

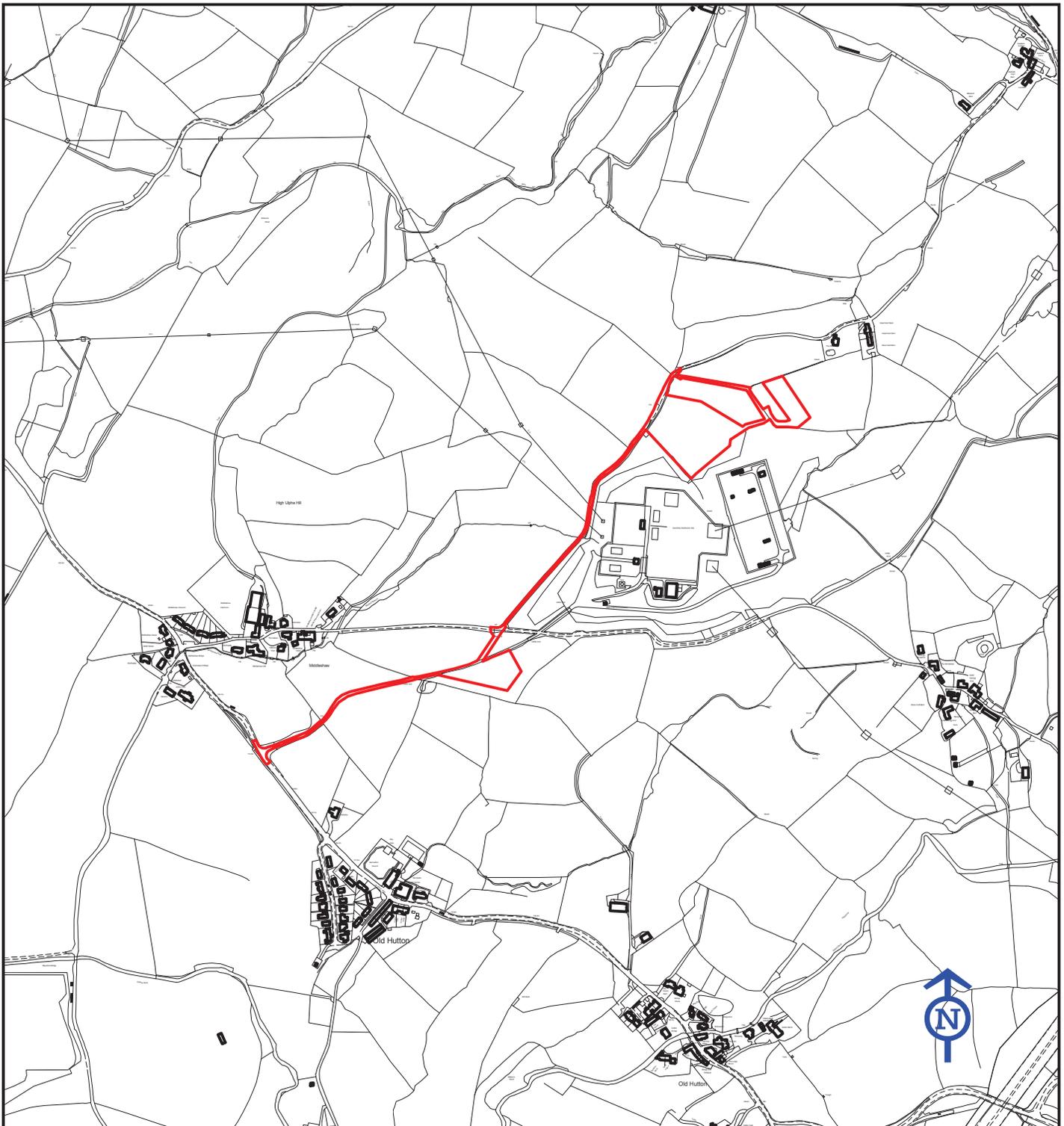
SL/2018/0388

PARISH: Old Hutton and Holmescales
Land directly to the north of the existing Old Hutton Substation

PROPOSAL: Gas Fired Electricity Generating Station to deliver electricity during times of peak demand of up to 49.99 MW, ancillary equipment, access and landscaping.

APPLICANT: Miss Kirsty Cassie, Statera Energy Ltd

Grid Ref: E: 356480 N: 489530



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SL/2018/0388

Land directly to the north of the existing Old Hutton Substation Old Hutton

Scale: 1:10000

SUMMARY

1. This report relates to an application on land adjacent to Old Hutton Substation, to the south of Greenmoor Bank for the development of a 49.9 MW gas fired electricity generating station. A previous scheme for a 49.9 MW gas fired gas peaking plant and a battery storage facility was refused at Committee 4th January 2018.
2. SL/2018/0388 is a revised scheme that seeks approval of a gas fired electricity peaking plant to provide electricity during times of peak demand of up to 49.99 MW. This application deletes the battery storage element and makes other detail changes in terms of layout and design and provides additional information to directly address concerns raised by consultees.
3. The anticipated lifespan of the installation is 30 years.
4. The main issues and material planning considerations include:
 - the principle of development;
 - landscape and visual impacts;
 - residential amenity;
 - impacts upon the setting of designated Historic Assets and archaeological interests;
 - noise impacts;
 - pollution impacts;
 - highway considerations including construction management;
 - Surface Water Management; and
 - Ecology.

RECOMMENDATION

5. The application is recommended for approval

That the proposed construction route is of sufficient width, is safe and achievable within the information currently submitted; the required road improvements including culvert improvements, use of third party land and hedge removal are acceptable; and

That the applicant has demonstrated that the surface water management for the proposal can be adequately managed in an area which has seen significant flooding incidences downstream.

DESCRIPTION AND PROPOSAL

Site description

6. The site comprises an agricultural field consisting of improved grassland to the north of the recently extended Old Hutton Substation.
7. The proposed development would be mainly positioned on the lower western slope of a drumlin feature. The field is bounded by mature mixed hedgerows to the northern and western sides. To the southern-western boundary is a drystone wall, beyond which is a small copse of evergreen and deciduous woodland and that forms the lowest part of the site. Located to the south-east is a mature hedge beyond which is located the recently extended sub-station.

To the east the site adjoins open pasture fields beyond a less well defined hedge boundary, beyond which is a main high pressure gas pipeline. To the north, east and west side there is an open watercourse. Beyond the western boundary is a minor road, Greenmoor Bank Road, an Unclassified Road (U5641) which connects the B6254 to the Killington Reservoir Road.

8. The site slopes mainly downwards from east to west, towards the road and from north to south-east, towards the substation.
9. The nearest residential properties are located at the Outlook (the closest property and residential address of the landowner) at around 180 metres to the north and east of the proposed development site, with Greenmoor Bank, Greenmoor Barn and Moss Field Barn some 50 metres beyond that in the same direction. To the south east beyond the existing substation is the hamlet of Eskrigg End of which the nearest bungalow is at Eskrigg Bungalow at a distance of around 470 metres. Middleshaw is located to the south west with the nearest property Limefoot around 630 metres to the south-west of the proposal.
10. Access to the site is currently provided via a gate located on the minor road in the north-western corner of the site.

