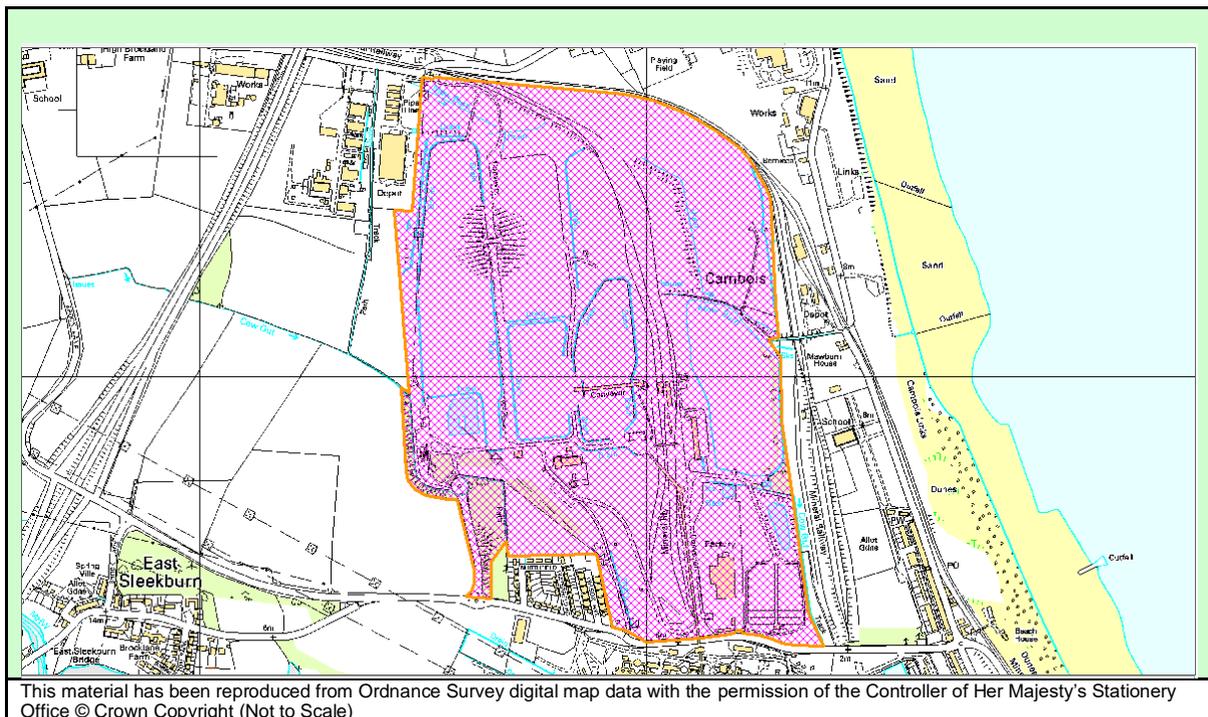




Northumberland County Council

Strategic Planning Committee: 6th July 2021

Application No:	21/01746/FUL		
Proposal:	Provision of temporary substations and associated cabling for the construction of the proposed Gigaplant (Application Reference 21/00818/FULES)		
Site Address	Land East of Sleekburn Business Centre, West Sleekburn, Northumberland,		
Applicant/ Agent	Mr Guy Wakefield 3rd Floor, Regent House, 65 Rodney Road, Cheltenham GL50 1HX		
Ward	Sleekburn	Parish	East Bedlington
Valid Date	11 May 2021	Expiry Date	10 August 2021
Case Officer Details	Name: Mrs Judith Murphy Job Title: South East Area Manager Tel No: 01670 622640 Email: judith.murphy@northumberland.gov.uk		



Recommendation: That this application be GRANTED planning permission subject to conditions.

1. Introduction

1.1 This application is being referred to the Strategic Planning Committee in accordance with the County Council's scheme of delegation as it forms part of a major development of significant scale.

2. Description of the Proposals

2.1 The application seeks planning permission for the provision of temporary substations and associated cabling for the construction of the proposed Gigaplant (Application Reference 21/00818/FULES).

