

Date of Meeting	16 th March 2016
Application Number	15/08809/FUL
Site Address	Roundponds Farm Shurnhold Melksham Wiltshire SN12 8DF
Proposal	Proposed standby generator compound to include steel acoustic lined containers, external fuel tanks, transformers and acoustic fencing, in order to provide backup power to the National Grid
Applicant	Roundponds Energy Ltd
Town/Parish Council	MELKSHAM WITHOUT
Electoral Division	MELKSHAM WITHOUT NORTH – Cllr Terry Chivers
Grid Ref	389747 162761
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

Councillor Chivers has requested that the application be considered by the Planning Committee for the following reasons:

- Relationship to adjoining properties; and
- Public Interest

1. Purpose of Report

To consider the application and recommend approval.

2. Report Summary

The key issues are:

- the use of the land in the context of the site history;
- potential visual impact upon the surrounding area;
- highway and access considerations; and
- potential impact on amenity.

(For the avoidance of doubt, the application site is located within Melksham Without Parish boundaries. Broughton Gifford Parish was consulted where the site abuts that Parish boundary).

Melksham Without Parish Council – Does not object but requests attention to hedge planting and acoustic boundaries, as detailed in section 7 below.

Broughton Gifford Parish Council - Objects to the proposals for the reasons cited within section 7 below.

Neighbourhood Responses: Eight letters of objection were received

3. Site Description

The application site of 28m x 52m (1456m²) is located immediately to the south west of a complex of agricultural buildings on Roundponds Farm some 1.3km north west of central Melksham. It is located on the “compound” area that serviced the construction of the solar park approved under application reference 13/06707/FUL. The solar park is situated in the fields to the west of the site.

4. Planning History

15/08592/FUL To create a hardcore area to the rear of the buildings in order to store agricultural machinery

Decision pending at time of writing.

5. The Proposal

The proposal is for a standby generator compound to include steel acoustic lined containers, external fuel tanks, transformers and acoustic and pallisade fencing in order to provide backup power to the National Grid. The proposal is for the siting of five generator units and two fuel storage tanks. The acoustic fencing of 4.5m in height surrounding the site would be finished in timber. The proposals include landscaping to protect and enhance hedging adjacent to the site (revised plans in this regard were submitted at the request of the Landscape and Ecology Officers).

6. Local Planning Policy

NPPF

Chapter 1. Building a strong, competitive economy;

Chapter 3 : Supporting the Rural Economy

Wiltshire Core Strategy

Core Policy 48: Supporting Rural Life

Core Policy 50: Biodiversity and Geodiversity

Core Policy 51: Landscape

Core Policy 57: Ensuring High Quality Design and Place Shaping

7. Summary of consultation responses

Melksham Without Parish Council

Does not object. However, where possible members would like to see existing hedgerows maintained and a planting scheme put in place to screen the acoustic attenuation fencing and further enhance the acoustic barrier.

Broughton Gifford Parish Council

Objects on the grounds that the proposal is industrialisation of open countryside introducing polluting and visually intrusive development into an agricultural setting. The development would have no relevance to farming or farm diversification practices. The site is farmland, not an industrial site designated for heavy industry. Potential impact on residential dwellings and nearby Care Home (Blenheim House) in terms of noise nuisance and fumes. Prevailing west wind could also cause drift of fumes to Broughton Gifford. Acoustic report indicates potential for moderate impact on neighbouring dwellings. Lack of clarity on operating periods and units could be run for prolonged periods for profit. Gross overdevelopment of a modest sized hard-standing area on which permission is also currently being sought for storage of agricultural equipment. Overspill of use likely. Loss of farmland and use could be located at Beanacre Substation or on an industrial estate.

Ecologist

The Ecologist notes that the revised landscaping scheme is acceptable, including the species composition of the proposed hedgerows. It is also noted that the compound has been reduced to the north to provide an adequate buffer to the existing hedgerow and trees along the northern field boundary. Conditions in relation to protecting the hedgerow and trees and the retention of the newly planted hedgerows in the long term are recommended.

