

## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	20 June 2019
<b>Application Number</b>	19/02481/FUL
<b>Site Address</b>	From land at Northacre Industrial Estate to border with Mendip DC at ST 82843 50780
<b>Proposal</b>	Installation of an underground grid connection
<b>Applicant</b>	Northacre Renewable Energy Ltd
<b>Town/Parish Council</b>	DILTON MARSH & WESTBURY
<b>Electoral Division</b>	Ethandune (Cllr Jerry Wickham) & Westbury West (Cllr Russell Hawker)
<b>Grid Ref</b>	382833 150850
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Andrew Guest

### Reason for application being considered by Committee

The application is before the Committee in view of a 'call in' request by the Westbury West Division Member, Cllr Russel Hawker. The reasons for the call-in are in view of the scale of the development, the visual impact upon the surrounding area, the design of the development and the environmental / highway impact. Specifically Cllr Hawker states the following –

*This is very highly controversial and is part of the planned waste to energy (gasification) power plant proposal at Northacre I.E., Westbury. The debate needs to occur at committee regardless of whether the officer recommendation is to permit or not.*

### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against policies of the development plan and other material considerations and to consider the recommendation that the application be approved, subject to conditions.

### 2. Report Summary

This is a full application to install an 'underground grid connection'. This would comprise a cable (and related ducting), placed in a trench measuring approximately 1.45m deep and 0.52 wide (to be back-filled and restored after construction) running between the site of the permitted renewable energy facility at Northacre Industrial Estate, Westbury (where electricity will be generated c/o an Advanced Thermal Treatment facility) and the local distribution network substation at Rodden Lane, Frome. The total length of the cable would

be approximately 10.61km. A temporary construction works site compound would be provided to the south of Brook Farm, Westbury.

As the application site straddles the Wiltshire / Somerset border, planning applications have been made to both Wiltshire Council and Mendip District Council for those separate parts of the proposed development in each local planning authority area. Approximately 4km of the connection would be in Wiltshire.

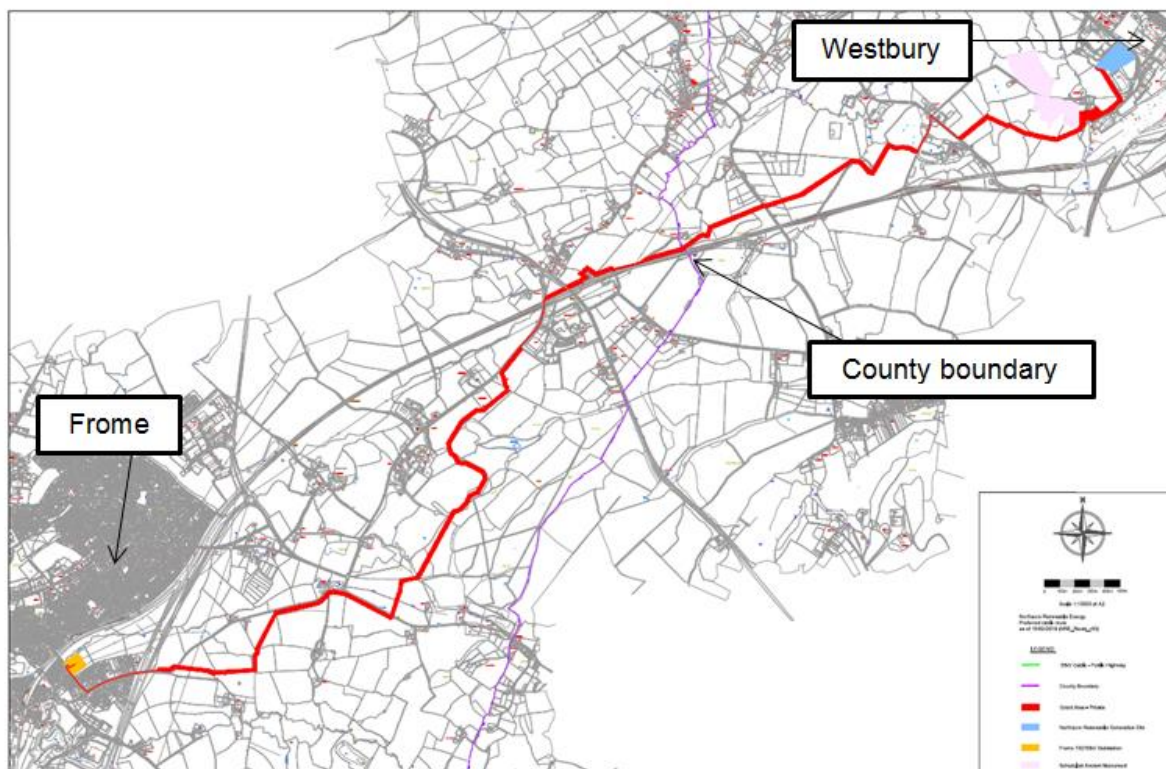
Within Wiltshire the site lies within the parishes of Westbury and Dilton Marsh. Dilton Marsh Parish Council objects; Westbury Town Council objects.