Proposal

11. The site covers an area of approximately 3.96 Hectares:
12. Specifically the proposed development would comprise the siting of:

49.99MW Gas Fired Electricity Generation station

13. To the southern part of the site it is proposed to locate a gas-fired electricity generation system consisting of 11 x 4.5MW Gas Engines Casements with associated Cooling fans and associated ancillary infrastructure. The proposed Generation Plant would be a Peaking Plant Facility and would have a total capacity of 49.9 MW. This would be deployed to help the National Grid manage both frequency and voltage on the grid system during periods of stress. It is not proposed to operate the facility continuously but is proposed to produce a flexible back up supply for a maximum of 2750 hours a year.
14. The Gas Engine Casements within which the gas engines would be located would be positioned within a concreted compound all surrounded by 2.5 metre high palisade fencing.
15. To create level areas for the various elements of the development, it is intended to carry out a cut and fill operation that creates a difference of between 2 to 3 metres lower as compared with the existing field contours.
16. Each pre-cast concrete casement measures 16.8 metres long x 5 metres wide with a maximum height of 4.2 metres. Protruding from the row of casements are 4 exhaust and silencer stacks with 3 of the stacks trunked to each serve 3 gas engines and 1 serving 2 gas engines. The top of each stack is shown as being at a height of 12 metres and with a diameter of 1.5 metres. An air outlet

'box' (3.0 x 3.0 x 3.8 metres) is shown on top of each casement. (The previous scheme showed eleven exhaust stacks each with a maximum height of 15 metres)

17. Each engine casement has an associated air intake filtration unit at one end and at the opposite end a corresponding air outlet on top of the casement. There is also a horizontal steel framed platform that measures 11.5 x 4.8 metres that supports the waste heat radiators at a height of 5.0 metres.
18. The gas supply for the generating station is taken via an underground gas pipe from a compound approximately 100 metres to the east of the generating station and adjacent to the High Pressure Gas Pipeline. This 'gas' compound would be around 20 metres by 17 metres and would be surrounded by a 2 metres high palisade fence. Within the site would be a turning head to facilitate the servicing of the compound. The proposed equipment in the compound would consist of two low level (less than two metres) apparatuses consisting of a Control Kiosk and a Feed from the Underground Supply and Emergency Control Valve. This 'gas' compound is to have screen planting consisting of 60-80cm transplants consisting of hazel hawthorn and blackthorn.

Operation of the Plant

19. The applicant has explained that the proposed development is essential to maintain the delivery of a stable electricity supply by the National Grid. This is especially crucial during periods of highest demand in the winter months. This is due partly to the unevenness of the contribution made by solar, onshore and offshore wind power and the enforced de-commissioning of coal-fired power station. The increase in popularity of electric vehicles has not been factored into this margin and is highly likely to increase demand for energy that cannot at the moment be satisfied.
20. The development of a national network of 'peak power' generators is one initiative aimed at enabling the energy industry to meet immediate and longer term threats to meeting energy demands and will help to 'keep the lights on'.
21. The gas peaking plant will cover periods when there is a shortage of generation and peaks in demand and provide ancillary services to National Grid to help it manage both frequency and voltage on the Grid system. The gas engines would be one of a total extra capacity of approximately 49.9 MW. The facility is designed to provide back-up power at very short notice. The facility would not operate continuously but would run as a flexible back up supply to meet periods of peak demand up to 2750 hours a year. The gas peaking plant will provide fast reacting back up in a similar manner to a battery backup scheme, but is not limited to the short period of time as dictated by the capacity of the batteries.
22. These smaller generation plants are highly flexible and react rapidly to National Grid requirements as they are able to generate power at very short notice, the gas fired engines will be able to reach full load in less than two minutes from cold and, after only a few hours of operation, can power down completely. For

the majority of the time the station would be switched off, waiting for an instruction from National Grid to generate. These instructions would typically require generation support from the facility for no more than a couple of hours mainly between 4pm-7pm on weekdays in the winter. Outwith these hours, it is only likely to be required during a major power shortage or when the grid is particularly. National Grid may require the facility to step-in and support in an emergency situation.

23. These types of power generators are smaller, faster to construct, relatively unobtrusive and more economical than conventional large fossil fuel or nuclear power stations. However, in order to achieve this, it is necessary to locate them close to existing substations with sufficient capacity for the export of electricity and there are few of these across the country.
24. There are clear economic benefits associated with this form of development which is intended to bridge any short term gaps in energy delivery. Failure to provide support for the National Grid at peak demand could have serious consequences for domestic and commercial customers. There is clear support for new development that has a significant economic basis in the Framework and in the Overarching National Policy Statement for Energy (EN-1) (July 2011), which provides support for new fossil fuel power stations that guarantee security of national energy supplies.
25. The applicant has confirmed that the scheme will use the latest proven technology in gas engines. As a gas-powered facility, the development will not require the delivery of fuel to the site, nor will it require fuel storage, unlike diesel powered generators. The site will generally be unmanned but will undergo routine maintenance on a weekly basis. As such the facility will have very limited traffic.
26. The applicant states that the construction period is anticipated to last 30 weeks with a workforce of up to 20 personnel, although this may be up to 40 personnel during the ground works phases.
27. The anticipated maximum number of outwards movements of construction vehicles in any one day will be approximately 10 HGVs this is again the peak and will probably be confined to earthworks phase. Construction work and construction traffic movements shall not take place on Sundays, Bank holidays or after 13.00 on a Saturday unless such work is associated with an emergency or with the prior written consent of the local authority.

Other Ancillary Development

- 132kw Substation
28. A new 132kw substation will be associated with the proposed Gas Fired Gas peaking plant. This covers an area of around 65 metres by 35 metres. This would consist of three compounds: Transformer 1 Compound; Transformer 2 Compound; and DNO Metering. Each area would be subdivided and be surrounded by a new 2.5 metres palisade fence.

