

# PLANNING STATEMENT

Proposed Extension to Flexible Energy Generation Facility  
Permitted Under  
Planning Permission 2017/0615

Land at Redbrook Industrial Estate  
Barugh, Barnsley  
S75 1HS

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25<sup>th</sup> January 2018

Version 1

Prepared by KAD

Status FINAL

Approved by MD

Document Reference: R011-09(4)/PS



# 1 INTRODUCTION

## 1.1 THE PLANNING APPLICATION

1.1.1 This planning application is submitted to Barnsley Metropolitan Borough Council, on behalf of Reliance Energy Limited, in respect of a proposal to extend the permitted Flexible Energy Generation (FlexGen) Facility at Land at Redbrook Industrial Estate, Barugh, Barnsley, S75 1HS.

1.1.2 A separate, but related, Section 73 application is being submitted parallel to this application, proposing to amend the site layout approved under planning permission 2017/0615.

1.1.3 The submission includes the following information, documents and drawings:

### Documents

- Planning Application Forms;
- Planning Statement
- Certificates; and
- Appendices.

### Drawings

- GPP/RE/B/17/01 Revision 1: Site Location Plan;
- GPP/M/REL0036/17/02: R002 Barugh Site Plan One;
- Drawing SK18: Proposed Site Layout with Additional Red Line Boundary; and
- Drawing SK22 Revision A: Proposed Site One Elevations;



## 2 SITE INFORMATION

### 2.1 SITE

- 2.1.1 The Application Site sits between Whaley Road and a railway line on the eastern side of Redbrook Industrial Estate, Barugh, Barnsley.
- 2.1.2 To the south of the Application Site is a concrete product manufacturing business along with vacant industrial land to the south.
- 2.1.3 A further 200m to the south west of the Application Site are a number of car distributors.
- 2.1.4 The nearest residential properties are located off Coppice Avenue, Wilsthorpe at a distance of approximately 325m to the south east of the Site. The concrete product manufacturing business and the industrial units of Zenith Park lie in between.
- 2.1.5 The Application Site is not located within 5km of any Sites of Special Scientific Interest.
- 2.1.6 There are two Local Nature Reserves located approximately 3.2km to the south east and 3.3km north east of the Application Site respectively.
- 2.1.7 There are no Public Rights of Way which cross the Application Site
- 2.1.8 The Site is located in Flood Zone 1 which has the lowest risk of flooding. This categorisation means that there is a less than 1 in 1000 annual probability of river or sea flooding.

### 2.2 PLANNING HISTORY

- 2.2.1 The Application Site currently benefits from planning permission for the *"use of land for the crushing and screening of inert waste in the open and associated ancillary activities"* permitted on 6<sup>th</sup> December 2011 (Planning Reference 2011/0604).
- 2.2.2 The land that borders the northern and eastern boundary of the Application Site benefits from planning permission for *"the construction and operation of gas powered generators for the provision of flexible energy generation"* granted on 14<sup>th</sup> November 2017.
- 2.2.3 The Site immediately south of the Application Site is occupied by a concrete manufacturing firm. The most recent permission recorded for the Site is for the *"erection of new offices and workshop for the manufacture of concrete products"* granted on 14<sup>th</sup> August 2007 (Planning



Reference 2007/0815).

2.2.4 To the west of Whaley Road, an application was recently submitted to Barnsley Metropolitan Borough Council for the “*installation of a Short-Term Operating Reserve*” (STOR) (Planning Reference 2016/1180). This application has now been withdrawn.



## 3 PROPOSED DEVELOPMENT

### 3.1 CURRENT DEVELOPMENT

- 3.1.1 Planning permission was granted on 14<sup>th</sup> November 2017 for the “*construction and operation of gas powered generators for the provision of flexible energy generation (Site 1), Land at Redbrook Industrial Estate, Barugh, Barnsley, S75 1HS*” (Planning Reference 2017/0615)
- 3.1.2 Under this permission, the FlexGen facility is permitted to generate up to 20MW of electricity to the national grid on an as-required basis. The development comprises 20 x 1MW containerised gas-powered generators, transformers, a switchroom, substation, PIR unit, a standby generator and gas incomers.