Representations have been received from 52 interested parties (52 objections; 0 supports).

The application is recommended for approval, subject to conditions.

### 3. Site Description

The application site comprises a relatively narrow strip of land (mainly c. 25m wide) which runs between the applicant's facility at Northacre Industrial Estate, Westbury to Southern Electric Power Distribution's (SEPD) substation at Rodden Lane, Frome. The site widens to provide a construction works site compound at Brook Farm, Westbury.



**Application Site**

Within Wiltshire the actual route for the cable would initially pass through the applicant's land holding at Brook Farm, alongside Brook Lane (c. 0.5km). It would then head generally westwards, passing under Brook Drove and Biss Brook, and then through mainly farmland, before reaching Fairwood Road, close to Cuckoo's Rest Caravan Park (c. 0.9km). The route then follows Fairwood Road to the north until its junction with an unnamed lane (footpath

DMAR6), by 'Fairwood' (c. 0.2km); here the route turns to the south-west to follow the line of the lane (for c. 0.2km). It then continues to the west through farm and equestrian land to a further un-named lane (bridleway DMAR42), south of Stourton Bushes (c. 1.3km). Passing under the bridleway, the route then continues generally westward through further farmland before crossing the county border, just to the south of Tennis Court Farm (c. 0.6 km).

In policy terms, for the larger part the application site lies within the 'countryside'. Land north-east of Brook Farm is designated as an 'Allocated Employment Area'. To the west of Brook Farm, and outside of the application site, is a Scheduled Monument ('Mediaeval settlement and associated field systems of Brook Farm'). Brook Farmhouse and Tennis Court Farmhouse are listed buildings (grade II). Small sections of the site lie within Flood Zones 2 and/or 3. There are no particular ecological designations within the site.

#### **4. Relevant planning history**

14/12003/WCM – Advanced thermal treatment (ATT) facility – approved 23/09/15

*This planning permission has not been built out but remains extant.*

18/03816/WCM – Revision of layout and design on ATT permitted under 14/12003/WCM – refused 18/07/18; appeal (local inquiry) - due to be heard September 2019

18/09473/WCM – Revision of layout and design of ATT permitted under 14/12003/WCM – resolution to approve 23/01/19; still awaiting decision on 'call-in' by Secretary of State

#### **5. Proposal**

This is a full application to install an 'underground grid connection'. This would comprise a cable (and related ducting), placed in a trench measuring approximately 1.45m deep and 0.52 wide (to be back-filled and restored after construction) running between the site of the permitted renewable energy facility at Northacre Industrial Estate, Westbury (where electricity will be generated c/o an ATT) and the local distribution network substation at Rodden Lane, Frome.

