land as it has been demonstrated that even using these sites there is still a demand for Green Belt locations.
- 5.35 Notwithstanding this it is considered the permission should be temporary for the 25 years specified and on expiry, the infrastructure shall be removed. The site would then be restored in accordance with a scheme that has been approved by the Local Planning Authority (CONDITIONS 25 AND 26).
- 5.36 Thus in accordance with the aims and objectives of the NPPF as well as policy CS19 of the CSUCP, it is considered the principle of development in this Green Belt location is acceptable.
- 5.37 VISUAL AMENITY
The site although in a rural location, is in close proximity to an existing substation and the railway line and as a result the immediate character of the location has been materially changed. However this needs to be balanced against the setting of the nearby Long Acre Wood and Long Acre Dene and the open fields to the east. There is also a PRW to the east which accesses Long Acre Wood and the recreational value of the area needs to be taken into account.
- 5.38 With this in mind the applicant has proposed new landscaping and tree planting which would screen the development from both close and wider views. The ecology report goes further than this and recommends the corner field to the south east of the development to be planted up as woodland and this along with final details of the landscaping within the site can be conditioned as part of a Landscape and Habitat Creation Plan (CONDITIONS 19 AND 20). The landscaping scheme will be required to consider extending the wetland features into the area where the temporary car park is, and would subsequently be removed following construction. Further measures to enhance the surrounding hedgerows and other ecological compensation measures will be addressed later in the report. The existing hedgerows, trees and other ecological habitats around the perimeter of the site will however need protecting during construction and this can be conditioned (CONDITIONS 3 AND 4).
- 5.39 Reducing the height of the stacks would also mean the landscaping and trees planted in and around the site would be effective earlier. It is envisaged the proposed planting would be well established within 2 years.
- 5.40 Details of materials will be required (CONDITIONS 15 AND 16).

- 5.41 Therefore it is considered that although the development would be introducing new infrastructure into a rural setting, the overall impact would on balance, taking into account the landscaping that is proposed, be acceptable and would not conflict with the aims and objectives of the NPPF, policy CS15 of the CSUCP and policy ENV3 of the UDP.
- 5.42 **RESIDENTIAL AMENITY**
The proposed development falls under the Environmental Permitting Regulations 2016, Schedule 1, Part II, Chapter 1 Energy activities. The permit will regulate emissions and impacts on the environment. The Environment Agency will be the 'Competent Authority' in relation to amenity issues such as noise, odour, dust and other emissions that could be generated by the facility and as such will require appropriate mitigation to be in place. This permit would also cover any toxins that could be released but there is no evidence to suggest that a development of this type, which would be gas powered would release toxins that have the potential to impact on public health. Therefore the development will be required to comply with the permit which will take into account the impact on the amenity of neighbouring residential properties and will ensure any impact is acceptable.
- 5.43 Notwithstanding this the applicant has submitted a noise report and an air quality assessment. The noise assessment has used background noise levels taken at the nearest noise sensitive receptor (at Long Acre Farm) with plant noise data to model the likely impact at these properties. The assessment covers both daytime and night time periods, advising there will be no adverse impact at the nearest noise sensitive receptors (Long Acre Farm and Moor Mill Farm). The information provided does suggest the facility, when operational, would be discernible from the PRW but the impact would not be significant when considered against background noise.
- 5.44 The facility is also designed to provide back-up power at very short notice. The facility 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 and would be able to reach full load in less than three minutes from cold. For the majority of the time the station would be switched off, waiting for an instruction from National Grid to generate. During this time again there may be some discernible noise generated by the development but this would be very limited and is unlikely to cause any issues for people walking along the PRW to Long Acre Wood.
- 5.45 When instructed the facility would generate electricity for no more than a couple of hours between 7am-11pm, generally on weekdays, when demand is highest. 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. As a gas-powered facility, the development will not require the delivery of fuel to the site, nor will it require fuel storage, unlike diesel powered generators. The site will generally be unmanned but will undergo routine maintenance on a weekly basis.