### 3.2 SECTION 73 APPLICATION

- 3.2.1 Since the granting of planning permission, it has come to light that the site layout approved under planning permission 2017/0615 would not be technically viable and therefore renders the entire scheme inoperable. In order to overcome this, a Section 73 application under the Town and Country Planning Act 1990 has been submitted to Barnsley Metropolitan Borough Council to amend the approved site layout.
- 3.2.2 Technical advice has revealed that there is a need to have a larger transformer on site in order for the site to be operational. The amendments to the site layout, therefore, solely revolve around the need for the site to accommodate a larger transformer.
- 3.2.3 It is proposed that the site will be rearranged, enclosing the transformer and the two gas incomers in palisade fencing. The switch gear and control cabin will be realigned in order to sit alongside the fenced boundary of the transformer area. Drawing SK22 Revision A: Proposed Site One Elevations shows the elevations of the amended site layout.

### 3.3 PROPOSED DEVELOPMENT

- 3.3.1 The operation and deliverability of the approved FlexGen facility rests on the need to amend the approved site layout in order to accommodate the larger transformers via the aforementioned Section 73. The transformers sit at a height of 5m tall and 3m wide and therefore sits below the permitted generators on site as shown on drawing SK22 Revision A. In order for this to be realised, the revised layout requires the utilisation of a portion of land to the south east of the existing red line boundary as shown on Drawing SK18: Proposed Site



One Layout with Original Boundary.

- 3.3.2 In addition, the Applicant seeks to install a small DNO control building to the east of the site entrance (as shown on Drawings SK18 and SK22). The previous DNO building was accommodated within the permitted transformer compound, however, due to the size of the proposed transformer compound, the DNO control unit has been designed as a standalone building.
- 3.3.3 The Proposed Development would secure the operation of the permitted FlexGen facility, ensuring that it can deliver its intended energy output.
- 3.3.4 There are no other amendments being sought with regard to the permitted FlexGen facility.



## 4 ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS

### 4.1 OVERVIEW

4.1.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 set out the descriptors for Schedule 1 development for which an EIA is mandatory and a list of Schedule 2 developments for which an EIA may be required.

#### Schedule 1

4.1.2 Schedule 1 identifies twenty different categories in which an EIA is mandatory. The Proposed Development is not listed as a Schedule 1 development.

#### Schedule 2

4.1.3 In terms of Schedule 2 of the EIA Regulations 2017, the Proposed Development falls within sub-paragraph 3a "*individual installations for the production of electricity, steam and hot water*", which states that an EIA may be required should the area of land exceed the indicative threshold of 0.5ha and if the thermal output of the Proposed Development is in excess of 50MW. In this case, the Application Site is approximately 0.0853ha with a total thermal output of up to 20MW.

4.1.4 The basic test for the need for EIA in a particular case is the likelihood of significant adverse effects on the environment. Planning Practice Guidance states that the more environmentally sensitive the location, the more likely it is that the effects will be significant and will require an assessment.

4.1.5 National Planning Practice Guidance states that an EIA may be required for Schedule 2 developments in three cases;

- For major developments which are of more than local importance;
- For developments which are proposed within particularly environmentally sensitive or vulnerable locations; and
- For developments with unusually complex and potentially hazardous environmental effects.

4.1.6 The EIA Regulations provide definitions of the areas that are regarded as 'sensitive' and these



include SSSI's, National Parks, Areas of Outstanding Natural Beauty, World Heritage Sites, Conservation Areas, Scheduled Ancient Monuments and internationally designated sites. None of these apply in this case.

4.1.7 Notwithstanding this, the NPPG warns that;

*It should not be presumed that development above the indicative threshold should always be subject to assessment or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive area. Each development will be considered on merit.*

4.1.8 An assessment of the Schedule 2 criteria against the Proposed Development concluded that the Proposed Development falls significantly below the indicative thresholds of 0.5ha and 50MW thermal output. Furthermore, the Proposed Development is not located within a sensitive area nor is it considered to be unusually complex and therefore an EIA should not be required.



## 5 PLANNING POLICY CONTEXT

### 5.1 INTRODUCTION

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of a Planning Application must be made in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan consists of the following documents;

- Local Development Framework Core Strategy (Adopted September 2011); and
- Unitary Development Plan (Adopted December 2000).

5.1.2 Other material considerations include the emerging Barnsley Local Plan Consultation (2016) National Planning Policy Framework (2012) and National Planning Practice Guidance (2016).

5.1.3 Relevant policies of the Development Plan are identified below along with the main documents that are likely to be considered material to the application.