The application agent describes the proposal and the method of installation in the supporting statement as follows –

- 3.2 *The boundary between Wiltshire and Mendip is shown on the OS base map used for the applications as a purple line. Within Wiltshire is 3,475m of cable in private land and 505m in highways land. Within Mendip there is 5,410m in private land and 1,220m in highways land.*
- 3.3 *The application area is shown, where it crosses private land as a red line of 25m width which reflects the agreements with those landowners and the cable installation has the flexibility to route within that 25m width to avoid any very specific locational constraints .... . In several places where the route crosses established tracks, the wayleave is less. On the public highway sections the red line is simply reflecting the width of the trench that will be dug and it is a more established but constrained area for installation of cables.*
- 3.4 *In establishing the route, agreement was sought from the landowners to minimise the length as far as possible but also to route the cable to the edges of fields minimising any disruption to farming during the installation process. Occasional manhole covers*

*will be installed to provide maintenance and repair access and these will be sited away from areas that could be disturbed by farming activities. Similarly, the route has the flexibility within the wayleave to avoid the removal of any substantial trees or bend around any specifically identified features.*

- 3.5 Where a stream or field ditch is to be crossed, rather than impact the flow, even for the very short period needed to install the ducting, the cable will be drilled under the stream. This has the advantage of not causing any water related issues or disturbing any habitats and species it may support.*
- 3.6 Although the area which is enclosed by these planning applications technically exceeds 1ha, a formal flood risk assessment has not been deemed necessary due to the very temporary nature of the works and the fact they will be fully reinstated after the ducting and cable is put in place. Therefore, although there are areas potentially identified on the EA's flood risk map within the red line of the application, installing the grid connection and re-instating the ground immediately afterwards causes no increase in flood risk.*
- 3.7 To install the cable, an excavator uses a bucket to dig a trench approximately 0.52m wide and 1.45m deep. Soils are carefully separated into subsoil and topsoil when removed. Ducting is laid in the trench on a suitable bed material. The ducting is covered back in and the soils re-instated in the correct sequence. The cable is pulled through the ducting in sections and jointed. Once this has been completed the line of the trench in each section is re-seeded.*
- 3.8 Where the connection crosses a hedge, a section 1m wide will be removed, unless greater required for access. The ecological work described in detail in the ecological assessment will form part of these operations. Once installation is complete the hedge will be replanted in agreement with the farmer if they require. As noted above the cable will be installed under water courses by drilling beneath them. The methodology for installation in the public highway will be agreed with the appropriate authority as part of securing the appropriate consents.*
- 3.9 The degree of disturbance associated with the cable duct trenching and installation along the cable route across the farmland is very small and similar to a farmer installing land drains, where trenches are dug, filled with gravel and pipes and then re-covered. Temporary compounds established as permitted development, moving along the route, will be used to manage the equipment digging and installing the grid connection with such compounds being secured overnight and at weekends.*
- 3.10 It is intended that installation will be normal working hours Monday to Friday, but additional working may be required particularly in the highway to meet other requirements. The Construction Environmental Management Plan, prepared by the grid connection installer DNOC from their extensive experience of these type of works addresses this in more detail. ..."*

As the application site straddles the Wiltshire / Somerset border, planning applications have been made to both Wiltshire Council and Mendip District Council for those separate parts of the proposed development in each local planning authority area.

The application is accompanied by the supporting statement referred to above and an Archaeological Desk-based Assessment, an Ecological Appraisal, and a Construction Environmental Management Plan.

