



## COMMITTEE REPORT

**Item Number:**

**Application Number:** S/18/1617/SASM

**Ward:** Wroughton And Wichelstowe

**Parish:**  
Wroughton

**Proposal:** Installation of a 7.5MW flexible generation plant, 2.4 metre security fence and associated works.

**Site Location:** Land At Wood Farm, Swindon Road, Wroughton

**Case Officer:** Mrs Sarah Smith

**Agent:**

Lichfields  
The Quoram  
Bond Street  
Bristol  
BS1 3AE

**Applicant**

Conrad Energy (Developments)  
Limited  
  
C/o Agent

### Officers Report

This application has been brought to Committee by Councillor Cathy Martyn.

Summary of Recommendation:

1 That planning permission be GRANTED with Conditions

The Proposal:

2 The application seeks permission for a 7.5 mW flexible power generation plant. It proposes the installation of 4 gas generators, radiators and transformers, along with a gas kiosk, clean and waste oil tanks, client building, DNO (distribution network operator) building and amenity building in a compound enclosed by a 4m high grey-brown painted timber screen fence on a site of 0.13ha. The proposed facility would generate electricity by burning mains gas, and would be available to provide electricity to National Grid to meet short term demand fluctuations. The proposed site is adjacent to farm buildings in a rural location. The Air Quality Statement submitted with the application states that the facility could operate 3-4hrs per day 365 days per year.

3 New planting is proposed to the north, west and east of the development site to both enhance the existing hedgerow and create additional landscape screening and an acoustic screen is proposed on the western and northern sides. Access will be from the west and will involve the removal of the hedgerow section immediately in front of the access gates.

4 The generator will be positioned to the south of the associated apparatus and 'essential' kit

which is sited closer to the northern boundary. It is proposed that parking for the proposed development will only be required intermittently and no specific parking provision is considered necessary as the location is well away from the public highway, accessed over private land. No changes to the existing vehicular access at the junction with Swindon Road are proposed.

5 It is proposed that the site will be enclosed by palisade fencing to the southern boundary for security with a timber acoustic fence on its northern, western and eastern boundaries. Security cameras are proposed in each corner of the site so that the site can be monitored remotely. These cameras will be mounted 4 metre high and will face inward.

6 The four gas generators will each be 14 metres in length, 3.5 metres in width and a maximum height of 6.3 metres.

#### The Site and Surroundings:

7 The site is currently farmland adjacent to storage and livestock barns at Wood Farm which screen the site from the south. It is overgrown and contains an earth mound in its centre with a ditch and hedgerow along its western boundary.

8 There are 3 dwellings situated to the south and west between 95 and 145 metres from the proposed site.

#### Representations:

9 Wroughton Parish Council Comments: No objection subject to:-

- The proposal being in accordance with LE6 of the Wroughton Neighbourhood Plan.
- Concerned about noise impact after 10pm and there should be a restriction of usage of the facility between the hours of 10pm to 6 am to no more than five times per annum.
- Concerned in relation to temperature inversion during the winter months and request that the Environmental team are satisfied it would not have an adverse impact on the surrounding area.
- Site must be returned to the original condition at the end of the facilities use and all contaminants should be cleared from the site.

Revised Details:- No objection subject to:-

- The proposal being in accordance with LE6 of the Wroughton Neighbourhood Plan.
- Concerned about noise impact after 10pm and there should be a restriction of usage of the facility between the hours of 10pm to 6 am to no more than five times per annum.
- Concerned in relation to temperature inversion during the winter months and request that the Environmental team are satisfied it would not have an adverse impact on the surrounding area.
- Site must be returned to the original condition at the end of the facilities use and all contaminants should be cleared from the site.
- Welcome the proposal for a 4m high acoustic barrier surrounding the site to reduce noise pollution and also satisfied with the air pollution report which showed that air pollution increase was insignificant.

10 Neighbours: Letter of objection from Wood Farm House on the following grounds:-

- Industrial processes of this type in conflict with the Local Plan and Neighbourhood Plan which would adversely affect the rural setting.
- Would cause unacceptable noise disturbance and exhaust gases likely to hang in the local

- atmosphere due to frequent temperature inversions.
- Out of character in terms of appearance and visual impact.
- Query whether this would have an impact on viability when farm has benefitted through sale of land for Berkley Farm development.
- Running hours not prescribed and accordingly could run for many hours every day including overnight.
- Fossil fuelled power station not in keeping with Borough's green energy credentials and in conflict with landowner's organic farm business.
- Industrial processes such as this should be located in prescribed areas within the Borough such as existing industrial estates or other brownfield locations.

