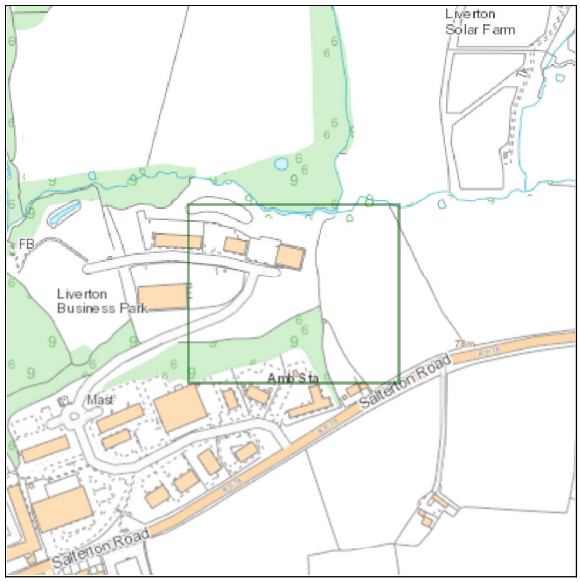
Ward Exmouth Withycombe Raleigh

Reference 19/1351/FUL

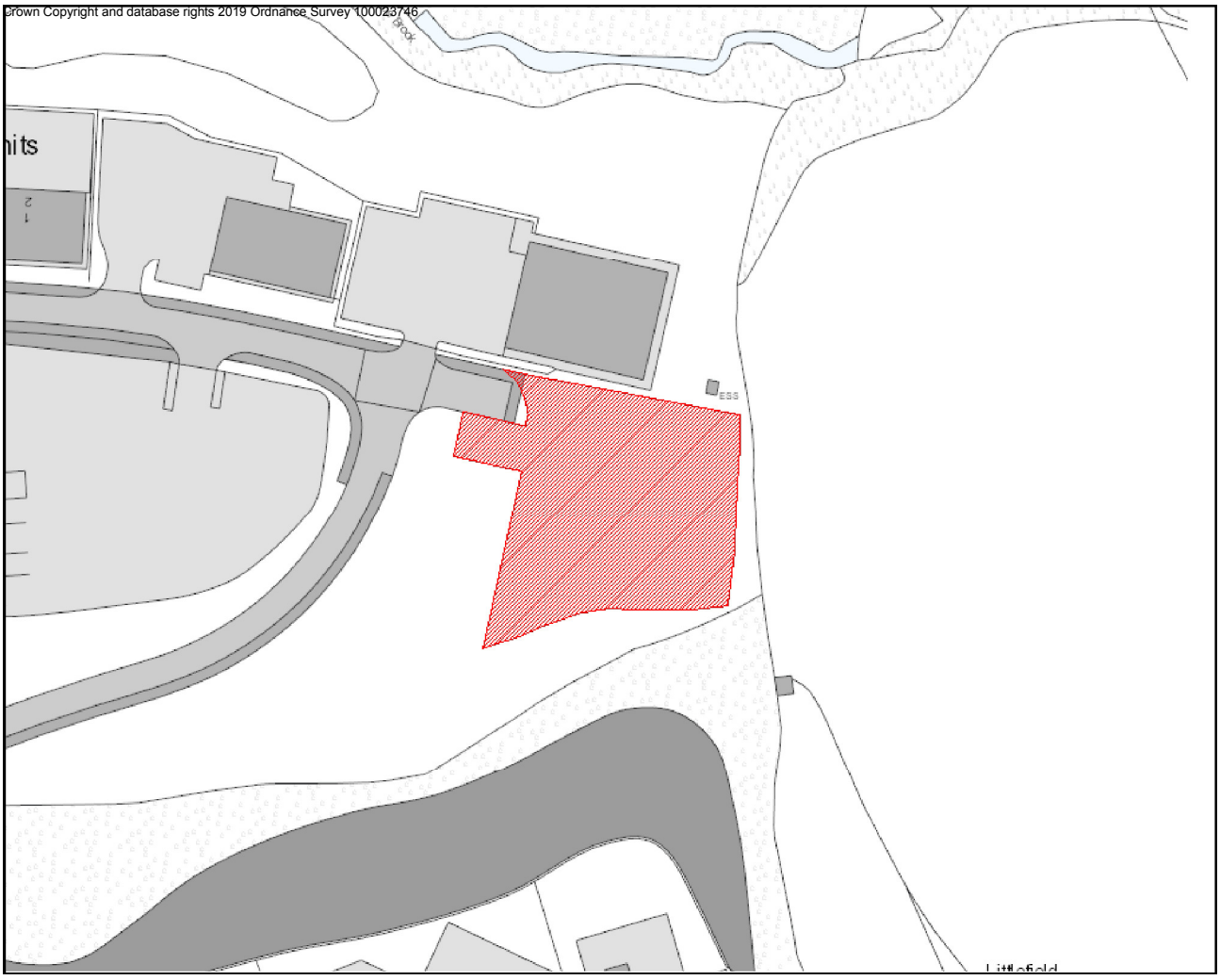
Applicant Mr John Wilding (Liverton Business Park 2011 Limited)

Location Land At Liverton Business Park Salterton Road Exmouth

Proposal Installation of a synchronous gas-powered standby generation facility, plus ancillary infrastructure and equipment and access



RECOMMENDATION: Approval with conditions



		Committee Date: 3rd December 2019	
Exmouth Withycombe Raleigh (Exmouth)	**19/1351/FUL**		**Target Date: 20.08.2019**
Applicant:	**Mr John Wilding (Liverton Business Park 2011 Limited)**		
Location:	**Land At Liverton Business Park Salterton Road**		
Proposal:	**Installation of a synchronous gas-powered standby generation facility, plus ancillary infrastructure and equipment and access**		

RECOMMENDATION: **Approval with conditions**

EXECUTIVE SUMMARY

The application is before Members of the Development Management Committee because the officer recommendation is contrary to the view of the Town Council.