## 6. Planning policy and guidance

### Wiltshire Core Strategy

Core Policy 32 – Spatial Strategy for Westbury Community Area  
Core Policy 50 – Biodiversity and Geodiversity  
Core Policy 51 – Landscape  
Core Policy 57 – Ensuring High Quality Design & Place Shaping  
Core Policy 58 – Ensuring the Conservation of the Historic Environment  
Core Policy 61 – Transport and Development

### National Planning Policy/Guidance

National Planning Policy Framework  
Planning Policy Guidance

## 7. Consultations

### **Dilton Marsh Parish Council:** Objection

*Environmental, Ecological and Archaeological Impact of the proposal would be contrary to Core Policies 58 and 50 in the following ways - the planned route runs around Brook Farm, which is adjacent to an ancient scheduled monument.*

### **Westbury Town Council:** Objection

*Contrary to Core Policy 50: Biodiversity and Geodiversity -  
The supporting evidence provided with this application do not adequately demonstrate plans to protect biodiversity along the proposed route, within our town boundaries.*

*Contra to Core Policy 58: Ensuring the conservation of the Historic Environment -  
The supporting evidence provided with this application does not adequately demonstrate plans to conserve the historic environment surrounding Brook Hall in Heywood Parish and those parts of the ground that fall within the Westbury Boundary. The applicant has failed to satisfy us that they have undertaken sufficient surveys of this area to identify anything of historical or archaeological interest. We note that Brook Hall in Heywood Parish is a listed building recorded at risk.*

### **Wiltshire Council Archaeology:** No objection, subject to condition

*The Wiltshire and Swindon Historic Environment Record shows that the proposed development has a high potential to impact archaeological remains at its eastern end which are likely to be associated with Romano-British activity, the medieval village of 'Broke' (just south of the scheduled area (Medieval settlement and associated field systems west of Brook Farm) and/or post-medieval mill and water meadows/industrial activity along the Brook. The rest of the route through Wiltshire impacts no known heritage assets within the route corridor.*

*The Desk Based Assessment submitted with the application has assessed the potential for archaeological remains to be impacted by the scheme and confirms this high potential. I have agreed in principle to a programme of archaeological excavation in the area of the medieval settlement and a programme of monitoring along the rest of the route to Fairwood House. Fine details of this programme of investigation will need to be discussed and incorporated into a Written Scheme of Investigation [condition].*

**Wiltshire Council Conservation:** No objection

*For the most part the route of the proposed cable avoids built heritage assets. It does run close to the listed Tennis Farmhouse and Brook Farmhouse. However, the cable will run underground and the application allows for the remediation of land affected. As the route is confined to the setting of these listed buildings therefore and will not have any direct impact on assets, the proposals can be considered to have no greater than a neutral impact on the historic built environment.*

**Wiltshire Council Drainage:** No objection

*This application relates to underground cable installation, the route of which involves work to/adj to watercourses – these will require separate applications under the Land Drainage Act to and approval of the relevant drainage authorities*

**Wiltshire Council Highways:** No objection, subject to informative

*The Applicant should be advised of the need to comply with all statutory requirements relating to the temporary closure/diversion of all public highways and rights of way necessitated by the proposed development.*

**Historic England:** No objection

*The proposed cable route passes just to the south of Brook Farm Deserted Medieval Village, a Designated Heritage Asset of the highest significance protected as a Scheduled Ancient Monument, known as Medieval settlement and associated field systems west of Brook Farm .....*

*The cable route does not pass through the scheduled area but it is acknowledged that the route may pass through archaeological remains associated with the scheduled site (Archaeological Desk based Assessment submitted with the application). Suitable archaeological mitigation has been agreed with Wiltshire Council Archaeological Advisors.*

**Natural England:** No objection

**Network Rail:** No objection

**Wessex Water:** No objection to that part of the application site within Wiltshire

## **8. Representations**

The planning application has been publicised by local advertisement, site notices and letters to neighbours. This has generated 52 representations (at 07/06/19), including from Andrew Murrison MP. Of these 52 are objections / expressions of concern; 0 are supports.