- 5.46 As such the facility will have very limited traffic movements associated with the operational period.
- 5.47 A bigger issue in terms of noise and dust will be the construction phase which wouldn't be covered by the permit. With regards to this it is recommended that construction hours are conditioned between 0700 hours and 1800 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays, as well as a construction management plan to deal with any noise, odour or dust which may result as part of the construction phase (CONDITIONS 5 AND 6).
- 5.48 Final details of lighting would also be required to ensure there is no impact on neighbouring residential properties (CONDITIONS 23 AND 24).
- 5.49 In light of the above and the robustness of the Environmental Permitting Process it is considered the impact on the residential amenity of neighbouring properties would be acceptable and in accordance with the NPPF as well as policies CS14 of the CSUCP and policy DC2 of the UDP.
- 5.50 HIGHWAY SAFETY
When operational the development would generate little traffic, as it would be operated remotely. However during the construction phase there will be an increase in traffic movements, notably HGV's and it is estimated there could be upto 10 two way HGV movements per day. Therefore it may be that a temporary widening of the access and improved visibility splays are required to safely accommodate the larger vehicles. Final details of this can be conditioned as part of conditions 5 and 6. A management plan should also be in place to ensure there is no queuing of HGV's on Lamesley Road. One has been submitted with the application but this requires updating as it specifies unacceptable delivery hours and further information is also required with regards to preventing queuing traffic on Lamesley Road. Again this can be conditioned as part of conditions 5 and 6. These conditions can also cover increased vehicle movements when the facility is removed.
- 5.51 Therefore subject to conditions it is considered that the impact on highway safety is considered acceptable and in accordance with the NPPF and policy CS13 of the CSUCP.
- 5.52 FLOOD RISK AND DRAINAGE
The use of SuDS is a material consideration for major development unless it can be demonstrated to be inappropriate and in accordance with the Core Strategy Policy CS17:4, surface water should be managed following the drainage hierarchy as set out in the Core Strategy Policy CS17:4 which states that development should: separate, control and minimise surface water runoff, discharging in order of priority to:
- i. Infiltration based Sustainable Drainage Systems
 - ii. A watercourse
 - iii. A surface water sewer
 - iv. A combined sewer.

- 5.53 A drainage assessment has been submitted and has identified the use of swales and detention basins as part of a SuD system and generally the approach is encouraging. However it is considered the wetland area could be enlarged to include the area where the temporary construction car park is proposed.
- 5.54 The ponds should also be designed to form a natural pond and/ or wetland area with irregular shape and varying bank gradients, plus wet/ dry benches as specified in the SuDS Manual. This would allow it to fulfil its potential as a habitat.
- 5.55 Further consideration also needs to be given to an existing flow route that would be affected by the development. As such in accordance with the NPPF and policy CS17 of the CSUCP final details of the surface water drainage scheme would be required. This can be conditioned (CONDITIONS 17 AND 18)
- 5.56 **CONTAMINATED LAND AND COAL MINING LEGACY**
The site is located on land not identified as being potentially contaminated and the proposed development is not a sensitive end use. Therefore further investigations are not required at this stage. However should any contamination be discovered during construction further investigations will be required and this can be conditioned (CONDITION 14). The Coal Authority has also been consulted and has raised no objection subject to conditions requiring further investigations (CONDITIONS 10-13)
- 5.57 Therefore subject to these conditions the development is considered to be in accordance with policy CS14 of the CSUCP and policy ENV54 of the UDP.
- 5.58 **ECOLOGY**
The site is located within a designated Wildlife Corridor and comprises an arable field bound by native hedgerows incorporating several hedgerow trees. Habitats within and adjacent the site have the potential to support a range of protected and priority species including farmland birds, foraging and commuting bats and foraging badger. Great Crested Newts have been recorded within 500m of the site.
- 5.59 An ecological assessment has been submitted in support of the application. This is based on a desk study and single survey visit to the site. The assessment contains a number of inaccuracies. Despite the limitations of the ecological assessment it is considered that in this instance it is possible to manage the potential/likely impacts of the development on biodiversity and ecological connectivity through the implementation of appropriate mitigation and compensatory measures, provided as part of the development.
- 5.60 This will include a Biodiversity Method Statement during construction (CONDITIONS 3 AND 4), a Landscape and Habitat Creation Plan (CONDITION 21) and a Landscape and Ecological Management Plan (LEMP) (CONDITION 22). The Method Statement would be required to include the

final landscaping details for the site and will need to be closely linked to the drainage details required under conditions 17 and 18.