This application relates to a site within the existing Liverton Business Park, which is located within the built-up area of Exmouth. The site consists of a flat area of land, which is currently bare. Beyond the site, the land slopes upwards to the south and east of the site, and falls in other directions. There are existing roads on, or close to, the boundary to the west and north of the site, and the development would be accessed from the northern most of these. There are some industrial/business buildings close to the site, but no domestic properties within the immediate vicinity.

Planning permission is sought for the installation of 4 containerised gas-fired generators, housed within steel profile shipping containers, for the production of standby electricity, along with ancillary structures. It is stated in the Design and Access Statement that the output for the generators would be 7MW. The Acoustic Assessment Statement also states that the equipment would not be operated outside the hours of 0700 and 2300, except for in emergencies.

The proposed development would be powered by natural gas and therefore it is important to recognise that this technology is not a renewable technology or low carbon energy project itself and therefore there is little direct policy support within Strategy 39 of the Local Plan or Policy NE4 of the Neighbourhood Plan for this proposal. However, Strategy 6 (Development Within Built-up Area Boundaries) of the Local Plan supports development within built-up areas subject to a number of criteria and neither this policy, Strategy 22 (Development at Exmouth) Strategy 39

or Policy NE4 prevent proposals for fossil fuel energy production from being supported. Strategy 3 seeks the prudent use of natural resources, the minimisation of fossil fuels and reduction in carbon dioxide emissions.

However, the proposal will support the UK's shift towards low carbon energy by acting as a back-up facility for the production of energy when energy is in short supply. As the country transitions from fossil fuel energy production to renewables, and given that the rapid closure of gas-powered plants that are not currently being matched by renewable energy production, there is a need for back-up facilities such as this to be called upon by the National Grid at times when renewable energy sources cannot meet demand (e.g. dark, still winter mornings with no wind).

The proposal has been pre-qualified by the National Grid as a back-up (peaking) facility and will only supply energy to the grid when called upon by the National Grid at times when demand cannot meet supply, with the energy produced by the applicant's solar farm taking priority. Energy generation from natural gas is less polluting than coal and there is also a benefit from the proposal that as it connects into the national grid at a local level, the energy generated is distributed locally first, therefore providing some element of energy security for the applicant's business park and the wider area.

In light of this, given the location of the site in the Built-up Area Boundary for Exmouth on a business park, and a number of appeal decisions where Inspectors have supported such proposals on the basis of them supporting the transition to a low-carbon future in appropriate locations, the proposal is considered to be acceptable in principle in accordance with Strategy 3 of the Local Plan and other national policy documents in relation to planning and energy provision.

The application has been accompanied by relevant reports relating to key considerations, such as noise and air pollution, flooding, visual impact, flooding, ecology and highways, and the relevant persons have been consulted relating to these considerations. In all instances, the reports and relevant consultee replies confirm that the development could be undertaken without giving rise to concerns. Although, in most instances this is subject to mitigation which is detailed in the reports, such as the provision of acoustic screening and landscaping to mitigate against noise and visual impact; these can be secured by conditions.

Consequently, subject to the conditions recommended during the consultation process, it is recommended that this application is approved.

LOCAL CONSULTATIONS

Parish/Town Council
Meeting 08.07.19

Objection, contrary to policy EN4 of the Exmouth Neighbourhood Plan which was supportive of renewal energy. A greener alternative should be considered.

TECHNICAL CONSULTATIONS

Environmental Health
I have considered this application and recommend the following condition is attached to any permission granted:

The facility will be designed, constructed and maintained to ensure that day time operations 0700hrs to 2300hrs the rating level as calculated using BS4142:2014 does not exceed the background level at any residential property. Night time operations 2300hrs - 0700hrs will be limited to emergency situations as defined by the National Grid.

Reason : To protect the occupiers from excessive external noise.

Further comments 14.10.19:

I have now reviewed this application and the comprehensive noise report. The report has been done quite correctly, including applying the tonal correction factor of +5dB as the assessment protocol requires. The noise assessment primarily concentrates on the potential impact on residents, as is normal. The conclusions are that the noise might have a low impact if it occurs during the day, with a slightly higher impact if the unit operates at night. However, this is an emergency back up system at night and use will be rare; this is evidenced by the patterns seen at other sites which are already operational. The anticipation is that at other times the units may operate for very short periods (usually no more than 1 hour) at peak use times (3pm - 7pm). This is important information because the noise assessments are usually applied to continuous noise and the proposed use of these units is intermittent at most. Furthermore the peak times actually fall largely outside of commercial operating hours and therefore it is most likely that the units would operate after nearby commercial units have closed for the day. There is a very useful diagram on page 19 which shows the noise contours around the units. These show a rapid fall off of noise with distance from the units, to anticipated levels of only 45-50 at the boundary of the closest commercial property. Levels reduce by 30dB through closed windows and doors, and by 15dB through a partially open window. (this would render the noise almost not audible inside nearby units). Therefore we can anticipate that there will be no unreasonable impact on nearby commercial units or on any residents. Finally, at planning stage our role is to anticipate potential impacts and this has been done. In the event that noise is actually more audible than anticipated once the units are operational we have the fall back of being able to consider our statutory nuisance provisions to secure further improvements.