### 5.2 THE DEVELOPMENT PLAN

#### **Local Development Framework Core Strategy (Adopted September 2011)**

5.2.1 This document provides a spatial strategy for the future development of Barnsley up to the year 2026.

5.2.2 The Core Strategy outlines the key elements of the planning framework for Barnsley.

5.2.3 Paragraph 4.12 of the adopted Core Strategy explains that promoting sustainable development and reducing the Borough's impact on climate change are considered to be the overarching principles of the Core Strategy.

5.2.4 It then goes on to state that the use and development of land will be assessed against the objective of securing sustainable development within Barnsley and to meet its environmental, economic and social needs. Proposals will be supported where they deliver (*inter alia*);

- *Efficient use of land and infrastructure, particularly by utilising previously developed 'brownfield land'.*
- *Protection or enhancement of the quality of natural assets including water, air, soil,*



*minerals and biodiversity; and*

- *Renewable energy generation to reduce the cause of climate change.*

#### 5.2.5 Policy CSP6 Development that Produces Renewable Energy states that;

*We will allow development that produces renewable energy as long as there are no significantly harmful effects on;*

- *The character of the landscape and appearance of the area;*
- *Living conditions, biodiversity, geodiversity and water quality;*
- *Heritage assets, their setting and cultural features and areas;*
- *Highway safety; and*
- *Infrastructure (including radar).*

#### 5.2.6 Policy CSP40: Pollution Control and Protection states that;

*Development will demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water or groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.*

*Development will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.*

#### **Unitary Development Plan (Adopted December 2000)**

5.2.7 The Unitary Development Plan (UDP) covers the period between 1986 and 2001 and, as such, is significantly outdated. The UDP is set to be replaced by a new Local Plan in Spring 2018, but the 'saved' policies of the UDP will remain in force until the point of adoption.

5.2.8 The UDP is made up of two parts:

- Volume 1: Strategy, Policy and Justification: This contains Borough-wide development strategies and policies; and
- Volume 2: Community Areas: This contains details of allocations for housing, employment and other land uses and specific policies for 12 community areas and is accompanied by proposals maps.

5.2.9 The Council has also consulted on a new Local Plan which ran from 24<sup>th</sup> June to 19<sup>th</sup> August



2016. The Local Plan Publication Consultation (June 2016) Document was produced to guide the future development of the Borough up to the year 2033. The Council is now satisfied that it has a sound Local Plan and it is likely that the new Local Plan will be adopted in Spring 2018.

### 5.3 OTHER MATERIAL CONSIDERATIONS

#### **Barnsley Local Plan Publication Consultation Document (2016)**

5.3.1 Whilst the emerging Local Plan has not yet formally been adopted, it provides a valuable insight into the long-term aspirations of the Borough. Given that the intended plan period covers the life-span of the FlexGen facility, it is important that these emerging policies are assessed and given due weight in the planning balance.

5.3.2 Emerging Policy SD1: Presumption in Favour of Sustainable Development states that;

*When considering development proposals, we will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. We will work proactively with applicants jointly to find solutions which means that proposals can be approved wherever possible, and to secure development that improves the economic, social and environment conditions of the area.*

*Planning applications that accord with other relevant policies will be approved without delay, unless material considerations indicate otherwise taking into account whether;*

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or*
- *Specific policies in the framework indicate that development should be restricted.*

5.3.3 Emerging Policy GD1: General Development states that;

*Proposals for development will be approved if;*

- *There will be no significant adverse effects on living conditions and residential amenity of existing and future residents;*
- *They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;*
- *They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to*



*adjacent land;*

- *They include landscaping to provide a high-quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;*
- *Any adverse impacts on the environment, natural resources, waste and pollution is minimised and mitigated;*
- *Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas*
- *Any drains and culverts are considered;*
- *Appropriate landscaped boundaries are provided where sites are adjacent to the open countryside;*
- *Any pylons are considered in the layout; and*
- *Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.*

#### 5.3.4 Emerging Policy RE1: Low Carbon and Renewable Energy states that;

*We will allow development that produces renewable energy as long as there are no significant harmful effects on;*

- *The character of the landscape and appearance of the area;*
- *Living conditions;*
- *Biodiversity, geodiversity and water quality;*
- *Heritage assets, their settings and cultural features and areas;*
- *Key views of, from or to scenic landmarks or landscape features;*
- *Highway safety; or*



- *Infrastructure.*

*In assessing effect, we consider the extent to which appropriate mitigation could reduce the effect to a less than significantly harmful effect.*

*Proposals must be accompanied by information that shows how the local environment will be protected and that the site will be restored when production ends.*

### **National Planning Policy Framework**

5.3.5 The National Planning Policy Framework (NPPF) was adopted at the end of March 2012 and is designed to consolidate policy statements, circulars and guidance documents into a single concise document.