29. The new 132Kw substation would consist of two transformers, two Switch and Control Rooms, two High Levels Disconnectors, a DNO Control Room and other associated equipment. The maximum height of the equipment would be around 7 metres high. Within the substation the surface material is proposed to be 100mm deep 40mm Washed Shingle.
 - Gas Governor Compound
30. Immediately to the west of the engine casements is a Gas governor compound that receives the gas supply. This consists of two low flat roofed equipment buildings 3.5 x 4.5 x 2.5 metres and 11 x 4.5 x 3.0 metres and a service vehicle lay by.
 - Switch House/Circuit Centre
31. This lies between the substation and the gas engine casements and consists of two flat roofed buildings, the first containing the switchgear 20.7 x 4.5 x 5.0 metres and a local supply transformer in standard cabinet 4.0 x 4.0x 3.0 metres.
 - New Access
32. Access to both sites would be via a new access from the existing minor road that would serve the generating station and the new substation. This is proposed to be in the south-western corner of the site. The existing access would be used to access to the new suppliers gas compound in the north-eastern corner of the site.
 - Other Matters
33. The development would be connected to the local electricity distribution network via an underground cable running from the site to the local substation located to the south of the site. The connection works do not form part of this application and would be undertaken by Electricity North West under their permitted development rights as statutory undertakers.
 - Surface Water Drainage
34. Drainage across the site is to a full SuDs system with extensive use of permeable surface and the use of an underground attenuation tank to the southern boundary of the site. Other attenuation measures are shown within the site. The attenuated discharge is to an existing road side ditch to the western boundary of the site, it is intended to deepen and enhance its capacity.
35. To the south of the attenuation tank it is proposed to construct a new retaining wall.

HISTORY

36. Members resolved to REFUSE Planning Application SL/2017/0425 – 49.99MW Battery Energy Storage Facility with associated equipment for the following reasons;
37. Reason 1: The proposed battery storage facility comprising of 40 shipping containers and 132kw substation, turning area, access, fencing, internal roads,

attenuation tanks and other ancillary infrastructure would be contrary to South Lakeland District Council Core Strategy Policy CS1.2 The Development Strategy which only allows development in the open countryside subject to certain criteria. It is considered that the proposal fails to meet those criteria in that it is considered that the proposal does not have an essential requirement to be located in a rural location, is not an appropriate extension of an existing building and is not needed to sustain an existing business. Whilst there will be some benefits to reliable electricity generation capacity to support the shift towards low carbon emissions these are not of sufficient weight to override the site's unsustainable form of development and is contrary to South Lakeland District Council Core Strategy Policy CS1.2 The Development Strategy

38. Reason 2: The proposed battery storage facility comprising of 40 shipping containers and 132kw substation, turning area, access, fencing, internal roads, attenuation tanks and other ancillary infrastructure would have a significant cumulative urbanising effect on a rural and agricultural setting and its distinctive rolling drumlin character. The design and materials of the buildings/structures would introduce further jarring and discordant features into that rising landscape and the proposed cut and fill would unacceptably alter the existing landform to the detriment of the landscape, all of which would fail to protect and conserve the special landscape qualities and the local distinctiveness of the area. This would be contrary to South Lakeland District Core Strategy Policy CS8.2 in that its location, scale, design and materials will fail to protect, conserve or enhance the special qualities and local distinctiveness of the area.
39. Members resolved to REFUSE Planning Application SL/2017/0426 - Gas Fired Electricity Generating Station to deliver electricity during times of peak demand of up to 49.99 MW – for the following reasons;
40. Reason 1: The proposed gas fired electricity generation plant comprising of a eleven 4.5MW Gas Engine Casements with associated cooling fans and 15 metres stacks, control buildings, switch gear, transformers, gas regulation compound, gas connection compound and 132kw Substation, turning area, access, fencing, internal roads, attenuation tanks and other ancillary infrastructure would be contrary to South Lakeland District Council Core Strategy Policy CS1.2 The Development Strategy which only allows development in the open countryside subject to certain criteria. It is considered that the proposal fails to meet those criteria in that it is considered that the proposal does not have an essential requirement to be located in a rural location, is not an appropriate extension of an existing building and is not needed to sustain an existing business. Therefore it is considered to be an unsustainable location, without sufficient justification to support this. It is considered to represent an unsustainable form of development and is contrary to South Lakeland District Council Core Strategy Policy CS1. 2 The Development Strategy.
41. Reason 2: The proposed gas fired electricity generation plant comprising of a eleven 4.5MW Gas Engine Casements with associated cooling fans and 15 metres stacks and associated plumes, control buildings, switch gear, transformers, gas regulation compound, gas connection compound and 132kw Substation, turning area, access, fencing, internal roads, attenuation tanks and other ancillary infrastructure would have a significant cumulative urbanising

effect on a rural and agricultural setting and its distinctive rolling drumlin character. The design and materials of the buildings/structures would introduce further jarring and discordant features into that landscape which fail to protect and conserve the special qualities and the local distinctiveness of the area. This would be contrary to South Lakeland District Core Strategy Policy CS8.2 in that its location, scale, design and materials will fail to protect, conserve or enhance the special qualities and local distinctiveness of the area.

CONSULTATIONS

42. Old Hutton and Holmescales Parish Council:

Object. Object strongly.

43. New Hutton Parish Council:

Object. The changes made to the development since the previous application does not overcome the reasons for the Committee decision to refuse.

Cumbria County Council:

Highways

44. NO OBJECTION – Subject to conditions

Transport Assessment/ Construction Traffic Management Plan

45. The applicant has applied to provide a temporary access road as shown on the layout and this will need to be controlled via a Section 278 Agreement with the Highway Authority.
46. The proposed route for construction traffic via the local road is feasible but will require the applicant to provide a Construction Management Plan (CMP)/ Construction Traffic Management Plan (CTMP). Certain sections of the road are 'very tight' as demonstrated by the swept path analysis for the largest vehicles required (crane). These will include pre, during and post construction surveys, identification of vulnerable highway infrastructure, any remedial protective measures and the timely remediation of defects during the construction phase.
47. It is accepted that the construction traffic will impact on local users of the road and that this will reduce significantly after completion of the development. It is reiterated that vehicular access for traffic to Eskrigg End must be maintained throughout.

Lead Local Flood Authority

48. An initial objection due to a lack of detail and because priority has not been given to Sustainable Drainage is now removed as the applicant has confirmed further detailing of the attenuation tank, filter drains and attenuated outfall.
49. The drainage scheme as now shown is acceptable; however the applicant will need to be aware of the need to drain the temporary compounds and ensure that the construction site is adequately drained. The applicant will also need to

have a water course crossing consent from the LLFA. This could be covered within the condition relating to Construction Management.

Fire and Rescue

50. Comments. Would need adequate access roads as only few Fire Appliances in the County would be able to access the site and that could hinder our response in the event of an incident. Site would need to be constructed to meet Building Regulations Approval Standards.

Countryside Access

51. No Objection. There should be no interference with the PROW 560020 outside the site.

Historic Environment Officer

52. An initial archaeological geophysical survey of the site indicates that there is the potential for buried archaeological assets of local significance to be disturbed by the construction of the proposed development. Therefore a condition is recommended that an archaeological evaluation and a scheme of archaeological recording of the site be undertaken in advance of development.

Natural England:

53. No comments to make. Referral to standing advice on protected species. Comment is made that other bodies and individuals may be able to provide information and advice.
54. Previously had commented that no mitigation is required except: that all watercourses within the site remain accessible in relation to otters; in relation to White-clawed Crayfish ensuring contaminants do not enter the watercourses during construction; and that in relation to bats that during construction timing and lights are restricted.