EDDC Landscape Architect - Chris Hariades
1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 LOCATION, SUMMARY PROPOSALS, SITE DESCRIPTION AND CONTEXT

2.1 Location and brief description of proposals

The site is situated off the B3178 Salterton Road.
The proposals comprise the installation of four gas powered generator units measuring approximately 12x3x6m high (7m high to top of flue) with a number of smaller control housings behind within a compound measuring 43x35m (average), bounded by 2.4m high steel mesh security fencing and construction of an external access track to two sides of the compound.

The site is served by an existing access point off the main business park estate road.

2.2 Site description and context

The site is a levelled, bare ground development plot set into an existing slope with a steep bank rising from the eastern and southern boundaries to a grassy slope beyond which is a thick field hedgerow with mature trees to the east and established woodland to the south. An industrial warehouse is situated to the north and the existing estate road is situated to the east with further planting and warehousing beyond.

The site is situated on private land with no public access. There are no public rights of way in the vicinity of the site or with views towards it.

Views in and out of the site are very limited by topography, tall hedgerow and woodland to the east and south and a warehouse and further tree cover to the north. Views to the west and northwest are a little more extensive but contained by woodland and tree cover at a distance of 360m. The nearest residential properties are two dwellings on Salterton Road 150m to the south which are well screened from the site by intervening tree cover and landform and properties situated on the edge of Exmouth 400m to the northwest. In summer at least it is not possible to see any Exmouth properties from the site and it is unlikely that there will be anything more than glimpse views in winter, if at all.

Traffic noise from the Salterton Road coupled with noise from the business park units is clearly audible from the site.

The East Devon AONB is situated 200m to the south, the boundary of which follows Salterton Road.

The site falls within land allocated for B1, B2 and B8 use within the Local Plan.

Recommendation

Given the low lying nature of the site on a prepared plot forming part of an existing business park, together with effective screening from the AONB, residential properties

and public rights of way, it is considered there are no significant landscape or visual impacts arising from the proposed development. As such there is no objection to the application on grounds of landscape or visual impact.

Should the application be approved it is recommended that a condition is attached requiring details of the proposed colours of the perimeter fence and the generator housings, which should both be a suitably muted tone, to be submitted to the LPA for approval prior to commencement of site works.

Environment Agency
Thank you for consulting us on this application.

Environment Agency position

We have no objection to the proposal from a waste/installations perspective. We make the following comment:

Advice

As it is a specified generator, it will require a permit under the Medium Combustion Plant Directive prior to operation.

For further information and to apply for this permit, the applicant needs to contact the National Permitting Service (NPS).

OTHER REPRESENTATIONS

Three objections have been received. Those relate to concerns regarding the use of fossil fuels to produce energy, rather than the use of renewable sources of generation.

RELEVANT PLANNING HISTORY

Reference	Description	Decision	Date
09/2533/MOUT	Outline application (layout, scale, appearance & landscaping reserved) for extension to existing business park for classes B1 Light industry) B2 (General Industry) B8 (Storage & Distribution) and Sui Generis uses; construction of associated access.	Approval with conditions	22.09.2010

11/1490/VAR	Variation to condition number 3 of planning permission 09/2533/MOUT to omit the upper section of footpath between the turning area and access road and alterations to route to lower section of footpath	Approval with conditions	31.08.2011

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 3 (Sustainable Development)

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

TC7 (Adequacy of Road Network and Site Access)

Exmouth Neighbourhood Plan 2018 – 2031
Policy EN1

Policy EN4

Government Planning Documents
NPPF (National Planning Policy Framework 2019)
National Policy Statement for Energy EN-1
The National Policy Statement for Fossil Fuel electricity generating (EN-2)

Site Location and Description

This application relates to a site within the existing Liverton Business Park, which is located within the built-up area boundary of Exmouth. The site consists of a flat area of land, which is currently bare. The land slopes upwards to the south and east of the site, and falls in other directions. There are existing roads on, or close to the boundary

to the west and north of the site, and the development would be accessed from the northern most of these. There are some industrial/business buildings close to the site, but no domestic properties within the immediate vicinity.

Beyond the site is it well screened from the AONB to the south by the business park and from the north, west and east by significant tree planting and by the fact that the site sits at a lower level within the wider landscape.

Proposed Development

Planning permission is sought for the installation of 4 containerised gas-fired generators for the production of standby electricity, along with ancillary structures. It is stated in the Design and Access Statement that the output for the generators would be 7MW. The Acoustic Assessment Statement also states that the equipment would not be operated outside the hours of 0700 and 2300, except for in emergencies (i.e. when there is a major national energy shortage or incident).

Each generator would be housed within a steel profile shipping container measuring 12.2 metres in length, 3.6 metres in depth and 2.9 metres in height (with the roof mounted plant and exhaust flue stack increasing this height to 7 metres). The proposal also includes the erection of a substation/control room/meter housing building, a gas kiosk, a substation and a natural earthing resistor. The site would be enclosed by security fencing.

Access to the site would be off the existing access road into the wider estate to the north of the site.

The applicant advises that the purpose of the development is to provide additional power at peak times, rather than to be generating power the whole time.