- 5.61 The Biodiversity Method Statement and LEMP will be required to safeguard, restore and enhance existing habitats and features as well as provide new habitats to compensate for any loss of biodiversity/ecological connectivity caused by the development. In particular the restoration of c.380m of defunct hedgerow to the north of the existing access track, the creation of c. 1.4ha of native broadleaved woodland immediately to the east of the proposed peaking plant, and the provision of ecological buffers to Long Acre Dene LWS and Long Acre Wood LWS shall be provided.
- 5.62 Details of this would need to be included in the Biodiversity Method Statement and the LEMP and it is considered reasonable to include these details in a condition as the land is in the same ownership as the application site.
- 5.63 Final details of lighting required under conditions 23 and 24 will be expected to take into account the impact on ecological habitats.
- 5.64 As a result it is considered subject to conditions, the proposed development would not conflict with the aims and objectives of the NPPF, policy CS18 of the CSUCP and policies DC1, ENV44, ENV46 and ENV51 of the UDP.
- 5.65 **ARCHAEOLOGY**
The proposed development site is a Greenfield site where no previous archaeological investigations have taken place. However this development has the potential to have a detrimental impact on any surviving Romano-British or late prehistoric archaeological features or deposits which may exist on the site.
- 5.66 Therefore further investigations are required and this can be conditioned (CONDITIONS 7, 8 AND 9).
- 5.67 Subject to these conditions it is considered the development would comply with the NPPF, policy CS14 of the CSUCP and policy ENV21 of the UDP.
- 5.68 **CIL**
Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not for qualifying retail or housing related. As such no CIL charge is liable.
- 5.69 **OTHER MATTERS**
Network Rail has been consulted due to the proximity of the railway line and did raise some concerns about how close the SuDS pond was to the railway line. This has now been amended and the pond would be at least 20 metres away from the boundary. Network Rail has been re-consulted and their view will be provided in an update report.
- 5.70 Final details of lighting will be provided under conditions 23 and 24 to ensure it does not cause a distraction to train drivers.

5.71 Other concerns have been raised by Network Rail but they are not considered to be material considerations in this case. However the applicant has been made aware of them and can also be included as an informative.

6.0 CONCLUSION

6.1 Taking into account all relevant issues it is recommended that planning permission is granted, subject to conditions, as it is considered that very special circumstances have been demonstrated which outweigh the harm to the Green Belt and the impact on the landscape, residential amenity, ecology and all other material planning considerations is acceptable and in accordance with national and local planning policy.

7.0 Recommendation:

That temporary permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to grant planning permission and add, vary and amend the planning conditions as necessary:

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -

Masterplan, SL172_300, GP_GK-01, GP_11KvSH_01, GP_SF_02, GP_AF_02, GP_CC_02, Cross Section A and Cross Section B.

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

The development hereby approved shall not commence until a Biodiversity Method Statement, covering the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of all the habitats, trees and hedgerows which are to be retained on site, as well as details of any protected and priority species and the measures that will be put in place to protect these ecological features which could be affected by site set up, vegetation clearance, soil stripping, the shaping of new landforms and construction of the development. The content of the Biodiversity Method Statement shall include:

- o The purpose and objectives for the proposed works
- o Detailed design(s) and/or working method(s) necessary to achieve stated objective, including, where relevant, type and source of materials to be used.
- o Extent and location of proposed works shown on appropriate scale maps and plans
- o Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction
- o Persons responsible for implementing the works
- o Maintenance of protected ecological features during construction
- o Disposal of any wastes arising from works

Reason

To protect habitats during construction in accordance with policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1, ENV44 and ENV46 of the Unitary Development Plan.