Environment Agency:

55. Not required to comment. Follow standing advice.

Health and Safety Executive:

56. Do not advise against.

National Grid:

57. No Objection. Have provided advice for the applicant.

Electricity North West:

58. No Impact. Will consider any formal request for supply at time of applications to connect.

Yorkshire Dales National Park:

59. No objection; Comment that the landscape impacts on the National Park have been assessed and the YDNP have concluded that there will be no impact.

Lake District National Park:

60. No comments received.

Friends of the Lake District

61. Object; Comment that scheme remains significant and at 49.99MW is only just under the threshold for Nationally Significant Infrastructure Projects (50MW);
has unacceptable landscape character and visual impacts;
has cumulative effects on the landscape with the existing substation (including exacerbating the impacts of the existing sub-station);
has unacceptable transport impacts on the local rural roads, including roads through nearby villages and hamlets;
remains contrary to South Lakeland Core Strategy policies CS1.2, CS8.2 and CS10.2.

Note that the Design & Access Statement accompanying the application states that the scheme is of national importance and recognises that the scheme represents the intensification of an “adverse landscape character trait”.

62. Design & Access Statement suggests that the scheme is temporary, no end date is indicated and there are no references to reversibility or restoration plans for the site.
63. Do not agree with the assertion in the Design & Access Statement that the presence of the existing sub-station reduces the landscape impacts in terms of screening the proposal and vice versa. Question the accuracy of the photomontages.
64. Traffic will have negative impacts on the local road network and the amenity and character of the local area, contrary to CS10.2. Variation in working hours in different documents. There is no information on the number of abnormal loads.
65. Information on existing trees and hedgerows is also misleading. The plans clearly show a hedgerow including trees running along much of the boundary of the application site. Furthermore, a Tree Survey has been undertaken and accompanies the application.
66. Since the previous proposals were considered, preparation of South Lakeland’s new Development Management Policies document has progressed to Examination and the proposed policies can now be given moderate weight having reached this stage.

The current proposal is contrary to Policy DM1 ‘General Requirements for all development’ and DM2 ‘Achieving Sustainable High Quality Design’.

The Design & Access Statement asserts that the proposal is for 'low carbon' energy development FOLD contests this description.

Friends of the Lake District objected to the original schemes and we consider that the issues raised by the previous scheme still stand.

Inappropriate in this location on the basis of harm to the landscape character and visual amenity of the area,

Impacts on the local road network

Contrary to the Development Plan for South Lakeland and is also contrary to emerging additional Development Plan policies.

It lacks information to allow a proper assessment of landscape impacts, impacts on the local road network

The perceived benefits of this development do not outweigh the detrimental impacts it would have at this location within a valued landscape in the setting of and between two National Parks..

These representations are as those of the Campaign to Protect Rural England (CPRE-Cumbria Association).

South Lakeland District Council

Environmental Health Officer:

67. **No Objection.** Make the following comments:

Air Quality

An air quality report submitted uses the ADMS 5 model and worse case operating conditions. The assessment indicates that during operation, the combined air quality impact of the 11 engines will 'not be significant' at receptors.

Noise

The assessment of the impact of noise on nearby residential receptors using the methodology set out in BS4142 includes all potential sources of noise on site and covers all potential hours of operation. This indicates that there will be no impact during the day and evening; at night time there is a predicted change of + 2dB from daytime/evening predicted noise levels, but the noise levels are considered to not seriously affect the quality of life even for the nearest residential property (The Outlook). The predicted noise levels are considered to be within World Health Organisation guidelines to NOT cause annoyance during the daytime and below the level to cause the onset of sleep disturbance. Mitigation details have been listed in the submitted Noise Assessment and include exhaust silencers, low noise coolers and low noise transformer, also the engine enclosures and air inlets/outlets are designed to attenuate noise.

Light

Limited details of security or maintenance lighting are supplied, but can be controlled by condition.

Construction

The level of works proposed warrant the use of a condition for a construction management plan detailing how emissions from construction vehicles and HGV's visiting the site, dust and noise from the construction phase will be minimised and controlled; also a condition restricting construction working hours.

Arboricultural Officer:

68. Requires further survey work in relation to trees and hedges that are between the construction access and the public road and the trees to the north and western boundaries.

Neighbours / Others:

69. The application has been advertised by Press Notices, Neighbour Letters and Site Notices. At the time of writing this report there have around 460 representations of comment, objection and support from 400+ different properties in relation to the application. From some properties there are multiple responses from multiple occupants. These responses include representation from the local MP, the Campaign for the Protection of Rural England (CPRE), Children that attend Old Hutton School, and Friends of Eden, Lakeland and Lunesdale Scenery (FELLS), Friends of the Lake District
70. The substantial body of representation are considered to be of objection, with 5 in support. It considered appropriate to consolidate these representations together as a substantial amount of objections refer to both applications but cover matters raised covering the following areas:

Procedure

- The application should be dealt with at National level (by the Planning Inspectorate as a Nationally Significant Infrastructure Project).
- Application should be dealt with as one single site. Deliberate intent to subvert national requirements.
- Pre-application consultation wasn't adequate or enough publicity

Principle

- Not in accordance with both National and Local Planning Authority policies and Council Plan.
- Not a suitable location. Should not be in open countryside. Should be on brownfield land or urban area.
- Burning gas not a renewable energy and will not lead to Carbon reduction.

- No justification for this location. More suitable alternative sites. Better to use Brownfield site.
- No benefits of the proposal for community in short or long term.
- No need.
- Loss of valuable agricultural land.

Landscape/Visual

- Intrusive development on open and scenic countryside
- Cumulative impact
- Buildings out of character and scale with countryside.
- Dominate outlook from residents of New Hutton.
- Affect views from the Helm.
- Site visible from long way away.
- Concern on impacts of Lake District National Park, Yorkshire Dales National Park and UNESCO World Heritage Site.
- Concern over emission impact which will increase visibility of site.
- Overall degradation of landscape character.

Noise

- Local noise levels to increase significantly.
- How can the limited time of operation be ensured?

Pollution

- Concern over impact on health including those that attend Old Hutton Schools.
- Concern over safety.
- Large quantities of NO₂ produced and discharged.
- Emissions will affect local flora and fauna.
- If primary use in winter need to take account thermal inversion.
- Concern over silt discharge to beck.

Transport and construction

- Concern over impact of heavy vehicles on St Sunday Bridge.
- Low gritting priority route.
- Concern over size and weight of proposed construction vehicles on access routes including structural damage.
- Concern over increase in traffic on local and wider road network.
- Transport Assessment does not take into account both inward and outward movements.

- Construction period of 300 days underestimated because of site circumstances.
- Route through Middleshaw currently marked as unsuitable for HGVs.
- Route through Middleshaw will damage road and houses
- Concerns over timing in relation to construction traffic especially in relation to Old Hutton Primary School, and other communities including Oxenholme and New Hutton.
- Concern over lack of visibility in relation to the current private electricity substation road.
- Concern over impact of traffic on school and neighbouring houses and villages.
- Road signs for road route say No Heavy Goods Vehicles.
- Timings of construction are mixed.
- Impact on other users of road including horses, cyclists and other vehicles.

