

1. Introduction

- 1.1 This application falls to be determined by members of the Strategic Planning Committee, in accordance with the Council's current Scheme of Delegation, as Northumberland County Council is the applicant.

2. Description of the Proposal

- 2.1 This application seeks retrospective permission for the installation of ground source heat pumps and an underground array at the Council's Stakeford Depot.
- 2.2 The array has been installed in a field to the west of the main depot complex with the pumps located within the depot buildings. The installation requires planning permission as the array is situated outside the curtilage of the depot and the system contains more than one pump.
- 2.3 The trenching for the array covers an area of 0.43ha and incorporates 42 boreholes to a depth of 157 metres within the field to the rear of the depot with a piped connection to the north side of the depot building. The pumps are housed internally within the building.
- 2.4 The depot building is located within the built up area of Stakeford and is bounded by residential properties to the north and east. The array is located in the field to the west of the depot which lies outside the settlement boundary. A public right of way runs to the north of the site and then along the western boundary of the depot site.

3. Planning History

Reference Number: 00/00086/REG3

Description: Site portable office accommodation size 10m x 3m - minimum period 12 months

Status: PER

Reference Number: 03/00097/FUL

Description: 2 x multi span polytunnels 42' x 126' and 52' x 98' to include boundary landscaping and resiting of portakabin 10' x 40'

Status: PER

Reference Number: 05/00429/FUL

Description: Provision of ramped access with stepped alternative to main entrance and redesign of 2 no. car parking bays to provide 1 no. accessible parking bay

Status: PER

Reference Number: 79/F/174

Description: ERECTION OF 75 FT. SKY MAST FOR RADIO CONTROL SYSTEM

Status: PER

4. Consultee Responses

Choppington Parish Council	No response received.
Strategic Estates	No response received.
Countryside/ Rights Of Way	No objection
Public Protection	No objections subject to conditions
Environment Agency	No objection
County Archaeologist	No objections to the application and no archaeological work is required.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	17
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

A site notice (Public Right of Way) was posted on site on 10th June 2019
A press notice was placed in the News Post Leader on 23rd May 2019

Summary of Responses:

None received.

6. Planning Policy

6.1 Development Plan Policy

Wansbeck District Local Plan (2007)

GP1 Location of Development

GP23 Development causing pollution and nuisance

CF5 Renewable energy

6.2 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications, submitted on 29 May 2019

ENV2 Biodiversity and geodiversity

REN1 Renewable and low carbon energy and associated energy storage

6.3 National Planning Policy

National Planning Policy Framework (NPPF) (2019)
National Planning Policy Guidance (NPPG) (2014, as updated)

7. **Appraisal**

- 7.1 In assessing the acceptability of any proposal, regard must be given to the policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the relevant development plan for this application is the Wansbeck District Local Plan (WDLP)(2007) and the proposed works shall be considered in the light of the saved policies of these documents.
- 7.2 The Northumberland Local Plan (NLP)(Publication Draft Plan) was published for consultation in January 2019 and was submitted to the Planning Inspectorate for examination on 29 May 2019. In accordance with Paragraph 216 of the NPPF; the policies contained within the document at this stage carry some weight in the assessment of planning applications.
- 7.3 The main issues for consideration in the determination of this application are:
- Principle of development
 - Impact on the landscape and visual amenity
 - Impact on residential amenity and living conditions
 - Impact on archaeology and the built environment
 - Impact on ecology
 - Impact on public rights of way

The Principle of Development

- 7.4 National energy and planning policy framework for renewable energy developments provide an established and supportive policy framework for tackling climate change. The NPPF outlines the Government's planning policies. The guiding principles of the NPPF support the transition to a low carbon future and encourage the use of renewable technologies and resources.
- 7.5 Chapter 14 of the NPPF provides support for the use and supply of renewable and low carbon energy, stating in paragraph 154 that local authorities should recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions.
- 7.6 The importance of renewable and low carbon energy is reflected on a more local scale in WDLP policy CF5 which supports the development of well designed and sustainable renewable energy projects subject to demonstration that no harm would be caused by the proposal and policy REN1 of the

emerging Northumberland Local Plan which supports proposals for low carbon energy development.

- 7.7 The depot building is located within the built up area of Stakeford and is bounded by residential properties to the north and east. The array is located in the field to the west of the depot which lies outside the settlement boundary, where WDLP Policy GP1 Part C applies. The part of the development beyond the settlement boundary is entirely below ground and does therefore not have any impact on the settlement as a result. Whilst the proposed development does not fit neatly into any of the exceptions permitted by the policy, the development is required to be in this location in order for the depot to benefit from the renewable energy source and is, as a result, considered to be in accordance with the requirements of the policy not to adversely impact on open countryside.
- 7.8 In principle, therefore, the development can be regarded as being acceptable provided that it would cause no adverse impacts on the environment and neighbouring uses.

Impact on the Landscape and Visual Amenity

- 7.9 The nature of the proposal is such that there is no part of the development visible once it has been installed. The array in the field is underground and the field returned to its previous use following installation and in this instance the pumps are housed within an existing plant room in the depot building. There is, therefore, no impact on the landscape arising from the proposal and the development does not have any adverse impacts on visual amenity in the area.