The objections / expressions of concern are summarised as follows:

- **Principle** – as related to ATT, the proposal is unacceptable in principle and/or determination should be delayed – it should have formed part of the ATT applications; ATT uses obsolete technology and the electricity produced would not be renewable; ATT still subject to outstanding appeal; ATT is waste disposal so at bottom of ‘waste hierarchy’; ATT will effect health of residents of Westbury; contrary to WC’s climate change principles – the electricity being carried would not be

renewable / low carbon; the need for such a long cable raises doubts as to the viability of the whole ATT facility. There are opportunities to connect to the Grid closer to Westbury; contrary to NPPF energy paragraphs; energy loss in view of length of cable; contrary to CP41;

- **Archaeology** – insufficient information to demonstrate no harmful effects; significance of archaeology between Northacre and Fairwood makes site unsuitable for this form of trenched development; contrary to CP58;
- **Ecology** – insufficient information to demonstrate no harmful effects; potential pollution of watercourses; cumulative impacts of crossing agricultural land, removing hedging, etc.; hedge removal will be greater than 1m in any single hedge; disturbance to roosting bats; contrary to CP50;
- **Highway safety** – additional traffic generation on polluted and congested network; congestion during construction;
- **Wessex Water infrastructure** – proposal interferes with WW’s future plans;
- **Railway infrastructure** – potential interference (electromagnetic) with operation of railway;
- **Land ownership** – application site conflicts with other party’s land;
- **Other matters** – potential for disturbance of anthrax at Brook Farm.

Andrew Murrison MP’s objection states the following:

*“I would like to object to this application since it is linked to an application for an incinerator/gasification plant at Westbury which I strongly oppose on the grounds of possible environmental impact, existing over provision of incinerators, the health precautionary principal, disruption to the lives of my constituents and the small amount of energy that would be generated”.*

## **9. Planning Issues**

The main issues to be considered are the principle of the proposal, and then detailed matters including landscape impact, heritage impact, ecology impact, highway safety and residential amenity.

### **9.1 Principle**

The purpose of the connection would be to distribute electricity which will be generated at the Northacre renewable energy facility. There is an extant planning permission for an ATT facility at the Northacre renewable energy facility meaning that the principle of the supply is established.

There is no specific Wiltshire Core Strategy policy relevant to this proposal. In these circumstances the National Planning Policy Framework (NPPF) advises that planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. On these ‘tests’, the NPPF does not provide a clear reason for refusing the development, and no adverse impacts are identified. It follows that the proposal should be considered acceptable, and sustainable, in terms of the NPPF as a matter of principle.

More generally, the proposal – to install an underground cable to enable the distribution of surplus electricity generated by a facility which already benefits from a planning permission – is a logical ‘next step’, and accords with the general aim of increasing renewable energy

sources in any event. The applicant's renewable energy facility at Northacre will generate 25.5 MW electricity per year of which approximately 4 MW will be used on the site and 2 MW by the adjacent Northacre Resource Recovery Centre. Additionally, private wire connections to local industry are being negotiated. The remainder (and the majority) would be distributed to the national grid via the proposed connection. When completed, the connection would be adopted by Southern Electric Power Distribution, and so provide reinforcement to the local distribution network serving the Westbury area and improve grid resilience locally. These are material considerations to be given significant weight.

## **9.2 Landscape impact**

When in operation the connection would not be visible, this in view of the cable being underground. Surface infrastructure would be very limited (inspection covers, etc.). It follows that there would be no long term landscape impacts associated with the proposal.

During the construction stage there would be equipment associated with the works visible in the landscape. However, as the works would be temporary, undertaken by a specialist and experienced contractor, and managed by a robust Construction Environmental Management Plan (CEMP), this impact would not amount to a sustainable reason for refusing planning permission. As explained in the application agent's statement (set out above), impact on landscape features, such as trees, hedges and waterways, would be very limited in view of the technology used in the construction and the designed-in flexibility to avoid these during the construction.