Flooding/Surface Water Management

- Doubts over information provided.
- Concern over impact on surface water downstream and hydrology in particular at Middleshaw Beck which is prone to flooding. Concern that the proposals will worsen that problem.
- Weather information not referenced to particular station.
- Additional loading to the beck.
- Lack of information/inaccurate information.

Ecology

- The ecological survey is limited.
- Concern over impacts on flora and fauna including red squirrels, otters, bats and white clawed crayfish and hedges and trees.
- Loss of habitat from widening of Greenmoor Bank Lane and new proposed access that has not been accounted for.

Residential Amenity

- Concern over construction traffic in relation to neighbouring properties.
- Concern over loss of outlook which is detrimental to residential amenity.

Other Matters

- Concern over matters of emergency access in case of fire at the site.
- Inconsistency of information supplied by applicant to Planning Inspectorate on other applications.
- High greenhouse gas footprints.

- Need to consider whether burning gas fits in with both local and national targets to reduce carbon reduction.
- Concerns over impacts on School, pre-school and nursery. Pupils may be taken elsewhere leading to loss of community facility.
- Concern over on site security.
- Potential explosion risk from gas
- No creation of local jobs.
- Concern over impacts of tourism.
- Impact on nearby footpaths.

Support

- Good location has grid and gas connection
- Will help the transition to a low carbon economy
- Should be supported as a national need
- There will be long term gains
- The previous objections have been overcome in terms of access landscape and drainage

POLICY ISSUES

South Lakeland Core Strategy (CS):

71. Policy CS1.1 Sustainable Development Principles
72. Policy CS1.2 The Development Strategy
73. Policy CS5 The East
74. Policy CS7.4 Rural Economy
75. Policy CS7.7 Opportunities Provided by Energy and the Low Carbon Economy
76. PolicyCS8.1 Green Infrastructure
77. Policy CS8.2 Protection and Enhancement of Landscape and Settlement Character.
78. Policy CS8.4 Biodiversity and Geodiversity
79. Policy CS8.6 Historic Environment
80. Policy CS8.8 Development and Flood Risk
81. Policy CS10.2 Transport Impact of New Development

Emergent Development Management Policies Development Management Policies Submission Version:

82. The following policies have received no objections or comments which are classed as less significant unresolved objections.

Policy DM1 General Requirements for all Development Policy

DM2 Achieving Sustainable High Quality Design

DM21 Renewable and Low Carbon Development

National Planning Policy Framework (NPPF):

83. The new NPPF is supportive as a core principle of the need to promote development that assists the transition to a low carbon future and encouraging the use of renewable resources

84. Paragraph 151 states that;

a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);

b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

85. Paragraph 148 emphasises the key role that the planning system in taking a proactive approach to ensure local planning authorities help increase and 'support the transition to a low carbon energy future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

86. Paragraph 180 states 'Planning policies and decisions should also ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁰;

- identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

- limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

87. Paragraph 80 highlights the Government's commitment to ensure the planning system supports economic growth and productivity 'This is particularly important where Britain can be a global leader in driving innovation and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.'
88. Paragraph 163 requires that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

National Energy Policy Statements:

89. National Planning Statement for Energy (EN-1) Towards a Smarter Energy System, Department Energy & Climate Change, July 2011

Other Material Considerations:

90. The Planning (Listed Buildings and Conservation Area) Act 1990 (PLBCA) s66 sets out a duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses

Council Plan 2014 – 2019:

91. In the environment section it states that:
- The council will make progress in reducing carbon emissions and become more energy efficient.
 - The council and its communities will enhance and protect the district's heritage and high quality environment

EIA Regulations:

92. A Screening Opinion was adopted for the application at pre-application stage. This concluded that the development was not EIA Development for the purposes of the Regulations. This will be updated before Planning Committee to take account of the latest submitted information and a copy will be placed on the register.

APPLICANTS REPRESENTATIONS

93. The applicant has submitted several supporting documents with the application including responses to the concerns and queries raised during the course of the application. In terms of the applicants representations the applicant has submitted:
- Various plans including site layout and cross-section and elevational details,
 - Further drainage details and drawings
 - Further information on the current energy markets and how the proposal fits into this scenario

- An update of how the application sits in terms of the new NPPF released in July 2018.

94. In summary the applicant considers that:

The Proposed Development accords with the Government's national planning policy including the NPPF and EN-I with respect to providing reliable electricity generation capacity to support the shift towards low carbon, reliable electricity supply and the relevant saved policies of The South Lakeland Local Plan (September 2007).

The Project will provide for the need for efficient and flexible supply to meet peak energy demands within the local power network. This should be afforded significant weight in the assessment and determination of this Application.

There are no significant adverse impacts associated with the Proposed Development. In the balance of considerations, therefore, the presumption in favour of sustainable development is confirmed, as the benefits identified significantly and demonstrably outweigh any potential adverse impacts.

The scheme represents the latest technology in gas engines and the fact that although it is deploying proven technology in the engines, this is technology that is the product of extensive R&D programmes with the manufacturers. The engines are considered as the best in their class and the first to be deployed in the world here in the U.K.

Old Hutton is also one of a group of projects that will be built under National Grid's Project CLOCC programme facilitating medium scale connections directly onto the National Transmission Gas System.

Older nuclear and gas fired power plants have closed. Currently 9% of our electricity is generated from coal but these coal fired stations will have all closed in the next 7 years. The equivalent figure for our nuclear plant is a drop from 8.5% to 5% over the next 11 years before Hinkley is completed. The oil-fired power stations have closed.

These older power stations that have been lost have been replaced with offshore and onshore wind and 4 interconnectors from France, Holland, Republic of Ireland and Northern Ireland. Ground and roof mounted solar has helped reduce demand during the day. To 'fill the gap' the Government has an ambitious target to triple generation from offshore wind and increase generation from interconnectors.

Against this backdrop the demand for electricity has remained fairly constant though National Grid predict in all future scenarios demand will grow principally with population growth, electrification of cars and electrification of heating.

Because this demand has to be met increasingly with intermittent (and less reliable) wind, solar and interconnectors (that are not entirely in the UK's control) there will be more times now and in the future when National Grid (NG) has to call on the older power stations and new flexible generators to respond quickly when generation insufficient to meet demand.

So far, this need for flexible generation has largely been provided by diesel peakers (which are expensive to run and polluting), smaller less-efficient gas

peakers (though less polluting) and keeping older Combined Cycle Gas Turbines on standby (which is expensive). Gas turbines, the technology used for the big gas plant (such as CCGTs and OCGTs), is not well suited to this flexible, stop/start generation. By contrast gas reciprocating engines are highly suited to this pattern of use are becoming more efficient and can potentially match the bigger plant on lower emissions.