Impact on Residential Amenity and Living Conditions

- 7.10 The nearest residential properties lie approximately 20m to the north of the depot building where the heat pumps are located (within an existing plant room). The heat pumps are unlikely to generate noise which would cause any adverse impact on residential amenity in the area; however no noise assessment has been carried out to substantiate this. In this instance it would therefore be appropriate to attach a condition to the permission which would require the operator of the system to investigate and mitigate any noise arising from the pumps if a substantiated complaint is received in the future. There are no other issues which could have an impact on the living conditions of nearby residents.

Impact on Archaeology and Built Heritage.

- 7.11 The Council's Archaeologist has been consulted on the application. The proposed development is located at some distance from known archaeological remains which would be likely to extend into this area and the site of the array is located in a narrow strip of a field adjacent to the depot site which replaced two terraces of late 19th century buildings and has since been subject to heavy ploughing in the past. The nearest known prehistoric remains are located over 1km south-east of the site. The nearest recorded earthworks

relate to areas of medieval/post-medieval ridge and furrow approximately 225m to the south, surviving in the area around the site of the former 20th century colliery with associated sidings to the east.

- 7.12 As the proposed development is retrospective and the groundworks have been carried out and the site is located at some distance from known archaeological remains, and although the potential presence of prehistoric remains on this site cannot be absolutely discounted, it is unlikely that significant archaeological remains have been affected by the works.
- 7.13 There are no listed buildings or conservation areas affected by the development. The development has therefore not had an adverse impact on heritage assets in the area and is considered acceptable in this respect.

Impact on Ecology

- 7.14 With regard to the retrospective nature of the application there would be no benefit to carrying out ecological surveys which would normally be required for proposals of this type. The site of the arrays is a heavily ploughed agricultural field which has been returned to its previous use now that the array has been installed. There has been no opportunity therefore to establish the impact that the proposal has had on the ecology of the locality or to request any mitigation or enhancement as a result. The development, due to its nature, is unlikely to have had a significant impact on the ecology in this area, and the field has now been returned to its previous use and is therefore considered acceptable in this respect.

Impact on Public Rights of Way

- 7.15 The nearest residential properties are located directly to the east of proposal. Public Right of Way 600/048 runs across the field to the north of the site and then turns south and down the boundary of the depot. The Public Right of Way will not be affected by the proposal and can continue to be accessed with the development in place. Any disruption to the use of the footpath would have occurred during the construction phase which has now taken place. The Public Rights of Way Officer has not raised any objection to the application.

Other Matters

Equality Duty

- 7.15 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

7.16 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

7.17 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.18 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.19 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 National and local planning policies together with national energy policy provide a positive framework for encouraging renewable energy developments, where appropriate. It is considered that the proposal would not have an adverse impact on the area.

8.2 The ground source heat pump would occupy a relatively small area of land which has been returned to its original use following the installation of the array. There would be no impact upon visual amenity in the area. Any potential impacts on residential amenity can be covered by a condition relating to adverse noise arising from the installation and the development has not had any adverse impacts on the historic or natural environment.

8.3 The development in this location of a ground source heat pump is therefore considered acceptable. The development complies broadly with the guidance set out in the National Planning Policy Framework and policies in adopted and emerging Local Plan.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and documents. The approved plans and documents for this development are:

Location Plan 03/05/19

KR11792/st2 Ground Array Summary 03/05/17

KR11792/st3 Ground Array Schematic 25/9/17

KR11792/st5 Floor Plan 35/7/19

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

02. If the development permanently ceases to generate power the operator shall notify the Local Planning Authority in writing within 1 month of power generation ceasing. The array, heat pumps and associated pipework, cabling and all other equipment shall be removed from the land within 12 months of the date of last power generation and the land restored to its former condition within 6 months.

Reason: To ensure the development site is appropriately restored once the development ceases power generation

03. Within 21 days from receipt of a written request from the Local Planning Authority notifying the applicant of a justified noise complaint, alleging disturbance at a dwelling, the applicant, shall employ a competent independent acoustic consultant to assess the level of noise emissions from the development at the complainant's property.

The assessment shall be undertaken in accordance with the methodology described in BS 4142:2014. The applicant shall submit a report based on the consultant's findings to the Local Planning Authority for written approval.

Where the noise levels from the development exceeds the background level (LA90) by 5dB (decibels), at the complainants property, appropriate mitigation measures shall agreed and implemented in full within a timescale approved in writing by the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against noise intrusion in accordance with policy CF5 of the Wansbeck District Local Plan.

Informatives

Statutory Nuisance

The effectiveness of the development's design in ensuring that a nuisance is not

created, is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice.

Ground Source Heat Pumps - Advice to LPA/Applicant

The Environment Agency's Good Practice Guide relating to the installation and operation of open and closed loop ground source heating and cooling systems can be found on the Ground Source Heat Pump Association website at:
http://www.gshp.org.uk/pdf/EA_GSHC_Good_Practice_Guide.pdf

Date of Report: 14.08.2019

Background Papers: Planning application file(s) 19/01115/CCD