Landscape Officer

On re-consultation on the revised plans the officer noted that the compound area has been reduced in size, with proposed acoustic and palisade fencing located beyond the canopy spread of the existing mature hedgerow, such that the hedge with mature trees can be retained. The planting proposals show a native species hedge proposed to the western and southern sides of the compound area, to be maintained at a height of 3m, which will over time enclose the compound area. The officer supports the proposal subject to conditions in relation to protective fencing during construction works and the protection of the hedgerow.

Environmental Health Officer

The officer noted that the noise assessment accompanying the application is clear that no significant issues would arise from the proposed use. It was also noted that there was the possible provision of security lighting. The proposed oil storage units appear to be self-bunding but given the proposed volume of storage on and the proximity to local watercourses, the officer urged consultation with the Environment Agency.

Environment Agency

Noted that the site is outside the floodplain, and the Agency also only deals with main rivers. No further comments. The Agency invites the applicants' attention to Government oil storage regulations. Suggest consultation with Council Drainage Officer.

Drainage Officer.

Notes EA advice that applicant should consult oil storage regulations. The site is in Zone 1 and not within an area at risk of surface water flooding. The proposals must conform to the legislation and guidance on bunding size in relation to tank capacity because the site is above an ordinary watercourse and a failure of storage/bunding would have the potential for pollution.

Highway Officer

No objections or conditions

8. Publicity

Seven letters of objection were received. Objections raised are:

- Harm to the landscape;
- Noise nuisance to surrounding area;
- Impact on Heritage assets;
- Industrialisation of Broughton Gifford;
- Solar farm already constructed therefore LPA is "legally obliged" to refuse any further applications due to cumulative impact;
- Plans are inadequate to enable assessment of fuel storage, pollution prevention, number of units, length of operation. Lack of clarity;
- Question on how green the generators are;
- Pollution potential from leakages;
- Noise and fumes will be perceivable from Melksham Lane in Broughton Gifford;
- Possible lack of capacity of solar farm should have been considered before it was built;
- Size of compound suggest more units could be added in the future;
- Acoustic fencing will be inadequate to protect from noise nuisance;
- Was environment agency consulted?
- Application shows that "green energy" in Wiltshire is nothing more than a money making business but where are ecological benefits of "third world" diesel generators;
- Impact on new development nearby;
- Details of lighting not shown;
- Application form says no trade effluent, but letter to residents said there would be removal of extracted oil and possible coolant in servicing of plant;
- 5 x 30,000 litre storage shown and without additional external bunding a major spillage could cause catastrophic pollution.

Michelle Donnelan (MP) also wrote in support of the Broughton Gifford objection. The Parish has been subjected to excessive solar array development. The containers and development on the site would have significant impact on the Village. Noise and harm to air quality are issues. The site is designated farmland and heavy industrial use would be contrary to the WCS

9. Planning Considerations

The proposal is for the creation of an enclosed compound to house 5 containers holding stand-by generators, two fuel stores, switchgear and related infrastructure to contribute reserve power to the national grid at times of shortage. The compound of 28m x 52m in extent and enclosed by acoustic fencing of a maximum height of 4.5m and palisade security fencing, would be set to the west of existing cattle sheds (47m x 66m footprint and a height of approximately 8m). To the west of the site beyond an existing hedge is the Roundponds solar farm, whilst immediately to the north an established existing hedgerow forms the farmyard boundary.

The site is accessed via an existing farm track from the A365 some 600m to the north.

The supporting documentation states by way of background justification that *“National Grid’s urgent requirement is to increase the availability of reserve power sources. It is expected that this need will be met by private developers. However, the potential supply is constrained by the availability of grid connection opportunities which continue to be difficult to secure. The current application proposes to make use of the existing grid connection at Roundponds Farm which serves the existing solar farm. The two operations dovetail well because output from the solar farm is lower at times when calls for emergency power from the National Grid are most likely. There is a substantial planning benefit in maximising the use of the existing grid connection in this way. Less associated infrastructure is required overall, minimising the visual impact and land take. Providing new grid connection for reserve power schemes can require associated development which is disproportionate to the relatively small scale of the plant itself, including new overhead lines. The need for reserve supply is at the national level, but it is the policy of National Grid to secure its requirements from a widely distributed supply delivered through private development.”*

Chapter 3 of the National Planning Policy Framework is supportive of economic growth in rural areas and indicates that planning policies and decisions should promote the development and diversification of agricultural and other land-based rural businesses.