To provide further background to this proposal, the agent has explained that the installation of 4 containerised gas-fired generators for the production of standby electricity is part of a national initiative to assist National Grid when it requires access to extra power in the form of either generation or demand reduction during certain periods of the day to manage situations where actual demand is greater than forecast demand and/ or unforeseen generation issues.

It is understood that gas-fired standby generation is a contracted balancing service awarded by National Grid annually whereby the Service Provider delivers a contracted level of power when instructed by National Grid. The proposal would contribute to a national programme to fulfil demand for energy during peak electricity periods. It is understood that the proposal, unlike national energy generation, feeds electricity into the local electricity network at the point of requirement.

The applicant has gained consent from the National Grid to be included in the next round of bids to be a provider of stand-by electricity generation. If their bid is accepted, the applicant will be contracted to supply energy to the grid at a contracted price as and when the National Grid determine that there is a particular shortage or peak in energy demand that the current grid cannot cope with. Such times are most likely to be at peak times, particularly in the winter, when renewable energy generation cannot

cope with demand. For example, this could be a winters morning or early evening when it is dark and there is little wind such that solar and wind power generation is in short supply.

The reason that the National Grid are having to grant contracts for balancing services such as this is because the country is moving away from coal fired power stations (for cost and climate change impact reasons) and until renewable energy completely fills this loss, a back-up provision is required.

It is further understood that due to the small-scale of the proposal and economies of scale, the proposal would only be used at a time when energy supply on the grid is so low that the energy price is high enough for this plant to be profitable. This means that it will be inefficient for the plant to be operational for the majority of the time as energy generation on the grid at present is significantly cheaper to produce so the applicant would get paid less for their energy than its costs to produce.

Should the applicant not be successful in being granted a contract for the provision of energy via the balancing service (which in effect gives them the comfort of a stand-by income), the proposal would simply be called upon by the National Grid to provide energy at times of needs and would only be switched on at such a time that the price offered for the energy production makes the plant profitable. Again however, this would only be at a time that the National Grid determine that there is a need for additional energy/current energy generation is inadequate to meet demand.

As the applicant is contracted to supply all of the energy produced from their nearby solar farm first, the proposed facility could not be used in place of the solar farm. As such, the facility would only be switched on once the solar farm has exceeded capacity and the wider grid cannot meet energy demand. There is also a maximum limit on the amount of energy that can be put back into the grid via the site connection with a high percentage of this used by the solar farm during daylight hours.

The application therefore seeks to maintain power supplies at peak times when capacity is marginal, whilst off-setting the decline in traditional power sources and supporting the development of a low carbon economy addressing short-term fluctuations in supply whilst the UK transitions from fossil fuels to low-carbon energy generation.

The application states that the site selection has been subject to a through process that includes the availability of grid capacity and local gas connections; availability of previously developed sites; and sites with limited landscape and visual impact.

ANALYSIS

The main issues to consider in determining this application are:

1. The principle of development, and any benefits to be derived from increased energy security and new energy infrastructure to support the UK's shift towards low carbon energy having regard to national and local policy.
2. The impact of the proposal on the residential amenities of the occupiers of surrounding properties from noise and air quality

3. The countryside and visual impact on the rural landscape character and appearance of the area.
4. Ecology Impacts.
5. Highway Safety.

Principle

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The site is located within the built-up area of Exmouth, where development is assessed against, and supported by, Strategy 6 (Development within Built-up Area Boundaries) of the Local Plan. Strategy 6 states that development within built-up area boundaries will be permitted where:

1. It would be compatible with the character of the site and its surroundings and in villages with the rural character of the settlement.
2. It would not lead to unacceptable pressure on services and would not adversely affect risk of flooding or coastal erosion.
3. It would not damage, and where practical, it will support promotion of wildlife, landscape, townscape or historic interests.
4. It would not involve the loss of land of local amenity importance or of recreational value;
5. It would not impair highway safety or traffic flows.
6. It would not prejudice the development potential of an adjacent site.

As the site is within a built-up area boundary, where the above-mentioned policy supports development, it is considered that subject to the proposal complying with the 6 criteria (see below), and any other relevant policies in the Local Plan and/or Exmouth Neighbourhood Plan, the principle of development would be acceptable.

With regard to relevant other policies, these are considered to be Strategy 3 (Sustainable Development), Strategy 22 (Development at Exmouth), Strategy 39 (Renewable and Low Carbon Energy Projects), Policy D1 (Design and Local Distinctiveness) and Neighbourhood Plan Policy EN1.

Strategy 3 of the Local Plan seeks to ensure the prudent use of natural resources, which includes minimising the use of fossil fuels to reduce carbon dioxide emissions. This requirement is to some extent also reflected within Local Plan Policy D1 that requires development to incorporate measures to reduce carbon emissions and minimise the risks associated with climate change. In order to be acceptable the proposal needs to demonstrate that it helps to achieve this. This is addressed below.

Strategy 22 (Development at Exmouth) is also relevant. This Strategy guides development within Exmouth and the proposal does not conflict with this policy or its objectives as it does not prevent the development of the type proposed.

Exmouth has a 'made' Neighbourhood Plan, which contains a policy (EN1) which is similar to Local Plan Strategy 6. The policy also supports development within the BUAB of Exmouth and as such the proposal complies with this policy.

Policy EN4 of the Neighbourhood Plan is also relevant stating the following:

> 'Development proposals for new renewable energy generation will be supported, provided they put in place suitable mitigation to reduce any adverse impact on the character and appearance of the area, to protect the amenity of residents or occupiers of holiday accommodation, and mitigate against ecological impact on the surrounding environment.'