Revised details: Further letter of objection from Wood farm House on the following grounds:-

- In reality there appears to be no material changes with regard to the application. It is however noteworthy that local opposition to the proposal has risen with local councillors involved in a petition to prevent the power station being erected.
- Having read all the associated papers it is evident that there has been an attempt to obscure the key material planning issues through unnecessary volumes of less relevant material. The key issues remain:-
- Rural Setting & Environment: - The proposed site is in a rural setting outside the established building line for the village of Wroughton. Notwithstanding the attempts to portray this construction as part of the 'green agenda', the fact remains that this is an industrial process, namely a power station, omitting noxious fumes into the atmosphere. There is in fact recent academic research that clearly identifies an increased mortality rate in cattle grazing near such installations. The irony of such an application being put forward on an organic dairy farm should not be lost on those assessing the application. See link to news article about the research:<http://www.flanderstoday.eu/innovation/cow-study-confirms-effects-air-pollution-health> Original research paper: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5400059/>
- Running Hours:- The attempts by the applicant to persuade the Planning Authority that the hours of running will be minimal are not supported by the substance of the application. The Litchfields report states the plant will run "when renewable energy sources fail to generate sufficient electricity or alternatively during short periods of exceptional demand for energy'. The reality is inconsistent with the quote above. The plant may well need to run when the wind is not blowing, the sun is not shining and other power plant on which the country relies (including nuclear plant situated in France) is subject to planned or unplanned change. It is well established that the country is in need of new base load generating capacity e.g. significant nuclear or gas power plants and the National Grid have issued recent forecasts suggesting that the capacity margin (gap between supply and demand) is likely to narrow to a concerning level. The conclusion must be that it is entirely credible that the proposed plant will generate for a substantial number of hours every day. Despite the repeated claims by the applicant that running levels will be modest there is nothing in the application to stop the power plant running continuously.
- Noise Pollution:-we have been told by the applicant that the noise of the plant will not be audible above existing noise from the M4 motorway. This statement is contradicted by their own noise assessment consultant (Impact Acoustics) which in relation to night time running explicitly concludes that the noise created from the power station would have 'a significant adverse impact' on our and surrounding property. From our reading of the acoustic report, the consultants have completely failed to consider wind direction which we know from our experience makes a very significant difference to the audibility of motorway noise. The Council Environmental officer's statement makes a gesture towards limiting night time running but in our respectful opinion is in reality an unenforceable provision. If

the Planning Authority is minded to give consent to this application but wishes to effectively limit overnight running a clear provision along the following lines would be enforceable: 'the plant in question may not run between the hours of 9.30pm and 7.30am'. The applicants have additionally told us that the typical running hours for plant of this nature are from around 5pm-7pm. This is not supported in their written application and consideration should be given to clear and enforceable running hours.

- General Planning Considerations:- New industrial processes should be constructed in places that have been identified for such purposes within the relevant local or neighbourhood plan. From a quick inspection of the public record it seems that where such plants have been consented it is typically in a non-rural location or on an existing industrial estate. There is also ample precedent for rejecting similar applications and we draw your attention to the attached schedule where applications have been withdrawn or rejected throughout the country.

Letter of objection from Prospect Hospice on the following grounds:- due to proximity to our buildings we are concerned about noise and air pollution.

#### Planning Considerations:

11 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Swindon Borough Local Plan and Wroughton Neighbourhood Plan are the principal development plan documents applicable to the determination of this application.

12 Material considerations are found within the National Planning Policy Framework and National Planning Practice Guidance.

#### Principle of development

13 Local Plan Policy SD2 identifies the categories of development supported in the countryside outside of settlement boundaries. The potentially applicable categories of development cited by the applicant are renewable and low carbon energy development in accordance with Policy IN4 and farm diversification in accordance with Policy EC5.

14 However the proposed development isn't farm diversification within the meaning of Policy EC5, since the definition of activities within the remit of the policy specifically excludes: "renting out the land for diverse activities where there is no further involvement in these activities". There is no evidence that this is a proposal of the landowner or is part of a wider farm business. Officers therefore infer that the farm's only involvement would be renting land to the operator of the generator.

15 Policy IN4 applies to "renewable and low carbon energy infrastructure". None of these terms is defined within the Local Plan, but a definition does appear in NPPF 2018 as follows:

"Renewable and low carbon energy: 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)."

16 Burning natural gas (a fossil fuel) is clearly not a renewable energy source. Nor is the proposal in itself a 'low carbon technology', for example officers understand that it is less efficient than a combined cycle gas turbine. The question is whether or not the proposal represents 'low carbon

energy infrastructure' because it supports a wider low carbon energy mix by ensuring continuity of supply during peak periods that cannot be met by renewables or low carbon generation.

