

PLANNING STATEMENT

Section 73 Application to Amend the Site Layout
Permitted Under Planning Permission 2017/0615

Land at Redbrook Industrial Estate
Barugh, Barnsley
S75 1HS

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APPENDICES

APPENDIX ONE: Planning Permission 2017/0615

25th January 2018

Version 1

Prepared by KAD

Status FIANL

Approved by MD

Document Reference: R011-09(3)



1 INTRODUCTION

1.1 THE PLANNING APPLICATION

1.1.1 This application, under Section 73 of the Town and Country Planning Act 1990, is submitted to Barnsley Metropolitan Borough Council on behalf of Reliance Energy Limited (The Applicant) seeking to vary condition 2 of planning permission 2017/0615 through an amendment to the site layout at land at Redbrook Industrial Estate, Barugh, Barnsley, S75 1HS.

1.1.2 An application for full planning permission is being submitted parallel to this application proposing to extend the permitted site eastwards in order to facilitate the proposed amendment to site layout.

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: Site Plan One;
- SK19: Proposed Site One Layout with Original Boundary
- SK22 Revision A: Proposed Site One Elevations

1.2 THE APPLICATION SITE AND ITS SETTING

1.2.1 The Site sits between Whaley Road and a railway line on the eastern side of Redbrook Industrial Estate, Barugh, Barnsley.

1.2.2 To the south of the Site is a concrete product manufacturing business and vacant industrial



land to the south.

- 1.2.3 A further 200m to the south west of the Site are a number of car distributors.
- 1.2.4 The nearest residential properties are located off Coppice Avenue, Wilthorpe, approximately 325m to the south east of the Site. The concrete product manufacturing business and the industrial units of Zenith Park lie in between.
- 1.2.5 The Site is not located within 5km of any Sites of Special Scientific Interest (SSSI)
- 1.2.6 There are two Local Nature Reserves located approximately 3.2km to the south east and 3.3km north east of the Site respectively.
- 1.2.7 There are no Public Rights of Way which cross the Site.
- 1.2.8 The Site is located in Flood Zone 1 which has a low risk of flooding. This categorisation means that there is a less than 1 in 1000 annual probability of river or sea flooding.

1.3 PLANNING HISTORY

- 1.3.1 Planning permission for the "construction and operation of gas powered generators for the provision of flexible energy generation at land at Redbrook Industrial Estate, Barugh, Barnsley, S75 1HS" was granted on 12th May 2017 by Barnsley Metropolitan Borough Council (reference 2017/0615).
- 1.3.2 Planning permission for the "use of land for the crushing and screening of inert waste in the open and associated ancillary activities" was permitted on 6th December 2011 (reference 2011/0604).



2 PROPOSED DEVELOPMENT

2.1 CURRENT DEVELOPMENT

2.1.1 Planning permission was granted on 14th 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*” (Reference: 2017/0615).

2.1.2 The permitted FlexGen scheme is designed to be capable of generating around 20MW of electricity to the network when required. The development comprises of 20 x 1.0MW containerised gas-powered generators, transformers, a switchroom, substation, PIR unit, standby generator and gas incomers.

2.1.3 Condition 2 of planning permission 2017/0615 states that:

The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:

- *GPP/RE/B/17/01 Rev 1: Site Location Plan;*
- *GPP/M/REL0036/17/02 R002 Barugh 02: Site Plan One;*
- *GPP/M/REL0036/17/03 R002 Barugh 03 v1: Site Layout;*
- *GPP/M/REL0036/17/04 R002 Barugh 04 v1: Elevations;*
- *GPP/M/REL0036/17/05 R002 Barugh 05 v1: Elevation Details;*
- *Environmental Noise Impact Assessment by Sol Acoustics dated 24th October 2017 reference P1714-REP-04-BDH;*
- *Air Quality Assessment Version 3- Cumulative Impact Assessment by GF Environmental Ltd dated October 2017.*

2.1.4 It is this condition to which this Section 73 application relates.

2.2 PROPOSED DEVELOPMENT

2.2.1 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. 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 transformer sits at a height of approximately 5m and is approximately 3m wide, thereby sitting below the height of the permitted generators at the site. The amendments to the site layout, therefore, solely revolve around the need for the site to accommodate a larger transformer.

2.2.2 It is proposed that the site will be rearranged by 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 as shown on Drawing SK19: Proposed Site One Layout with Original Boundary. Drawing SK22: Proposed Site One Elevations shows the elevations of the amended site layout.

2.2.3 Condition 2 is proposed to be amended as follows;

The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:

- *GPP/RE/B/17/01 Rev 1 Site Location;*
- *GPP/M/REL0036/17/02 Barugh 02 Site Plan One;*
- *Drawing SK19: Proposed Site One Layout with Original Boundary;*
- *Drawing SK22: Proposed Site One Elevations;*
- *Environmental Noise Impact Assessment by Sol Acoustics dated 24 October 2017 reference P1714-REP-04-BDH;*
- *Air Quality Assessment Version 3- Cumulative Impact Assessment by GF Environmental Ltd dated October 2017.*



3 PLANNING POLICY CONTEXT

3.1 INTRODUCTION

3.1.1 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:

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

3.1.2 Other material considerations include the National Planning Policy Framework (2012) and the National Planning Practice Guidance (2016).