4

The construction of the development shall be carried out in accordance with the Biodiversity Method Statement approved under condition 3.

Reason

To protect habitats during construction in accordance with policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1, ENV44 and ENV46 of the Unitary Development Plan.

5

No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives, including construction vehicles and visitors
- ii. An updated Construction Traffic Management Plan which includes further details of the management of HGV's arriving at and leaving the site and temporary access details during

- construction and decommissioning, including any widening required and visibility displays.
- iii. storage of plant and materials used in constructing and then removing the development
- iv. the erection and maintenance of security hoarding
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction and decommissioning.
- vii. a scheme for the recycling/disposing of waste arising from construction works.

In addition all works and ancillary operations in connection with the demolition, remediation of the site, the construction of the new development and the decommissioning of the site, including the use of any equipment or deliveries to the site, shall be carried out only between 0700 hours and 1800 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays, unless otherwise approved in writing by the Local Planning Authority.

Reason

To safeguard the amenities of nearby residents and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and policies DC1, DC2 and ENV61 of the Unitary Development Plan.

6

The development shall be carried out in accordance with the Construction Method Statement approved under condition 5.

Reason

To safeguard the amenities of nearby residents and in accordance with policy CS14 of the Core Strategy and Urban Core Plan and policies DC1, DC2 and ENV61 of the Unitary Development Plan.

7

No groundworks or development shall commence until a programme of archaeological fieldwork (to include geophysical survey, evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and saved Unitary Development Plan Policies ENV21 and ENV22.

8

The development hereby approved shall not be brought into use until the final report of the results of the archaeological fieldwork undertaken in

pursuance of condition 7 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and saved Unitary Development Plan Policies ENV21 and ENV22.

9

The development hereby approved shall not be brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a journal and which has been submitted to and approved in writing by the Local Planning Authority.

Reason:

The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF.

10

Construction of the development hereby approved shall not commence until a scheme of further intrusive investigations to establish the coal mining legacies present on the site has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from coal mining to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

11

Prior to construction of the development hereby approved commencing, the intrusive investigations shall be carried out in accordance with the details approved under condition 10.

Reason

To ensure that risks from coal mining to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy

and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

12

Construction of the development hereby approved shall not commence until a report of findings arising from the intrusive site investigations approved under condition 10 and a scheme of remedial works if necessary, including the phasing of any remedial works, has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from coal mining to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan

13

Any remediation works approved under condition 12 shall be implemented in accordance with the timetable approved under that condition.

Reason

To ensure that risks from coal mining to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

14

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An updated investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the

unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled in accordance with policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1 and ENV54 of the Unitary Development Plan

15

Construction of the new development hereby approved shall not commence above foundation level until samples of all materials, colours and finishes to be used on all external surfaces have been made available for inspection on site and are subsequently approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the area in accordance with the NPPF, Saved Policies DC2, ENV3 and ENV7 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

16

The materials used shall be in accordance with the details approved under condition 15 unless otherwise approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the area in accordance with the NPPF, Saved Policies DC2, ENV3 and ENV7 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

17

The construction of the development hereby approved shall not be commenced above foundation level until an updated drainage assessment and SuDS scheme, in accordance with the CIRIA SuDS Manual (C697) and Update has been submitted to and approved in writing by the Local Planning Authority. The assessment and scheme shall consider the DEFRA Non-Technical Standards for SuDS and shall include: infiltration testing, detailed designs of all SuDS components ;; health and safety risk assessment; construction method statement (refer to CIRIA guidance - Construction Method Statements RP992/22)); a drainage maintenance plan (refer to CIRIA guidance on maintenance

plan RP992/21), copy of the electronic drainage model, evidence to demonstrate that there is adequate foul and surface water public sewerage capacity based on NWL's agreed discharge volumes and rates before connecting to the public sewerage system and a timetable of implementation for the approved SuDS components.

The drainage maintenance plan should include the arrangements to secure the operation of the drainage scheme throughout the lifetime of the development and shall co-ordinate with the landscape management plan.