It is considered that the proposal complies with this policy as although the application is not promoting a renewable energy generation facility, the policy does not prevent the support of non-renewable proposals within the BUAB.

Finally, of consideration is Strategy 39 (Renewable and Low Carbon Energy Projects) of the Local Plan. This policy states that:

> *Renewable or low-carbon energy projects in either domestic or commercial development will in principle be supported and encouraged subject to them following current best practice guidance and the adverse impacts on features of environmental and heritage sensitivity, including any cumulative landscape and visual impacts, being satisfactorily addressed. Applicants will need to demonstrate that they have;*
>
> 1. *taken appropriate steps in considering the options in relation to location, scale and design, for firstly avoiding harm;*
> 2. *and then reducing and mitigating any unavoidable harm, to ensure an acceptable balance between harm and benefit.*
>
> *Where schemes are in open countryside there will be a requirement to remove all equipment from the site and restore land to its former, or better, condition if the project ceases in the future. Wind turbines will only be permitted where they are in accordance with a Neighbourhood Plan or Development Plan Document.*

In relation to this policy, the Local Plan helpfully defines what it means by 'Renewable and low-carbon energy' in its glossary where it states:

> *Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment - from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels). Renewable Energy can also be gained from waste technologies (including energy from waste incineration, anaerobic digestion, gasification and pyrolysis).*

As the proposed development would be powered by natural gas, it is not considered to be a proposal that can be defined as a renewable technology or low carbon energy

project in itself. Therefore, there is little direct policy support within Strategy 39 for this proposal. However, the policy does not prevent the use of fossil fuels.

The acceptability of the principle of development is therefore considered to rest upon whether the proposal helps to minimise fossil fuel use and helps to reduce carbon dioxide emissions as required by Strategy 3 of the Local Plan.

Whilst it may appear that the proposal does not achieve this by virtue of generating energy from a fossil fuel, therefore adding to carbon dioxide emissions, the situation is more complex and there is a need to look at the justification put forward for the proposal.

As stated under the 'Proposed Development' section above the proposal has been put forward as a 'Gas Peaking' facility.

As such, the proposal has been put forward to help to ensure that as the country transitions to a greater percentage of its energy production being produced from renewable energy sources, there are adequate back-up facilities to cater for periods when demand exceeds that produced by renewables, or where weather conditions are such that renewable sources of energy cannot meet demand. Part of the need for these facilities arises from the Country rapidly moving away from highly polluting coal fired power stations. The rate of loss of the energy produced by coal is not currently being replaced by the production of enough energy from renewable or other energy sources. Members will be aware in particular of the delays association with nuclear energy production at Hinkley Point.

In order to ensure that the transition from fossil fuels to renewable energy sources does not result in a lack of supply of electricity, the Government, through the National Grid, are consenting and supporting facilities that fill this gap, called 'Peaking' or back-up facilities.

These are facilities that will get called on by the National Grid when current generation and demand cannot be met through current sources. In effect therefore, when the National Grid project or experience a short-fall in supply, the price of energy per MWh they offer to supplies goes up and will reach a point when the facility at Exmouth could be profitable and required. At this point, the facility would be switched on until demand is met and the price falls such that the National Grid no longer requires the facility to meet demand.

The most common times of day for the use of the facility would be at peak times in the morning, and peak times early evening, particularly on still and dark days in the winter when energy production from wind and solar will be reduced. There may of course be other times when the site will be called upon, for example when existing facilities are under-going maintenance or the grid experiences problems such as that that occurred on the 9th August 2019 when 1 million people lost power.

The proposal is therefore supporting the transition to a low carbon future by enabling the old polluting coal powered fire stations to close and be replaced by renewable energy. It is key to note that gas fired generation, whilst still a fossil fuel, is less polluting than the coal that it is replacing.

It is also pertinent to note that the applicant is already supplying the grid with energy from its solar farm located to the north-east of the application site. As that facility connects into the National Grid at the same point as the application proposal, National Grid ensure through contracts and hardware at the grid connection point that the energy produced from the solar farm takes priority over the proposed plant. This is sensible from the National Grids perspective as the energy produced from the Solar Farm is at a much lower cost than the energy that can be produced from the proposed facility. Members therefore have comfort that the proposed development would only be called upon once the grid has taken all available energy from the Solar Farm, and they have determined that demand cannot be met from other energy sources across the country. In addition, due to the relatively high running costs of the proposed facility, it will only be switched on at a time that the price per MWh being offered by the National Grid makes the proposal viable. This will mean that more efficient energy productions methods will be used before this plant is called upon by the National Grid. It will therefore only act as a provider of last resort.

Finally, it is relevant to note that the solar farm and proposed facility both connect into the local grid/power line before connecting to the wider national grid and large power lines that connect the country. As such, this means that as this energy is produced locally, it will meet local demand before any excess is transferred to the national grid and other parts of the country. This will therefore help to maintain a local supply of energy in times of shortage. It is partly for this reason that the applicant is progressing the facility. Over time, it will give comfort to Liverton Business Park businesses that they have continuity of supply compared to other parts of the district or country.