5.3.6 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 plan making it means that;

- *Local Planning Authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid changes, 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 that development should be restricted.*

*For decision-taking, this means;*

- *Approving development proposals that accord with the Development Plan 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.*



5.3.7 The NPPF also supports the conservation and enhancement of the natural environment through the planning system. It states that the planning system should contribute to and enhance the natural and local environment by;

- *Protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *Recognising the wider benefits of ecosystem services;*
- *Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; and*
- *Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.*

5.3.8 This is then supported with a statement that reads;

*To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that the new development is appropriate for its location. The effects (including cumulative effects) of pollution or health, the natural environment or general amenity, and the potential sensitivity of the area of proposed development to adverse effects from pollution, should be taken into account.*



## 6 PLANNING CONSIDERATIONS

### 6.1 INTRODUCTION

6.1.1 The starting point for the assessment of this proposal is the Development Plan. From an assessment of the pertinent Development Plan policies, and other material planning considerations, the main issues in the determination of this Planning Application are considered to be;

- Supporting Renewable Energy Development.

### 6.2 SUPPORTING RENEWABLE ENERGY DEVELOPMENT

6.2.1 Policy CSP6 of the adopted Core Strategy relates to renewable and low carbon energy and is supportive of development that produces these resources provided that there are no unacceptable adverse environmental impacts resulting from the Proposed Development.

6.2.2 The principle and locational acceptability of the development was established through the granting of planning permission 2017/0615. Through this permission, it was acknowledged that, whilst the permitted gas generators do not constitute low carbon or renewable energy, the nature, scale and function of the FlexGen facility is such that it supports the broader strategy for renewable and low carbon energy by serving as a support mechanism during the transition to renewable energy.

6.2.3 The proposed modest extension to the site simply facilitates the operation of the 2017/0615 permission. The site layout approved under this permission would not be technically viable as the size of the transformer is insufficient for the size of the development. Increasing the size of the transformer area has meant that the site layout has had to be revised under a Section 73 application which is being submitted alongside this application. The revised layout requires an additional portion of land to the east of the current site boundary to be included within the development in order to ensure that the FlexGen facility can operate and deliver its flexible energy commitments. In addition, the Applicant seeks to install a small DNO control building to the east of the site entrance (as shown on Drawings SK18 and SK22).

6.2.4 The Proposed Development is therefore entirely compliant with local and national energy policy and, as such, should be afforded significant weight in the planning balance.



## 6.3 ENVIRONMENTAL CONSIDERATIONS

6.3.1 Having regard to the Development plan and the National Planning Policy Framework, the main environmental considerations regarding the Proposed Development are;

- Air Quality;
- Noise;
- Landscape and Visual Impacts;
- Traffic and Transportation; and
- Flood Risk.

6.3.2 Policy CSP6 of the adopted Core Strategy and emerging Policy RE1 of the emerging Local Plan support development that produces renewable energy as long as there are no significant harmful effects on the environment. Whilst the principle and acceptability of the FlexGen facility as a supportive tool to underpin the transition to a low carbon economy has already been established through the granting of planning permission 2017/0615, it is prudent to assess the environmental acceptability of the Proposed Development having regard to renewable and low carbon energy policies.

6.3.3 Policy CSP6 of the adopted Core Strategy and emerging Policy RE1 of the emerging Local Plan support development that produces renewable and low carbon energy provided that there are no significant harmful effects on the environment.

6.3.4 This sentiment is echoed in Policy CSP40: Pollution Control and Protection which states that any Proposed Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water or groundwater pollution, noise, smell, dust, vibration, light or other pollution which would unacceptably alter or cause nuisance to the natural and built environment, or to people.

### Air Quality

6.3.5 A detailed Air Quality Assessment (Ref: Air Quality Assessment Version 3- Cumulative Impact Assessment by GF Environmental Ltd dated October 2017) was submitted as part of the planning application for the FlexGen facility. The assessment concluded that the operation of the FlexGen facility would result in an exceedance of Nitrogen Dioxide against AQS objectives. However, this did not result in a breach of Air Quality Regulations as the affected area is



restricted to land within the Site and the adjacent commercial premises.