Reason

To ensure appropriate drainage and the exploration as to sustainable urban drainage systems so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

18

The SuDS scheme shall be implemented in accordance with the details approved under condition 17, prior to the development hereby approved being first occupied and shall be retained as such thereafter.

Reason

To ensure appropriate drainage and the exploration as to sustainable urban drainage systems so as to prevent the risk of flooding in accordance with the NPPF and Policy CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

19

The construction of the development hereby approved shall not be commenced above foundation level until a scheme for on and off site landscape and habitat creation, restoration and enhancement has been submitted to and approved in writing by the Local Authority. The scheme shall include details of all the habitats (including wetland habitats informed by the SuD system, trees and hedgerows which are to be retained on site long term, The scheme shall also include but not limited to, the creation of c.1.4ha of native broadleaved woodland, the restoration of c. 380m of existing native hedgerow and the provision of ecological buffers to Long Acre Dene and Long Acre Wood Local Wildlife Sites,

The Landscape and Habitat Creation Plan shall include:

- o The purpose and objectives for the proposed works
- o Detailed design(s) and/or working method(s) necessary to achieve stated objective, including, where relevant, type and source of materials to be used.
- o Extent and location of proposed works shown on appropriate scale maps and plans
- o Timetable for implementation

- o Persons responsible for implementing the works
- o Disposal of any wastes arising from works

Reason

To protect and enhance ecological habitats and and to provide landscaping that will mitigate the impact of the development in this rural, Green Belt location, in accordance with policies CS15 CS18 and CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1, ENV44 and ENV46 of the Unitary Development Plan.

20

The Landscape and Habitat Creation, Restoration and Enhancement Plan shall be implemented in accordance with the details and timetable approved under condition 19.

Reason

To protect and enhance ecological habitats and and to provide landscaping that will mitigate the impact of the development in this rural, Green Belt location, in accordance with policies CS15 CS18 and CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1, ENV44 and ENV46 of the Unitary Development Plan.

21

Prior to the development hereby approved being first brought into use a Landscape and Ecological management plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- o Description and evaluation of features to be managed
- o Ecological trends and constraints on site that might influence management
- o Aims and objectives of management
- o Appropriate management operations for achieving aims and objectives
- o Prescriptions for management actions
- o Preparation of a work schedule with each schedule being reviewed every 5 years.
- o Details of the body or organisation responsible for implementation of LEMP
- o Ongoing monitoring and remedial measures

Reason

To protect and enhance ecological habitats and to provide landscaping that will mitigate the impact of the development in this rural, Green Belt location, in accordance with policies CS15 CS18 and CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1, ENV44 and ENV46 of the Unitary Development Plan.

22

The on and off site Landscaping and Habitats provided as a result of this development shall be maintained in accordance with the Landscape and Ecological Management Plan approved under condition 21.

Reason

To protect and enhance ecological habitats and to provide landscaping that will mitigate the impact of the development in this rural, Green Belt location, in accordance with policies CS15 CS18 and CS19 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1, ENV44 and ENV46 of the Unitary Development Plan.

23

The development hereby approved shall not be first brought into use until full details of the method of illumination of the external areas of the development have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the amenities of the neighbouring residents in accordance with policy DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and to harming the woodland habitat in accordance with policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1 and ENV46 of the Unitary Development Plan and the safety of the railway line.

24

Any illumination of the external areas shall be in accordance with the details approved under condition 23.

Reason

In the interests of the amenities of the neighbouring and future residents in accordance with policy DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and to harming the woodland habitat in accordance with policy CS18 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne and policies DC1 and ENV46 of the Unitary Development Plan.

25

Prior to the cessation of the development hereby approved, a restoration scheme for area to be occupied by the built development (as shown on Masterplan Figure 20) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and an aftercare programme.

Reason

In the interests of the successful restoration of the site for ecology and biodiversity, general amenity and local access and recreation and in accordance with policies DC1, DC2, ENV3, ENV44, ENV46 and ENV47