The use of small-scale gas fired generation facilities into the local electricity distribution network is also supported in National Policy Statement for Energy EN-1 which contains an important statement in paragraph 3.3.11 regarding “The need for more electricity capacity to support an increased supply from renewables” it states;

> “*An increase in renewable electricity is essential to enable the UK to meet its commitments under the EU Renewable Energy Directive. It will also help improve our energy security by reducing our dependence on imported fossil fuels, decrease greenhouse gas emissions and provide economic opportunities. However, some renewable sources (such as wind, solar and tidal) are intermittent and cannot be adjusted to meet demand. As a result, the more renewable generating capacity we have the more generation capacity we will require overall, to provide back-up at times when the availability of intermittent renewable sources is low…. If fossil fuel plant remains the most cost-effective means of providing such back-up, particularly at short notice, it is possible that even when the UK’s electricity supply is almost entirely decarbonised, we may still need fossil fuel power stations for short periods when renewable output is too low to meet demand*”.

In 3.3.12 it states, “It is therefore likely that increasing reliance on renewables will mean that we need more total electricity capacity than we have now, with a larger proportion being built only or mainly to perform back-up functions”

It goes onto say in paragraph 3.6.2 that 'Gas will continue to play an important role in the electricity sector – providing vital flexibility to support an increasing amount of low-carbon generation and to maintain security of supply' and in paragraph 3.8.8 that it is 'clear that there must be some fossil fuel generating capacity to provide back-up for when generation from intermittent renewable generating capacity is low and to help with the transition to low carbon electricity generation'.

The National Policy Statement for Fossil Fuel electricity generating (EN-2) further highlights the role for fossil fuel electricity generation in supporting a diverse energy mix as the UK makes its transition towards a secure decarbonised electricity system.

Also, to note are the latest reports produced by the Committee on Climate Change 'Net Zero, The UK's contribution to stopping global warming' (May 2019), that electricity systems need to match electricity supply to electricity demand in real-time. As more weather-dependent sources of electricity supply come online, such as solar and wind technologies, matching supply to demand can become more challenging. Separately, new electrified demands from electric vehicles and heat pumps can offer opportunities to make use of variable renewable supply. Both would benefit from increased system flexibility. As such, there may be periods where electricity demand is high and renewable output is low, meaning backup capacity may need to be installed, to ensure demand can always be met. Similarly, generation facilities may need to be held in reserve to balance short-term variations in renewable output or changes in electricity demand. The report goes on to state that;

> '*Improvements in system flexibility can come from increased deployment of battery storage, interconnection and fast-response gas plant as well as demand-side management and improvements in system operation*'.

The National Grid have also released a report on 'Delivering our environmental future' (August 2019). This report is the National Grid Electricity Transmission (NGET) executive-level annual statement for the Environmental Discretionary Reward (EDR). The report outlines;

> '*The transmission infrastructure that we build and maintain is essential in the transition to a decarbonised electricity system. Over the next decade, we will lose existing generation capacity as old and more polluting plants close. Our responsibility is to accommodate increasing levels of renewables and other generation by optimising electricity network capacity*'.

This development is one of many proposed nationally to address the capacity shortfalls in the grid due to peak demands, the unpredictability of renewable energy and the inability for large centralised power stations to react quickly. The need and support for such facilities is now reflected in a number of appeal decisions where Inspectors have allowed appeals for these facilities as they support the transition to a low carbon future. From a similar proposal at an industrial estate in Cumbria (appeal reference APP/G0908/W/17/3189773) the Inspector stated the following when granting planning permission in April 2018:

> 12. Whilst noting that the appeal scheme would rely on a non-renewable energy source to provide energy to the National Grid, the appellant points out that

> flexible peaking power generation capacity specifically forms part of the renewable energy infrastructure being developed to meet the UK's obligations under the EU Renewable Energy Directive1 in order to cover the intermittency of generation. The proposed plant would be a low utilisation peaking asset, which would not be in continuous operation. It is designed to specifically work around renewables and to support the system when renewable generation levels decline. Combined carbon emissions from these peaking assets, along with renewable sites, can provide very low carbon power. In this respect, I agree with the conclusions drawn by the Inspector in the submitted appeal decision that the proposed plant could reasonably be described as low carbon energy 'associated infrastructure' as supported by paragraph 93 of the Framework.
>
> 13. Taking the above into account, the proposal would accord with the Framework's aims of securing economic growth in order to create jobs and prosperity, whilst meeting the challenges of a low carbon future. The plant would be connected to the Local Distribution Network and may improve the viability of the industrial estate by providing greater security of supply. In providing infrastructure, supporting the well-being of the community and supporting the move to a low carbon economy, the development would accord with the three dimensions of sustainable development within the Framework. Therefore, even if I had concluded that the plant would not constitute an appropriate sui generis use in terms of Policy S12, the benefits of the proposal would, in my opinion, outweigh the policy conflict and the loss of a modest sized parcel of employment land in an area where the Council accepts that employment land is not in short supply.
>
> 19. Furthermore, National Policy Statement EN-1 states that whilst the UK must reduce its dependence on fossil fuels, gas is the cleanest and most reliable fossil fuel and will continue to be a central part of Britain's energy mix during the transition to a low carbon economy as a reliable source of flexible power generating capacity. Moreover, the plant proposed will use gas only intermittently and not continuously. Whilst I have not been provided with full copies of those policies of the ALP referred to by the Green Party, I see no conflict in their aims to reduce Allerdale's carbon footprint.

This appeal decision is also helpful is determining that such facilities are acceptable within designated employment sites (such as Liverton).

Despite the above, the applicant was asked why the proposal could not utilise battery storage as a means of supporting the grid. Officers were advised that this was not viable on the site, particularly given that 100% of the energy generated by the Liverton Solar Park goes into the network with no spare capacity that can be stored, and that battery storage only has a finite capacity such that such solutions cannot provide energy at times when all renewable sources of energy and storage have been exhausted.