17 The applicant's planning statement includes an appeal decision (APP/R1010/W/17/3172633) relating to a proposal from August 2017 in respect of a 14MW 'peaking power generation plant' in Derbyshire. The method of power generation (from natural gas) and intended purpose of the development in that appeal appear to be the same as in the current Wroughton proposal. In that appeal Inspector Beverley Doward considered a slightly differently worded policy which supported 'development which is required for the exploitation of sources of renewable energy' and concluded that the development should be regarded as supporting infrastructure which would support a move to low carbon energy.

18 In April 2018 in an appeal decision in respect of an 8MW peaking power generation plant in Cumbria (APP/G0908/W/17/3189773) Inspector Caroline Jones referred to Inspector Doward's decision in concluding "that the proposed plant could reasonably be described as low carbon energy 'associated infrastructure' as supported by paragraph 93 [now 148] of the Framework."

19 Officers consider that the same conclusion would apply to the current application proposal and therefore that the proposal can be regarded as "renewable and low carbon energy infrastructure" under Policy IN4 and "associated infrastructure" for renewable and low carbon energy under paragraph 148 of the NPPF.

20 The proposal would therefore be supported by Policy IN4 subject to an assessment of its social and economic benefits, impacts on and benefits to local communities, and environmental impacts.

#### Wroughton Neighbourhood Plan

21 Policy LE3 of the Wroughton Neighbourhood Plan in line with Local Plan Policy IN4 states that energy efficiency and low carbon energy generation schemes with major community benefits will be encouraged and supported in principle subject to all appropriate Neighbourhood Plan and SLP 2026 policy requirements being addressed.

22 Whilst it is not considered that there would be 'major' community benefits and the scheme is not a low carbon generation scheme the proposal can be regarded as 'renewable and low carbon energy infrastructure' under Local Plan Policy IN4 and it is not considered that the proposal is in conflict with Policy LE3 or any other policy of the Neighbourhood Plan.

#### Other Issues

23 Although the applicant provides some details of job creation during the installation phase, the economic and social benefits of this small-scale project are marginal. That leaves consideration of the impacts on and benefits to local communities including noise issues, impact on the landscape and ecological issues.

#### Noise issues and local amenity

24 The report received in January 2019 has shown that subject to monitoring after installation and mitigation measures including the 4 metre high acoustic barrier along the western boundary (Noise Impact Assessment Report IMP5361-4) the levels required by the Environmental Health officer can be achieved. As a result and subject to Conditions it is not considered that there would be any adverse impact on neighbouring properties as a result of the proposal.

#### Landscape

25 The proposed site is partially screened from higher ground to the south by its positioning to the

north of agricultural buildings and will be viewed from the east and north from public footpaths with these agricultural buildings as a backdrop to the site. The site will also be screened by perimeter fencing and an acoustic barrier to the north and west and a landscape scheme would provide further screening. A Landscape Visual Impact Assessment has been provided by the applicant and this is considered acceptable by the Landscape Officer subject to the illustrative landscape scheme being upgraded to a fully detailed scheme and this can be provided for by Condition.

### Ecological Issues

26 DEFRA's mapping shows that the site lies within an Impact Risk Zone for Burderop Wood Site of Special Scientific Interest to the west. Any development which could cause air pollution and all general combustion processes within the Impact Risk Zone requires that Natural England should be consulted. We have consulted Natural England and they have commented that they see no reason to disagree with the conclusions of the January 2019 air quality assessment, namely that the proposed facility will not result in any significant impacts on the SSSI according to Environment Agency guidance.

27 The Council's ecologist has also reviewed the Air Quality Ecological Assessment (Air Quality Consultants, January 2019) which he considers satisfactory in that the air quality impacts have been suitably assessed and that no adverse effect will occur (as the projected N contribution would be effectively imperceptible).

### Third Party Comments

28 A series of reports were commissioned and submitted to support the application which allow the impacts of the proposal on air quality, noise, landscape and visual impact, ecology and adjacent trees to be understood. Statutory consultees and the Council's Environmental Health officers, Ecologist and Landscape Officer have considered the content of these reports and there are no outstanding objections to the proposals from any of the officers.

29 The Council's Environmental Health Officer has no objection to the proposal on air quality or noise grounds. Conditions are recommended which are standard for a development of this type. The conditions will ensure the noise impacts of the proposal are below existing background noise levels aside from the hours of 11pm to 7am where the proposal may only operate for a maximum of twenty hours per year. This will allow the proposal to operate in a rare, emergency 'lights out' scenario should this ever occur. In addition, the Council have requested the submission of new evidence within 6 months of the plant's operation to demonstrate that noise levels do not exceed 5dB below the existing background noise level. These measures will guarantee that neighbouring amenity is not affected.