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

3.1.4 Both the need and acceptability of the FlexGen facility have been established through the granting of planning permission 17/0615 and therefore any policies that relate particularly to the principle of the development will not be repeated in this application.

Local Development Framework Core Strategy (Adopted September 2011)

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

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

3.1.7 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. 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.*

3.1.8 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;*
- *Highways safety; and*
- *Infrastructure (including radar).*

3.1.9 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 ground water, 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)

3.1.10 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 new Local Plan is adopted.

3.1.11 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.



3.1.12 The Council has also consulted on a new Local Plan which ran from 24th June to 19th 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.

3.2 OTHER MATERIAL CONSIDERATIONS

National Planning Policy Framework

3.2.1 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.

3.2.2 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which would be seen as a golden thread running through both plan-making and decision-taking. For decision-taking it means that;

- *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.*

3.2.3 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.*

3.2.4 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) on 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.



4 PLANNING CONSIDERATIONS

4.1 INTRODUCTION

4.1.1 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 National Energy Needs;
- Design and Layout; and
- Environmental Considerations.

4.2 SUPPORTING NATIONAL ENERGY NEEDS

4.2.1 Policy CSP6 of the Core Strategy relates to renewable energy and is supportive of development that produces renewable energy, provided that there are no unacceptable adverse environmental impacts resulting from the Proposed Development. These sentiments are echoed in national policy, particularly the NPPF and NPPG.

4.2.2 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 a low carbon economy.

4.2.3 Planning Permission was granted under planning reference 2017/0615 for the installation and operation of gas powered generators for the provision of flexible energy generation. However, the site layout approved under planning reference 2017/0615 shows the layout of the transformers to be too small to operate the facility. This effectively would render the FlexGen Site inoperable and unable support national renewable energy needs.

4.2.4 The Proposed Development therefore seeks an amendment to the approved layout, primarily through the construction and slight relocation of the transformers, in order to deliver its intended output of renewable energy.



4.2.5 The Proposed Development is therefore compliant with Policy CSP6 and national policy in supporting ongoing local and national efforts to increase renewable energy generation.

4.3 DESIGN AND LAYOUT

4.3.1 Policy CSP6 of the adopted Core Strategy states that development that produces renewable energy provided that there are no unacceptable adverse impacts on the character of the landscape and appearance of the area.

4.3.2 This Section 73 application seeks to amend the layout of the FlexGen facility permitted under planning reference 17/0615. The approved site layout plan (Reference GPP/M/REL00036/17/03) shows 20 x 1MW containerised gas-powered generators organised in a linear formation across two rows within the site boundary. The Proposed Development seeks to retain the consented arrangement of the generators.

4.3.3 The amendments to the site layout solely revolve around the need for the site to have a larger transformer to render the site operational. In order to accommodate this, it is proposed that the transformer area is enlarged to allow the site to operate. The transformer and two gas incomers are enclosed via palisade fencing accessible on foot. The switch gear and control cabin will be rearranged in order to align with the fenced boundary of the transformer area. The Proposed amended site layout is shown on drawing SK19.

4.3.4 The Proposed Development will retain its Point of Grid connection.

4.3.5 The proposed amendment to the approved site layout seeks to facilitate the operation of the FlexGen facility. The proposed changes to the site layout would not cause any unacceptable adverse design or layout issues and therefore is compliant with Policy CSP6 of the adopted Core Strategy.

4.4 ENVIRONMENTAL CONSIDERATIONS

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

- Landscape and Visual Impact; and
- Flood Risk.



Landscape and Visual Impact

- 4.4.2 Policy CSP6 permits development that produces renewable energy provided that there are no significant adverse environmental effects on the character of the landscape and appearance of the local area.
- 4.4.3 The acceptability of the FlexGen facility was established with the granting of planning permission reference 2017/0615. The proposed amendments to the layout represents a revision of the configuration of the site for the technical operation of the site. This rearrangement would amend the site layout within the confines of the palisade fencing and the wider landscape and visual impact of such arrangements is negligible.

Flood Risk

- 4.4.4 The Site is located within Flood Zone 1, which has a low risk of flooding. The proposed amendments to the site layout will not increase flood risk at either the Application Site or in the surrounding area and therefore the Proposed Development is considered compliant with the Development Plan.



5 CONCLUSION

- 5.1.1 The Proposed Development has been assessed against the main policies of the Development Plan and other relevant material considerations and is compliant in all aspects.
- 5.1.2 The proposed amendment to the site layout will ensure the overall deliverability of the permitted FlexGen facility. In doing so, the Proposed Development will also be supporting the ongoing local and national commitments to ensure a smooth and timely transition to a low carbon economy.
- 5.1.3 In conclusion, it has been demonstrated that the Proposed Development is compliant with the relevant local and national planning policies, and that there will be no detrimental impact on the environment as a result of the Development. 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