Finally, Members will recall their refusal of a similar, but larger facility in Woodbury. Whilst a similar proposal, there are significant planning policy and locational circumstances that differentiate that proposal from the current proposal. Members will be aware that the Woodbury proposal was located within the open countryside. The

location of that site required support from Local Plan Strategy 39 to be acceptable in principle and given its size, nature and impacts, it was contrary to the Stratgey. As the current proposal is located within the Built-Up Area Boundary for Exmouth, different policies are engaged and the proposal does not need to rely upon Strategy 39 for support. The different locations of the site therefore lead to, and justify, different decisions.

In light of the above, it is considered that the proposal is acceptable in principle as it supports the transition to a low carbon future, will support the security of supply in the area and as such can be considered to comply with Strategy 3 of the Local Plan as well as Strategy 22 and Policy D1.

Noise and Air Quality

The Design and Access Statement confirms that the substation buildings have been designed to incorporate acoustic barriers. These would serve to reduce the spread of noise from the site when it is operational. On the basis of these, the Acoustic Assessment submitted with the application concludes that, there would be no impact on and domestic building. Especially so as the nearest domestic buildings to the site are around 160 metres from the site and up a significant wooded hill.

In order to check the submitted noise report, the Council's Environmental Health Department were consulted on the plans and report, and have assessed the submitted information in detail. Their consultation reply confirm that they concur with the conclusions of the Acoustic Assessment and do not consider that noise from the proposal will harm the amenity of nearby residents, or the local environment. As such they do not object to the proposal subject to a condition to be imposed in the event that this application is approved. This condition has been agreed between the Environmental Health Department and the applicants.

Policy EN14 (Control of Pollution) of the East Devon Local Plan (EDLP) states that development cannot be approved if a development would result in harmful noise to residents or the wider environment. Clearly, on the basis of the information available, it is considered that the proposal would not result in harm from noise or vibration. It is also material to note that the plant will only be operational when there is an electricity generation shortage, and as such this is likely to be limited in occurrence and likely to be limited to early evening periods only. A condition is however proposed to control noise levels between 7am and 11pm when the facility is likely to be operating.

The Environmental Health Officer raised no concerns regarding air quality. Given the location of the site and small scale, there are no air quality concerns and the application is accompanied by a report that demonstrates this and to which Officers have no evidence to question.

Again, a different decision to that taken for the Woodbury proposal is justified given that this site is of a smaller scale and located within Exmouth where background noise levels will generally be higher.

It is notable that no objections relating to noise have been received from local residents during the determination of this application and that the Environment Agency have

already granted an Environmental Permit for the proposal on the site demonstrating that they are happy with the environmental impact from their permitting perspective.

Visual Impact

The proposal site is low lying and screened by rising land to the south and east. Furthermore, as the site is close to a valley bottom, the land also rises to the north of the site, just a short distance beyond it. There are other buildings within the business park to the north and west of the site which also provided screening. Additionally, woodland directly to the south, and also slightly further from the site to the north and west, provides general screening of the area in which the site is located. There are also trees on a boundary near to the eastern edge of the site. All of these factors combined mean that there are no long distance views of the site. At closer distances, the facility will be viewed in association with the large employment units on the business park.

The application has been assessed by the Council's Landscape Officer who raises no concerns regarding the visual impact from the proposal (subject to conditions) despite its functional appearance.

Given the above, the proposal is considered acceptable with regard to its visual impact, in compliance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the EDLP.

Flood Risk

The application site is not located in a flood zone. Notwithstanding this, comments from the Environment Agency (EA) have been received, and those comments confirm that the EA has no objection to the proposal. Likewise, no objections have been received from the Devon County Council Flood Risk Team.

Given the above, and the nature of the proposal, it is considered that the proposal is acceptable in terms of its impact on flood risk.

Ecological Impacts

The submitted Ecological Report states that the site is bare ground, and is of low ecological importance as a consequence. Furthermore, the report also states that the proposal would not have a detrimental impact on the ecology of the Pebblebed Heaths or the Exe estuary.

It is considered that, given the nature of the proposal and its scale, that it is acceptable in terms of its ecological impact.

Highway Impacts

The County Highway Authority (CHA) has not raised any objections to the proposal. Access to the site would be off an existing road within the business park, and this is considered to be adequate for the low level of traffic that the proposal will generate once up and running.

Consequently, it is considered that this application is acceptable with regard to the impact on highway safety.

CONCLUSION

This site is within the existing Liverton Business Park, which is located within the built-up area of Exmouth.

Planning permission is sought for the installation of 4 containerised gas-fired generators to produce electricity.

The proposed development would be powered by natural gas and as such is not a renewable technology or low carbon energy project that gains support from Strategy 39 of the Local Plan or Policy NE4 of the Neighbourhood Plan.

However, Strategy 6 (Development Within Built-up Area Boundaries) of the Local Plan supports development within built-up areas subject to a number of criteria and neither this policy, Strategy 22 (Development at Exmouth), Strategy 39 or Policy NE4 prevent proposals for fossil fuel energy production from being supported. Strategy 3 seeks the prudent use of natural resources, the minimisation of fossil fuels and reduction in carbon dioxide emissions.