30 The Council's Landscape Officer agrees with the findings of the landscape and visual impact assessment which finds no harm to the landscape character.

31 Officers are aware of the series of refused applications listed by the Wood House Farm representation but it's important to recognise that applications are considered on their own merits. There are also a significant number of similar applications which have been approved across the country. However in planning terms, positively determined or refused applications elsewhere hold no weight in the decision making process for this application.

32 It is considered that the noise and air quality reports submitted in support of the application demonstrate that there will be no noise and air quality impacts on the Hospice as a result of the proposal.

## Concluding Comments:

33 The proposed development is compliant with Policies SD2, IN4 and DE1 of the Swindon Borough Local Plan 2026 (2015).

## Recommendation

34 That planning permission be **GRANTED** with Conditions

## 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 requirements of Section 91 (1) of the Town & Country Planning Act 1990.

2. This approval shall be in respect of Drawing Number P2109(06)-28-01 RevA (Site Plan and Location Plan) at scale 1:1250, Drawing Number P2109(06)-31-01 RevB (Proposed Site Plan) at scale 1:100, Drawing Number P2109(06) -31-02 RevB (Site Plan and Proposed Elevations with Fence) at scales 1:500 and 1:100 and Drawing Number P2109(06)-31-03 RevB (Site Plan and Proposed Elevations) at scales 1:500 and 1:100 received by the Local Planning Authority 5th October 2018, Landscape and Visual Statement dated January 2019 and Industrial Noise Impact Assessment Installation of Power Generation Plant ( IMP5361-4) received by email by the Local Planning Authority 14th January 2019 and Air Quality Effects on Burderop SSSI and Air Quality Ecological Assessment dated January 2019 received by email by the Local Planning Authority 13th February 2019.

Reason: To define the scope of the development hereby permitted, in accordance with section 72 of the Town and Country Planning Act 1990.

3. Noise levels shall not exceed a Rating Level (BS4142:2014) of -5dB below the measured background noise level between 0700hrs and 2300hrs (covering 'typical' operation).

Reason: in the interests of residential amenity

4. Noise levels shall not exceed a Rating Level (BS4142:2014) of -5dB below the measured background noise level between 2300hrs and 0700hrs for more than a cumulative total of 20 hours in any 12 month period (covering 'emergency' operation).

Reason: in the interests of residential amenity

5. Within 6 months of the first use of the proposed development, an acoustic report including measures to address any shortcoming in mitigation should be submitted to the local planning authority that demonstrates the impact of operational noise on nearby residential premises has been mitigated to such an extent that the rating level of any noise source does not exceed 5dB below the background level (LA90), as determined by a BS 4142:2014 assessment.

Reason: To ensure the appearance of the development is satisfactory and in the interests of residential amenity.

6. Prior to the commencement of the development details of the design and appearance of the

proposed acoustic screen as set out in the Noise Impact Assessment Report IMP5361-4 shall be submitted to and approved in writing by the Local Planning Authority and the acoustic screen implemented in accordance with the approved details prior to the first operation of the energy plant and retained for the duration of the use.

Reason: in the interests of residential amenity.

7. Prior to the commencement of works on site in connection with the development hereby permitted, a scheme of landscaping in accordance with the approved 'illustrative landscape scheme' set out in Fig 5 (RPS OXF 11261) of the Landscape and Visual Statement dated January 2019 to include a planting schedule and time table of works, shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the positions, species and crown spread of all existing trees and hedgerows on the land, detailing those to be retained, together with measures for their protection during development. The approved scheme shall be implemented as per the approved timetable.

Any tree or shrub planted in accordance with the scheme which is removed, dies or becomes diseased within a period of five years from first being planted, shall be replaced by one of a similar size and the same species.

Reason: To ensure the appearance of the development is satisfactory.

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. specify point of construction access and access route to the site;
- iii. provide for the parking of vehicles of site operatives and visitors;
- iv. provide for the loading and unloading of plant and materials;
- v. provide for the storage of plant and materials used in constructing the development;
- vi. provide for wheel washing facilities;
- vii. specify the intended hours of construction operations;
- viii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway during the site preparation and construction phase(s) of development.

9. Within 3 months after the cease of operations of power generation at the plant hereby permitted all structures shall be removed from the site and the land restored to its former agricultural condition or after 25 years from the date of this decision whichever is the sooner.

Reason: In the interests of amenity.

## Informative

### CIL

Outside CIL definition of Planning Permission: Whilst the development proposed generates a net gain in floor space, the development proposed does not constitute Community Infrastructure Levy (CIL) liable development as the proposed works fall outside the definition of planning permission for CIL purposes as defined by the Community Infrastructure Levy (England and Wales) CIL Regulations 2010 (as amended) Regulation 5 'Meaning of Planning permission'.