National Grid's Future Energy Scenarios Report released in July 2018 estimates a need for 1.5-7GW's of gas reciprocating engines in the next 11 or so years - the equivalent of between 30 and 140 additional (50MW) plant like the one proposed at Hutton (Refer 2018-fes-charts). The range is dependent mostly on the different levels of deployment of renewables and predictions on future electrical demand like EV charging.

To illustrate the increasing role of flexible gas there has been a general downward trend of big gas plant available on the system but a need to increase their use (2016) until the more flexible generation has got installed.

A further illustration of the need for flexible generation is evidenced from the pattern of use from our plant in Yorkshire in the month of July. This would be a month that one would not expect that fast start flexible generation would be needed much but the evidence is to the contrary – this summer usage has been relatively frequent during the day, caused by much less wind than expected and an unplanned outage from a 850MW CCGT. The system is that tight that the margin between enough generation and a shortfall triggers the need. On some days there has been the need to start-up on 4 different occasions. This trend is set to continue in years to come as ageing first and second generation CCGT plant and the remaining coal plant are 'out of the money' through the summer, which, coupled with low wind output and unplanned outages leads to low margins and increased reliance on fast flexible plant to fill the void.

There are no other material considerations that indicate that planning approval should not be granted. Instead it is concluded that the proposed facility draws considerable support from these material considerations.

ASSESSMENT

Procedure

95. This report has been written in relation to information submitted by the end of Friday 05 October 2018 in order to comply with Planning Committee deadlines.
96. It has been questioned if the application should be determined by the Local Planning Authority or whether the application should be determined nationally by the Planning Inspectorate as part of the Nationally Significant Infrastructure Projects regime for which there has been correspondence between the Planning Inspectorate (PINS) and the Director of People and Places.
97. It is considered that the electricity generation scheme falls below the threshold of 50MW, for those to be determined by the Planning Inspectorate.
98. Whether the application is submitted to South Lakeland District Council or PINS it is expected the same level of information should be required in relation

to ecology as the amount required is determined by national legislation and guidance.

99. The main issues and material planning considerations include:
- the principle of development;
 - landscape and visual impacts;
 - residential amenity;
 - impacts upon the setting of designated Historic Assets and archaeological interests;
 - noise impacts;
 - pollution impacts;
 - highway considerations including construction management;
 - Surface Water Management; and
 - Ecology.

The principle of development.

100. The site is located in open countryside and comprises the whole of an improved grassland field within an agricultural landholding. The nature of the proposal uses established technology in a particular manner to address the constantly changing energy market of the UK. It has not as yet been fully addressed from a policy point of view at both National and Local Level. However the main consideration regarding the principle of development would be whether the environmental and economic benefits of the proposal outweigh the policy presumption of restricting development within the open countryside.
101. By way of justification, the applicants have stated that the application accords with the government's National Policy and local policy including the NPPF and EN1 to support the shift towards a low carbon and reliable electricity supply. They also state that it is important that the site is located close to an existing substation to ensure the viability and effectiveness of the scheme. There are also technical reasons to co-locate with an existing substation as this limits additional energy losses during transmission.
102. The National Policy Statement EN-1 provides support for new fossil fuel power stations that guarantee the security of national supplies especially gas.
103. The applicant has submitted as part of their submission documents a Planning, Design and Access Statement that that applies a sequential test that the applicant considers provides support for the Old Hutton location. In analysing 505 sub-stations only seven have come forward as viable gas generator locations. Therefore Old Hutton is seen as vital to contributing to this identified need.
104. In term of South Lakeland District Council Local Plan both CS Policies 1.1 and 1.2 sets out the development criteria that all development should meet and only in exceptional circumstances should development be allowed in the open countryside one of which is that it has an essential need for a countryside location.
105. Policy CS 7.7 (Pg.97) relates to all energy sources, not just renewables and states that the *“Core Strategy will support the realisation of opportunities provided by energy development and the low carbon economy through: supporting, in principle (where protection of the environment is assured and*

designated areas are safeguarded), appropriately located schemes which will increase energy production from a full range of renewable sources". It goes on to state "it is acknowledged that there are some energy sources which need to be remote from residential areas and other sensitive land uses". This approach can be applied to the proposed gas fired generating station.

106. The emergent Development Plan Management Policy DM21 – Renewable and Low Carbon Energy Development encourages and supports renewable energy in principle.
107. In policy terms it is considered that National Policy supports a variety of forms of power generating facilities including gas fired. Given the Government's commitment to transition towards a low carbon economy, there is a tension in the continuing need for fossil fuel based generators. However if the 'lights are not to go out' there is still a need to meet national energy needs by means of fossil fuel based generators.
108. CS 7.7 is supportive of all energy opportunities. In terms of location of such a scheme the site provides the combination of two key factors, an electricity connection of the appropriate capacity and an adequate natural gas supply. The fact that the previous objections from consultees regarding drainage and access have now been overcome gives sufficient justification for the development to be located in open countryside.
109. However this is balanced by the scale and location of the proposal and other material considerations being acceptable and whether any environmental benefits would outweigh any potential adverse impacts.

Landscape and visual impacts.

110. A key issue in this case on this application is considered to be the landscape and visual impact of the proposed development, taking into account the characteristics of its location.
111. A detailed Landscape Appraisal has been submitted with the application and although in relation to the previous application for the combined battery storage and generating facility, landscape and visual impacts were not cited as justifying refusal. Nonetheless the landscape appraisal identifies that the site sits within the same National Character Area 19. South Cumbria Low Fells and at regional level as 7b Drumlin Field in the Cumbria County Council Landscape Toolkit. The application site is identified as sitting on the side of a drumlin, one that has been substantially altered by the works for the adjacent substation and its extension. In the report it is acknowledged that the existing substation and its associated infrastructure dominate the site but also benefit the site as associated established mature tree planting will serve to screen the development. The Applicants Appraisal concludes as with the previous larger scheme that the Gas Fired Generation Facility and its associated development on its own would not have a significant impact on the quality and character of the landscape.
112. The site is set in an agricultural field within a landscape characterised by low lying and gently undulating agricultural land enclosed by hedgerow field boundaries. An overhead electricity line supported by pylons crosses a field to

the east which connects to the electricity substation which is directly to the south and east of the site.