3. Planning History

Reference Number: 21/02506/HAZARD

Description: Hazardous Substance Consent Application for use of Cathode Active Material and Electrolyte onsite

Status: Received

Reference Number: 21/00818/FULES

Description: rection of battery manufacturing plant with ancillary offices, together with associated development and infrastructure works (including site preparation works, ground modelling, drainage, landscaping, vehicular assess, cycle and pedestrian access, parking provision, substation and other associated works)

Status: Under consideration

6. Planning Policy

6.1 Development Plan Policy

Wansbeck District Local Plan (WDLP) 2007:

EMP 3 Cambois Zone of Economic Development

GP1 Settlement limits

GP4 Accessibility

GP30 Visual Impact of Development

T6 Traffic implication of new development

T7 Parking provision in new developments

CF6 Water supply and drainage

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2019)

NPPG - National Planning Practice Guidance (2019, as updated)

6.3 Emerging Policy

Northumberland Local Plan Publication Draft (January 2019):

Policies:

ECN 1 Planning strategy for the economy (Strategic Policy)

ECN 2 Blyth Estuary Strategic Employment Area (Strategic Policy)

STP 1 Spatial strategy (Strategic Policy)

STP 3 Principles of sustainable development (Strategic policy)

QOP 2 Good design and amenity

QOP 5 Sustainable design and construction

7. Appraisal

7.1 Having regard to the requirements of Section 36(6) of the Planning and Compulsory Purchase Act 2004, the relevant development plan policies, relevant guidance and all other material planning consideration, including representations received, it is considered that the main planning issues raised relate to:

- Principle of the development
- Design and visual impact
- Impact on amenity

7.2 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development comprises policies in the Wansbeck District Local Plan, as identified above. The National Planning Policy Framework (NPPF) (February 2019) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.3 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019, and is currently going through the examination process.

7.4 On 9 June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the NLP - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

Principle of the development

7.5 Paragraph 11 of the NPPF provides guidance on how applications should be determined by stating that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.

7.6 NPPF Paragraph 8 provides the key starting point against which the sustainability of a development proposal should be assessed. This identifies three objectives in respect of sustainable development, an economic objective, a social objective and an environmental objective. Paragraph 8 advises that these three objectives of sustainable development are interdependent and should not be considered in isolation.

7.7 Whether the presumption in favour of sustainable development is successful in this case is dependent on an assessment of whether the proposed development of the site would be sustainable in terms of its economic, social and environmental roles. The following sections assess the key issues in relation to the economic, social and environmental roles of the scheme as well as identifying its potential impacts and benefits in planning terms.

7.8 While the Wansbeck Local Plan dates from 2007, it remains the statutory development plan for the area and should continue to be given considerable weight in making planning decisions, sitting fully with the wider spatial strategy for the economy.

7.8 Policy GP1 of the Wansbeck District Local Plan (WDLP) states that provided that the proposals are in accordance with other policies of the Plan, development on previously-developed sites and buildings within settlement limits, as defined on the Proposals Map, will be permitted.

7.9 The application site falls within the Cambois Zone of Economic Opportunity for development by businesses requiring large sites in non-estate location, under saved Policy EMP3 of the WDLP. Part (a) of Policy EMP3 sets out the type and range of development envisaged within the zone, stating that it should fall into the traditional employment use classes (current B2 and B8, and former B1) and not be capable of being accommodated “in a designated general employment area elsewhere in the [then] District.” As the main proposal to which this application is linked is for a very large-scale manufacturing concern, it meets this overarching development plan requirement.

7.10 The proposal is for the provision of 4.no. Enclosed substations and associated cabling for the Gigaplant. The substations will be slightly over 2.4m in height, 3.5m in width and 3.3m in length and will be located in various locations across the site. 2no. of the substations will be located at towards the northern edge of the site

adjacent to Wembley Gardens. 1no. will be located to the western edge of the site and 1no. more centrally located within the site. The purpose of the substations is to provide site temporary high voltage electrical connections and infrastructure for the Britishvolt construction site works.

7.11 In terms of the principle of the substations, this is acceptable in line with the aforementioned national and local plan policies.