The proposal will however support the UK's shift towards low carbon energy by acting as a back-up facility for the production of energy when energy demand exceeds supply. As the country transitions from fossil fuel energy production to renewables, and given that the rapid closure of gas-powered plants that are not currently being matched by renewable energy production, there is a need for back-up facilities such as this to be called upon by the National Grid at times when renewable energy sources cannot meet demand (e.g. dark, still winter mornings with no wind).

The proposal has been pre-qualified by the National Grid as a back-up (peaking) facility and will only supply energy to the grid when called upon by the National Grid at times when demand cannot meet supply, with the energy produced by the applicant’s solar farm taking priority. Energy generation from natural gas is less polluting than coal and there is also a benefit from the proposal that as it connects into the national grid at a local level, the energy generated is distributed locally first, therefore providing some element of energy security for the applicant’s business park and the wider area.

In light of this, given the location of the site in the Built-up Area Boundary for Exmouth on a business park, and a number of appeal decisions where Inspectors have supported such proposals on the basis of them supporting the transition to a low-carbon future in appropriate locations, the proposal is considered to be acceptable in principle in accordance with Strategy 3 of the Local Plan and other national policy documents in relation to planning and energy provision.

Whilst a similar proposal was refused recently by Members in Woodbury, that proposal was subject to different policy considerations given its location within the countryside. Given this, and given the smaller scale and context of the current proposal located

within a business park within the Built-up Area Boundary for Exmouth, the current proposal can be supported despite the decision for the Woodbury proposal.

The application has been accompanied by relevant reports relating to key considerations, such as noise and air pollution, flooding, visual impact, flooding, ecology and highways. In all instances, the reports and relevant consultee replies confirm that the development could be undertaken without giving rise to concerns.

In light of the above, and subject to the conditions recommended during the consultation process, it is recommended that this application is approved.

RECOMMENDATION

APPROVE 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 and shall be carried out as approved.
   (Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
   (Reason - For the avoidance of doubt.)

3. The site shall only operate between the hours of 07:00 to 21:00; except in emergency situations as defined by the National Grid.
   (Reason - To protect the amenity of the area and local residents from unacceptable noise in accordance with Policy EN14 (Control of Pollution of the East Devon Local Plan 2013 - 2031).

4. The facility will be designed, constructed and maintained to ensure that during the daytime operation 07:00-23:00 the rating level, as calculated using BS4142:2014, does not exceed a low impact at any residential receptor, and that during the night time operation 23:00-07:00 the rating level, as calculated using BS4142:2014, does not exceed an adverse impact at any receptor.
   (Reason - To protect the amenity of residents from unacceptable noise in accordance with Policy EN14 (Control of Pollution of the East Devon Local Plan 2013 - 2031).

5. The acoustic barrier detailed in the Design and Access Statement, received by the Local Planning Authority on 18th June 2019, shall be fully installed prior to the development hereby approved being brought into use.
   (Reason - To protect the amenity of residents from unacceptable noise in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031).

6. Details of the external colour of all buildings to be constructed on site shall be provided to, and agreed in writing by, the Local Planning Authority prior to their installation. Development shall be carried out in accordance with the agreed details.

(Reason - To ensure that the colour of the structures is suitable for the location, in accordance with Strategy 6 (Development Within Built-up Area Boundaries) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031), as well as Policy EN1 of the Exmouth Neighbourhood Plan 2018 - 2031).

7. Prior to their installation, details of proposed surfacing, fences, acoustic barrier, lighting, drainage and earthworks should be provided to, and agreed in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details. Surfacing should comprise well compacted permeable bound gravel conforming to Specification for Highway Works cl. 803, Type 1.
(Reason - To ensure that these elements of the development are suitable for the location, in accordance with Strategy 6 (Development Within Built-up Area Boundaries) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031), as well as Policy EN1 of the Exmouth Neighbourhood Plan 2018 - 2031).

8. The development hereby approved shall be undertaken in accordance with the 'mitigation, compensation and enhancement section of the Ecological Impact Assessment, produced by ead ecology, received by the Local Planning Authority on 18th June 2019.
(Reason - To ensure that the development does not harm wildlife and biodiversity, in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031).

9. The development hereby approved shall be undertaken in accordance with the Air Quality Assessment, produced by Air Quality Consultants, received by the Local Planning Authority on 18th June 2019.
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(Reason - To ensure that the development does not harm wildlife and biodiversity, in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031).

10. The development hereby approved shall be fired on non-other than natural gas.
(Reason – As detailed within the application and as the application has been justified on the basis of the natural gas facility being a facilitator of a transition to a low-carbon future in accordance with Strategies 3 and 6 of the adopted East Devon Local Plan 2013-2031).

NOTE FOR APPLICANT

Informative:
In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

June 2019	Design and Access Statement	18.06.19
28 May 2019	Noise Impact Assessment	18.06.19
air quality assessment : May 2019	General Correspondence	18.06.19
1791/D002 rev v.h	Proposed Site Plan	25.06.19
1791/D003 rev v.b ; generator	Proposed Elevation	25.06.19
May 2019	Ecological Assessment	18.06.19
1791/D004 rev v.b	Location Plan	25.06.19
1791/D005 rev v.a : fence/gate	Proposed Elevation	18.06.19
1791/D006 rev v.a : DNO	Proposed Elevation	18.06.19
1791/D007 rev v.a : LV room	Proposed Elevation	18.06.19
1791/D008 rev v.a : gas kiosk	Proposed Elevation	18.06.19
1791/D009 rev v.a : natural earth resistor	Proposed Elevation	18.06.19

List of Background Papers
Application file, consultations and policy documents referred to in the report.