- 6.3.6 The results from the modelling also noted that the operation of the FlexGen facility would not exceed AQS objective values for Particulate Matter, Carbon Monoxide or Volatile Organic Compounds.
- 6.3.7 The Proposed Development seeks to extend the site boundary of the FlexGen facility in order to accommodate a larger transformer into the design of the site. The size and specification of engines and generators will not change from those permitted under planning permission 2017/0615.
- 6.3.8 The findings of the air quality assessment conducted in support of planning permission 2017/0615 remain valid. Therefore, the proposed extension to the already permitted site is considered to be compliant with Policy CSP6 and CPS40 of the adopted Local Plan and emerging Policy RE1 of the emerging Local Plan.

### **Noise**

- 6.3.9 A noise assessment (Ref: Environmental Noise Impact Assessment by Sol Acoustics dated 24<sup>th</sup> October 2017 – P1714-REP-04-BDH) was submitted as part of the planning application for the FlexGen facility to establish the environmental noise impact likely to occur at the surrounding environment from the operation of the FlexGen facility.
- 6.3.10 The noise assessment noted that with appropriate noise mitigation in place, noise from the FlexGen facility is not expected to exceed the existing background noise level at any of the noise sensitive receptors during hours of operation.
- 6.3.11 The Proposed Development seeks to extend the site boundary of the FlexGen facility in order to accommodate a larger transformer into the design of the site. The size and specification of engines and generators will not change from those permitted under planning permission 2017/0615.
- 6.3.12 The proposed extension to the Site will not introduce any new sources of noise and therefore it can therefore be deduced that the conclusions of the Environmental Noise Impact Assessment submitted in support of planning permission 2017/0615 remain unchanged. The Proposed Development is therefore compliant with Policies CSP6 and CSP40 of the adopted Core Strategy and emerging Policy RE1 of the emerging Local Plan.



## **Landscape and Visual**

- 6.3.13 Policy CSP6 permits development that produces renewable and low carbon energy development provided that there are no significant adverse effects on the local landscape and setting.
- 6.3.14 The Proposed Development is sited on brownfield land located within an operational industrial estate. The nearest residential properties are located over 325m to the south east of the Application Site. The residential properties will benefit from screening of the Site by the existing businesses at Zenith Park.
- 6.3.15 The locational acceptability of the FlexGen Facility in landscape and visual terms was established through the granting of planning permission reference 2017/0615. The development was considered entirely appropriate for its industrial context and the size and scale of the facility was deemed appropriate. The Proposed Development seeks to extend the site boundary south eastwards, forming an almost-rectangular shaped site capable of accommodating the amended layout proposed through the separate Section 73 application. The proposed extension to the site boundary represents proportionate and contextually appropriate development, which will not result in any adverse impacts on landscape and visual amenity.
- 6.3.16 In light of this, the Proposed Development is fully compliant with the Development Plan and guidance detailed within the NPPF.

## **Traffic and Transportation**

- 6.3.17 The only vehicles required to attend the Site when the facility is operational will be those associated with security and maintenance.
- 6.3.18 There are no HGV movements associated with the operation of the FlexGen facility. The proposed extension of the site would not alter this.
- 6.3.19 In conclusion, there will be no additional pressures imposed on the highway network or issues of highway safety associated with the Proposed Development.

## **Flood Risk**

- 6.3.20 Policy CSP1 of the adopted Core Strategy expects Proposed Developments to adapt to climate change by locating the development appropriately to reduce the risk of flooding.
- 6.3.21 The Application Site is located within Flood Zone 1, which has a low risk of flooding. The



proposed extension will not increase flood risk at either the Application Site or in the surrounding area and is therefore considered to be appropriately located and compliant with both local and national policy.



## 7 CONCLUSIONS

- 7.1.1 This Planning Statement and a range of supporting documents demonstrate the nature of the Proposed Development, its compliance with local and national planning policy.
- 7.1.2 The Proposed Development indirectly supports the transition to a low carbon economy and will ensure that an already permitted energy development scheme is deliverable. Furthermore, there are no unacceptable adverse environmental issues caused by the Proposed Development.
- 7.1.3 In light of the above, it is concluded that there are no known reasons why this Planning Application should not be considered favourably by the Local Planning Authority.



# APPENDIX ONE: PLANNING PERMISSION 2017/0615