Design and Visual Impact

7.12 The Government attaches great importance to the design of the built environment and, through the NPPF, recognises that good design is a key aspect of sustainable development which is indivisible from good planning and should contribute positively to making places better for people. The NPPF stresses the importance of planning positively for the achievement of high quality and inclusive design for all development. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

7.13 Wansbeck District Local Plan Policy GP30 advises that all proposed development will be assessed in terms of its visual impact. Developments which in visual terms would cause significant harm to the character or quality of the surrounding environment will be refused.

7.14 Having regard to these policies it is noted that the 4no. substations are relatively small in scale and given their varying locations across the site, raise no concerns with regards to, firstly, any cumulative visual impact. Individually, the substations will be barely visible from external viewpoints around the site due to the extensive hedging and trees that occupy the site boundaries.

7.15 From that perspective, the proposal raises no concerns on the grounds of visual impact or design.

Impact on Amenity

7.17 The NPPF seeks to achieve development of high standards which protects the environment and its surroundings. Wansbeck District Local Plan Policy GP30 advises that all proposed development will be assessed in terms of its visual impact. Developments which in visual terms would cause significant harm to the character or quality of the surrounding environment will be refused.

7.18 The locations of the substations across the site are such that they will not be visible to closest residents to the south due to the dense tree growth that lies in-between. With regards to the residents of Wembley Terrace, again, the distance between their properties and the substations will remove any direct line of and will offer very little general visual presence, if any due to their small scale and massing. As such, there are no concerns in terms of the impact of the substations on any residential living within proximity of the site.

Consultee Responses

7.19 As listed at the head of the report, the Highways Authority have assessed the proposals and have raised no concerns subject to 1no. condition. The Council's Ecologist has considered the proposal and has raised no objections. Similarly, the Coal Authority and the Council's Public Protection Officer were consulted and equally raised no objections.

8. Conclusion

8.1 The proposal for the 4no. Substations has been assessed against national and local plan policies and raises no concerns that would justify refusal of planning permission. The application is therefore recommended for approval.

Other matters

Equality Duty:

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:

The proposal has no implications in relation to crime and disorder.

Human Rights Act Implications:

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.

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.

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.

9. Recommendation

That this application be GRANTED planning permission subject to the following:

Conditions/Reason

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. 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:-

- 425800-1101 Construction Phase Power Supply – 2000KVA, 11kv Temporary Dno & Builders Substation Layout. Drawing no. PHX-FPS-XX-ST-DR-E-01101 REV S2 –A
- 425800-1102 Construction Phase Power Supply – 2000KVA, 11kv Temporary Dno Substation Details. Drawing no. PHX-FPS-XX-ST-DR-E-01102 REV S2-B
- Construction Phase Power Supply – 2000KVA, 11kv Temporary Dno Substation Foundation Details Drawing no. PHX-FPS-XX-ST-DR-D-02400 REV P01
- Site Location Plan (Site Setup) Drawing no. 000023 REV P02

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

3. The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy GP30 of the Wansbeck Local Plan.

4. The approved Construction Management Plan and associated documents and plans, shall be adhered to throughout the construction phase of the development.

Reason: In the interests of local amenity and highway safety in accordance with the National Planning Policy Framework.

Approved Documents

Construction Management Plan – Freedom 19.04.2021
Coal Mining Risk Assessment – Rolton Group 18.02.2021

Informatives

Highways

In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

Coal Authority

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority.

Public Protection

Please note that the exact specification of the membrane should be comply with the methane gas transmission limit in BS 8485:2015+A1:2019 which is 40ml/day/m²/atm.

It is recommended that the sub-terranean ducts should be sealed with a recognised gastight sealant and if there will be any issue of heat associated with the cabling passing through these ducts then a company call Filoform produced a fire resistant (presumably also heat resistant) gastight sealant called FiloSeal+HD FIRE:

<https://www.filoform.co.uk/filoseal-hd-fire-duct-sealing-system-fire>

Also it is recommended that, where possible, ground-level louvre vents should be provided in the skin of the structures to allow points of egress of any heavier-than air gases.

EIA

The proposal has been assessed and is not considered to fall under any category listed within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The proposal is not considered to be EIA development and therefore does not require screening.

Date of Report: 24th June 2021

Background Papers: Planning application file(s)