113. The Landscape Appraisal submitted includes Zones of Theoretical Visibility (ZTVs) to identify areas from which the site is visible based solely on topographical information. The model which identifies which elements of landscape obstruct views of the site i.e. hills, but does not take into account other objects such as buildings, trees, hedges or other intervening features such as pylons, this information is portrayed via the photomontages. From this it is possible to assess the appearance of the development from public viewpoints in the areas. The ZTV shows the development would not be visible from Kendal and the nearest, recently extended parts of the Yorkshire Dales National Park. It also shows that potential views of the site from the south are very limited, due to existing woodland and the existing substation.
114. The application site is relatively remote from public vantage points and is largely screened by existing topography and hedgerows apart from a minor road to the west and a very short section of public footpath to the north boundary at close viewpoints. The closest point that the application site becomes more prominent and open is at more distant elevated points such as at New Hutton, a distance of around 1.75 Km, and the Helm at 3.2km. At these points the site is very much seen within the wider landscape context of the substation and to a lesser extent other infrastructure in the area such as turbines and the motorway against the backdrop of the western fells of the Yorkshire Dales National Park.
115. As now presented the gas engine generating plant has the same layout of 11 generator units as the previous scheme, but in terms of the vertical element of the scheme there now only 4 flues of a reduced height of 12 metres as against the previous 11 flues at 15 metres. This part of the development is located in the southern and lowest part of the site and will be partially set against a screen of trees to the southern boundary. This new flue arrangement results in far less visual clutter and views of the flues will appear as less 'crowded'. Application of an appropriate use of colour to the flues will enable them to more easily assimilate into the surrounding landscape and screen planting.
116. Other changes from the previous scheme have involved a reassessment of the remodelling of the landform (cut and fill) and reducing the level of the 'engine platform' relative to the other elements of the scheme.
117. As with the previous application, there is the potential for a visible plume from the flues, however the applicant's explanation sets out that there is likely to be limited visible plume as explained below:
118. *"Exhaust gases from the engines are released at temperatures of 345 degrees centigrade or above which is significantly higher than the point at which water vapour would condense out. Consequently it is unlikely that visible plumes from the engine stacks would occur. During a cold start-up the exhaust gases will lose energy in warming up the associated exhaust system and the release temperature will temporarily be lower. Where cold start-ups coincide with low ambient temperatures there is the potential for a visible plume for approximately 1-1.5 minutes until the associated stack system is warmed up."*

Operation of the peaking plant is most likely during the evening peak demand period in winter months during which times the short period of potential visible plume would occur whilst it is dark reducing the potential for any plume to be visible”.

119. The case officer acknowledges that in certain weather conditions the plume may be more apparent.
120. The development will be more apparent at very close viewpoints such as the minor road to the west, but such views would also be seen as and read as part of the existing substation. The application is accompanied by a comprehensive landscaping and screen planting scheme to help mitigate these visual impacts. This identifies a 5 metre high planted bund to the western part of the site to screen the site from the public road with the access road curved as it enters the site. This helps to limit direct views into the whole site and this is again supplemented by planting of trees along the sides of the access road. To the north of the grid connection substation the area of ‘cut’ (4 metres) is to be planted with trees. Further planting is proposed around the perimeter of the gas compound to the north east of the site, and this will read as part of the extensive network of hedges in the locality.
121. It is accepted that the proposed planting and landscaping proposals are unlikely to fully mitigate the landscape impacts; the gas fired gas peaking plant will change close up views and outlook from the minor road for a short distance of around 100 metres.
122. However in view of the submitted information and Landscape Appraisal in particular it is considered the landscape impacts are relatively restricted within the context of the existing substation and can be adequately mitigated by the proposed planting and landscaping scheme that will be secured by condition before the plant is brought into operation. In this respect it is considered that the proposal accords with Policy CS8.2 of the Core Strategy.

Residential Amenity

123. The nearest residential properties to the site are at The Outlook and the adjacent Greenmoor Bank as identified in paragraph 9 above.
124. The location and scale of the development is such that it would be largely screened when viewed from these properties by the presence of a series of hedgerows and the topography and the proposed planting. Therefore from a visual amenity point of view the development as built is considered to not have any significant direct impacts on nearby residential properties. Noise and Pollution impacts are considered further below.
125. There is a potential temporary impact as a result of construction traffic to the site especially as the chosen site will be through Middleshaw. However the Local Planning Authority considers that in the absence of an objection from the Highway Authority and Environmental Protection the potential impacts will be covered by the proposed Construction Management Plan which will provide safeguards to residential amenity through the imposition of working hours etc. It must also be appreciated that these impacts will be transient and for a limited period of time only during the construction period. However it is considered that conditions should be adequate in controlling this aspect.

Impacts upon the setting of designated Historic Assets and archaeological interests

126. Under Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Local Planning Authorities have a duty to give special attention to the desirability of preserving or enhancing the character or appearance of listed buildings and their settings. If any harm will be caused as a result of the proposed development, this should be given considerable importance and weight and creates a presumption against the granting of permission.
127. Within a 5 km radius there are numerous identified heritage assets. However by using the ZTVs contained in the Landscape Appraisal it is possible to identify that a significant number of these can be excluded from assessment as due to the topography they would not have an impact on most of those assets. The nearest listed buildings in the area identified in the ZTV that the proposals may have an impact are: Fairthorns which is just under 1km to the north; Claremont Cottage which is just under 1.4 km to the south; Church of St. Stephen at New Hutton which is just under 1.7km; and the former Holme Park school which is around 2.25km from the proposed site. All of these are Grade II Listed Buildings.
128. Views of these assets, from and to, would be filtered through trees and hedges and the topography and where visible it is considered that only slight parts of the proposed site would be viewable. It is considered that the harm would be extremely slight or negligible with the main unfiltered views from the elevated external garden areas of the former Holme Park School. However any views from this asset would be seen within the context of the existing substation and electricity transmission lines.
129. The applicant has commissioned an archaeological geophysical survey of the site. The results indicate that there is the potential for buried archaeological assets of local significance to be disturbed by the construction of the proposed development. The County Archaeologist has recommended that in the event planning permission is granted, an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site be undertaken in advance of development. They also have advised that this work should be commissioned and undertaken at the expense of the developer and can be secured through the inclusion of a condition in any planning consent. It is considered appropriate that if permission were to be granted that a suitably worded condition should be used.
130. It is considered that both individually and cumulatively the proposed developments would have very little impact on the historic assets and those impacts would not cause harm to the character and setting of listed buildings and therefore accords with CS8.6 Historic Environment and the duties under S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Noise

131. The application is accompanied by a noise assessment report. This includes a background noise survey which was undertaken at the nearest residential receptors. The identification of noise emissions arising from the development and an assessment of modelled noise levels against measured background levels is used to determine the likely impacts. The noise assessment predicts

the impact of noise from the Gas Fired Electricity Generation Station application on neighbouring residential properties.

132. Public Protection has advised that the level of noise produced by the operation of both sites is predicted to be below recommended and recognised limits at all sites at all times of day. As a worst case, a 3dB increase on background levels is predicted at night at The Outlook. However, the plant is not expected to run at night (as this will not be a time of peak energy demand) and levels are still below recommended levels for sleep.
133. Officers agree that operation of this site alone produces noise levels below recommended limits and it is considered that the proposals are acceptable from a noise point of view.