## **9.3 Heritage impact**

No designated heritage assets are located in the application site. However, the site passes through a wider landscape which is known to support archaeological remains relating to medieval and post-medieval settlement and land use. On this the Archaeological Desk-Based Assessment which accompanies the application states the following –

*“This assessment has established that within the section of the route that passes through Brook Farm and eastwards towards the Northacre Industrial Park, there are likely to be surviving buried archaeological remains associated with the adjacent Scheduled Monument of a deserted medieval settlement, manorial site, and mill. Groundworks for the cable route would result in the truncation and/or loss of such remains, thereby causing harm to their significance. Consultation with [the] Archaeological Advisor to Wiltshire Council, has indicated that a controlled strip map and sample archaeological excavation be carried out in specific places within the route through Brook Farm; and that an archaeological watching brief can accompany the construction groundworks for the remainder of the section between Northacre Industrial Park to Fairwood House.*

*This assessment has established that for the remainder of the route, there is relatively limited potential for surviving buried archaeological remains of such significance that could preclude development. ....”*

A written scheme of investigation is, therefore, recommended specifying investigation in these terms.

Brook Hall (grade I listed building) – referred to by Westbury Town Council – is c. 1.2km to the north of the Northacre Renewable Energy facility site, with the industrial estate in between. In these circumstances Brook Hall and its setting would not be harmed by development at the site. Brook Farm House and Tennis Court Farmhouse (grade II) are located closer to the site, but as they are of domestic scale with intimate settings, and



because the proposed development would not be visible during operation (being underground), no harm would be caused to these assets.

Accordingly, no objection is raised by the heritage consultees, subject to an archaeology condition for a written scheme of investigation.

#### **9.4 Ecology impact**

The application is accompanied by a Preliminary Ecological Appraisal. It identifies low risks of impacts arising for habitats, birds, bats, dormice, and great crested newts & reptiles. The risk is low because of the designed-in flexibility of the proposal (to, for example, divert the specific cable route around obstacles such as veteran trees) and the short-term duration of the construction works in any event. A condition is recommended requiring the development to be carried out in accordance with the recommendations of the Preliminary Ecological Appraisal.

No objection is raised by the Council's Drainage Engineer to the works in close proximity to watercourses.

#### **9.5 Residential amenity**

The application is accompanied by a Construction Environmental Management Plan (CEMP) which sets out a methodology for working to minimise any potential adverse environmental effects during construction. Notably in relation to working hours, these are proposed to be between 07:00 and 20:00 Mondays to Fridays (and outside these hours only if required by other authorities – for example, there is a short-section of single-track road that is likely to require a road closure, and therefore Highways may dictate that the work here is carried out at night).

Inevitably, and as with any construction operation, there may be some inconvenience and potentially some disturbance to residents in the locality. However, such inconvenience / disturbance would be short-lived and for the duration of the works only, and so would not amount to a sustainable reason for refusing planning permission. A condition is recommended requiring the works to be carried out in accordance with the CEMP. When operational, the development would not give rise to any amenity issues.

### **10. CONCLUSION**

The proposal is directly related to a scheme that already has the benefit of planning permission. As it is underground, there are no issues in terms of landscape impact, and the archaeological implications can be demonstrated to be satisfactorily mitigated. The proposal does not conflict with the development plan and there are no justifiable grounds for refusal of the application.

### **RECOMMENDATION**

**That the application be approved, 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 No development shall commence within the application site until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/or [DELETE as appropriate] the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest.

3 The development shall be carried out strictly in accordance with the specification (the 'Environmental Management System) set out in the Construction Environmental Management Plan (CEMP) by DNOC issued February 2019.

REASON: To safeguard amenity and the environment.

4 The development shall be carried out strictly in accordance with the recommendations of the Preliminary Ecological Appraisal by Wild Service dated 15/02/19.

REASON: To safeguard ecology.

5 Where the line of the approved cable crosses a hedgerow, no more than a 1m wide section of the hedgerow shall be removed; and within six months following completion of the works at any particular hedgerow, the removed section shall be re-planted with species compatible with the original hedgerow.

The re-planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

REASON: To ensure the protection of existing important landscape features.