The area was granted permission as part of planning application 13/06707/FUL as a temporary “Site Compound” construction area for the Solar Farm, now located on the land to the west. The site would therefore fall within a small portion of the red-line application area for the Solar Farm. The site, at the time of the officer visit, was cleared and levelled with temporary structures removed, albeit that some equipment and vehicles were present. An established and lawful use as an area ancillary to the Solar Farm is therefore considered to apply, albeit that the construction activity was temporary. The proposal would change the use to provide for the stand-by generators.

Visual impact/ Setting

The development would sit within the setting of the farm complex including the large shed buildings and would be relatively low profile with the acoustic boundary a maximum of 4.5m in height. No structure within the enclosed area would exceed that height.

An amended landscaping plan was submitted following queries from the Landscape and Ecology officers on initial consultation.

The revised plans reduce the originally proposed extent of the compound to provide a buffer from the existing trees and hedgerow and enhanced boundary planting are proposed for screening purposes. The species mix is detailed to accord with the Wiltshire Landscape Character Assessment (2015) to contribute to the biodiversity value of the site. The layout details show the proposed switch-room at the north-eastern corner of the compound, The grid connection point is at the nearby corner of the complex of farm buildings. The connection would be via buried cables and no overhead infrastructure would be required. Revisions to the scheme layout included reducing the number of fuel storage tanks to two.

As noted in Section 7 above, the Landscape Officer supports the proposal, subject to conditions in respect of the protection of existing planting during construction and the maintenance of the hedge height. The Ecologist supports the proposal subject to similar conditions.

In terms of other setting considerations, an objection raised was the potential impact on heritage assets. The site is not within a Conservation area, and the enclosure does not sit within the setting of any listed buildings (the nearest listed building - Grade II - is some 600m distant, with the farmyard complex and A365 in the intervening space, and the Melksham Conservation area lies over 800m to the east, beyond the intervening A350). Broughton Gifford Conservation Area lies approximately 1.5 km to the west at nearest, beyond Melksham Lane and Norrington Lane. Any views from the south would have the existing farm buildings as a backdrop to the lower profile compound fence and the nearest dwellings in that direction are over 500m distant. With regard to objections in relation to industrialisation, the site is within the farmyard complex that contains large buildings, storage areas and a slurry pit. No industrial activity (in terms of manufacturing or other work) would take place on site and there would be no encroachment onto agricultural fields. An objector also raised the question of the size of the compound and the possibility of more units. The plans as finally submitted reduce the compound size and confirm that five units only are proposed. Any additional development within the compound would require a new permission.

Subject to appropriate conditions there would be no harm to the landscape given this particular setting, with the enclosing fencing appearing as part of the farmyard complex. Enhancements to the hedges in the vicinity are considered to constitute a planning gain in terms of landscaping and biodiversity.

Highways

Outside of the installation period and maintenance there would be no significant increase in vehicular use of the access to the site. The site furthermore is not visible to the highway. The Highway Officer raises no objections and does not wish to have any conditions imposed.

Neighbouring Amenity.

Objectors have raised concerns about amenity impacts including fumes and noise. The application was accompanied by specifications and a noise assessment. The Environmental Health Officer is satisfied that the assessment accompanying the application is clear that no significant issues should

arise from the proposed use. Objectors were concerned with impacts on Blenheim House (Care home) which lies some 500m away from the site. The home is furthermore situated to the south of the A365 and the associated traffic, With regard to operating hours, the system would only come into operation at times when the national grid is running short of energy (by definition therefore not possible to predict precisely) but the supporting documentation indicates that, historically in similar circumstances, running times occur infrequently, roughly confined to days between Monday and Thursday in the winter months of November through to February during the hours of 16:00 - 18.30 and 07:00 - 08:30 (when energy demand is at its greatest during a weekday). Typically therefore it can be anticipated that running times are infrequent and last for very short periods of time. An additional constraint in this regard is the cost of running the system which acts as an inhibitor to extended use periods. The key function of the generators is to provide back-up when the national grid is short of energy and black-out risk emerges, or in cases of emergency.

Lighting was also a matter raised by objectors and referred to by the Environmental Health Officer. The site plan indicates one bulk-head security lamp to the switch-room, within the confined of the acoustic fencing area. It is considered that a condition requiring details so as to avoid the potential for light pollution would be appropriate.

Other matters

The fuel storage tanks are proposed to be “self-bunding” but the issue of pollution control has nevertheless been raised. (The final drawing reflects two tanks). The Environment Agency invites the applicant’s attention to Government oil storage regulations, which is the legislation separate from planning that controls such matters (The Control of Pollution (Oil Storage) (England) Regulations 2001). Government Planning Practice Guidance states that “*Conditions requiring compliance with other regulatory requirements (e.g. Building Regulations, Environmental Protection Act) ... will not meet the test of necessity and may not be relevant to planning*” Thus, whilst the installation would have to accord with the relevant regulations, it is considered that a condition that requires only details of the position of bunding within the compound, as a planning matter, would be appropriate.

An application running in parallel with this under reference 15/08592/FUL for an agricultural machinery storage area has not been decided at the time of writing. There is no Planning reason why two applications cannot run simultaneously but the two proposals could not be implemented together the site areas partially coincide. This application must be considered on its own merits.

10. Conclusion

The proposal would make use of an existing area previously utilised (and still ancillary space) to the existing adjacent solar farm to provide emergency back-up to the national grid. Landscaping proposals, together with the location in a relatively concealed position, mean that there would be no unacceptable landscape impacts, and habitat enhancements would result from additional planting. Functional use would be made of the site in support of the national grid, without the need for any new overhead linkages to the grid itself. Permission is therefore recommended.

RECOMMENDATION

Permission, subject to the following conditions:

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The existing hedgerow (and hedgerow trees) along the northern boundary of the site as shown on the Landscape Proposals plan YOR_2567_03 Rev-F shall be protected during construction in accordance with BS 5837:2012 and shall not be removed without the prior written approval of the Local Planning Authority.

REASON: In the interests of biodiversity and landscape.

- 3 The hedgerows to be planted on the southern and western boundaries of the site, as shown on the Landscape Proposals plan YOR_2567_03 Rev-F, shall be planted in accordance with a schedule to be submitted and approved by the Local Planning Authority and shall be protected and maintained in accordance with the specification provided on the said plan for a period of no less than 30 years.

REASON: In the interests of biodiversity and landscape. To ensure the newly planted hedgerows are protected and maintained for a period of at least 30 years, after which they would be protected by the Hedgerow Regulations 1997.

- 4 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development.

- 5 The development shall not be first brought into use until plans showing any bunding required within the compound to accord with legislation in respect of pollution control have been submitted to and approved in writing by the Local Planning authority, and

such facilities have been constructed and completed in accordance with plans.

REASON: To prevent pollution of the water environment,

- 6 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan received on 24 September 2015

449-03-A received on 18 January 2016

449-04 received on 24 September 2015

449-05 received on 24 September 2015

449-06 received on 24 September 2015

449-07 received on 24 September 2015

449-08 received on 24 September 2015

YOR,2567_03 received on 18 January 2016

REASON: For the avoidance of doubt and in the interests of proper planning.

- 7 INFORMATIVES::

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please visit the following websites for more information:

<http://www.wiltshire.gov.uk/planninganddevelopment/biodiversityanddevelopment.htm>

<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

The Environment Agency invites the applicants' attention to the following link for

further advice/informatio on oil storage regulations:

<https://www.gov.uk/oil-storage-regulations-and-safety/overview>