Pollution

134. An air quality assessment has been provided to support the application for the Gas Fired Electricity Generation station. This Authority aims for development to be air quality neutral and does not wish to see any impact on air quality locally. The Public Protection Team have advised that the submitted information assesses emissions of NOx from the 4 generator flues against national guidelines ADMS 5 modelling, this predicts at worst case operating conditions that the combined air quality impact of the 11 generators will be 'not significant' at receptors'.
135. This is the approach advocated by National Planning Guidance. The Public Protection Team has indicated that with a combined rating of 49.99MW this site will require an Environmental Permit (issued under the Environmental Permitting (England and Wales) Regulations 2016). Whether this is issued by the Local Authority or the Environment Agency will depend on whether this is rated or net rated thermal input. An Environmental Permit will place conditions on the site to control emissions to air (for example a minimum stack height and emission limits) and so, as this will be controlled by another regime, similar conditions cannot be imposed through the planning process. This current application shows a reduced flue height and will have been designed to meet the requirements of the relevant Environment Agency permitting regime.
136. The applicant has demonstrated to the satisfaction of the Public Protection Team that the proposal is unlikely to have a significant effect. Any effects would be controlled by other legislation.
137. However other pollution sources such as noise, considered above, light and construction vehicles and dust also need controls.
138. In relation to these matters Public Protection have advised they would have no objections to make to the proposal, but would ask that conditions are attached to any permission granted in order to control the impact of noise, dust and light at neighbouring properties including hours and times of construction. It is considered that such conditions can be attached.

Highways

139. The most significant highway impacts will arise during the construction phase. The previous application identified the use of a private road controlled by National Grid and used to access the sub-station. Unfortunately this access route is no longer available for use by the applicant and instead the sole

access for all construction vehicles will be via the public road network. This is an unfortunate situation that has arisen because of the landowner over which the National Grid road runs has not granted consent for its use in connection with the gas generator proposal.

140. Notwithstanding this lack of landowners consent the application red line encompasses the private access road with an adjacent construction compound and shows a new spur to connect to the public road and take traffic along Greenmoor Bank Lane for a distance of around 280 metres to the new site entrance.
141. There will inevitably be some disruption to local traffic during certain stages construction, but would be comparable to other similar scale development. As proposed by Cumbria County Council the Construction Traffic Management Plan would cover working hours and measures to minimise disruption. The initial stages of groundworks will generate peak traffic movements of up to 10 HGV's per day.
142. A swept path analysis has identified that the road from the B6254 would adequately take the proposed largest construction vehicle namely a Liebherr 1200 5.1 mobile crane within the boundary of the highways. The details as submitted have satisfactorily demonstrated that a vehicle of this size can negotiate the public road. The clearances are admittedly very tight particularly through Middleshaw. The Highways Officer has raised no objections to the proposed route using the public road subject to a fully detailed Construction Traffic Management Plan is provided prior to any works commencing.
143. The applicant has revised the numbers down to peak numbers of 40 personnel and 10 HGV's per day through an anticipated construction phase of 30 weeks. However this figure is anticipated to drop to 4 to 6 HGV's after the initial earthworks phase. These movements are likely to be limited to weekdays with very limited working to be at weekends. It could be conditioned that a maximum of 10 HGV's per day arrive and depart from the site, it is considered that this can be managed through the proposed Construction Traffic Management Plan.
144. The issues raised by the previous application in terms of the proposed are now resolved by the additional information provided by the applicant. In consideration of the lack of any formal objection or significant adverse comments from the Highway Authority the transport impact of the proposed access would be acceptable and therefore comply with CS Policy CS10.2 of the South Lakeland District Council Core Strategy.

Flood Risk & Drainage.

145. Policy CS8.8 requires that new development will only be permitted, with most development in Flood Zone 1, if it can be demonstrated, amongst other criteria, that: measures required to manage any flood risk can be implemented; surface water is managed in a sustainable way; and provision is made for the long term maintenance and management of any flood protection and or/mitigation measures.
146. The site is wholly located within flood zone 1 with a low probability of flooding. There are ditches and watercourses that run through the site on the northern, eastern and western boundaries and just outwith the southern boundary. A

small part of this is culverted/piped under the existing site entrance and in the north-eastern corner. There is anecdotal evidence that there have been flooding events in the catchment area downstream at Middleshaw. A not inconsiderable amount of comment has been made on this matter and on the drainage matters associated with the sub-station extension.

147. A site specific Flood Risk Assessment has been carried out and identifies that there will be an increase in low permeability cover and that surface runoff will need to be controlled at an agreed runoff rate. Percolation testing information clearly demonstrates that infiltration is not an option, as a result it is proposed to deal with the surface water runoff through the use of sustainable drainage solutions which involve a combination of geo-cellular storage tanks, attenuation tanks, fin drains and kerb drains which would eventually be reintroduced to the beck in the south east corner of the site via a flow control chamber and a hydro brake and at Greenfield run-offs.
148. As originally submitted the drainage plan did not identify a SuDs solution for the entire site, but SuDs based strategy has been submitted following further discussions. Cumbria County Council as LLFA are satisfied that the revised scheme is now acceptable; however the new access will require formal consent from Cumbria County Council to cross the watercourse. Other comments are made regarding the satisfactory drainage of the temporary site works and to prevent debris entering the watercourse. This can be covered within the scope of the Construction Management Plan. The LLFA has also commented that the maintenance of the system is not fully addressed within the submitted information, and a condition seeking this information will be attached.
149. It is considered in the absence of an objection or significant adverse comment from the LLFA the proposal accords with Policy CS8.8 and demonstrates that the measures required to manage any flood risk can be implemented. Conditions are also recommended to ensure surface water is managed in a sustainable way; and for the long term maintenance and management of any flood protection and or/mitigation measures.

Ecology

150. Policy CS8.1 requires that green infrastructure be incorporated into new developments especially, amongst other things:
 - where it can be used to mitigate the negative impacts of the development;
 - protect species and habitats and create new habitats and wildlife corridors where biodiversity conservation and enhancement is affected by development;
 - conserve and enhance existing trees and woodlands including the planting of new trees and woodlands on appropriate development sites; and
 - ensure the protection and enhancement of watercourses.
151. There are no ecological designations within or immediately adjacent to the site. The majority of the development would result in the loss of an area of species poor improved grassland of low ecological importance. An Extended Phase One Habitat Survey concludes that detailed hedgerow survey work

would be required should sections of the hedgerow need to be removed. The revised details identify that the section of hedgerow along the western road side boundary required to be removed to facilitate the new access although having a 'good diversity' does not qualify as an 'important hedgerow'. Notwithstanding this the proposed landscape and planting scheme will contribute to biodiversity.

152. In relation to the possible thinning back of roadside vegetation and for the development without the site and for the construction route, further survey work is required. In terms of protected species, the report recommends measures to protect nesting birds during the construction phase and protection measures for the watercourses including protection during construction.
153. Natural England (NE) has made no comments other reference to standing advice on protected species.
154. It is considered that in the absence of any adverse comments from English Nature regarding the validity of the habitat survey and that it is an agricultural grazing field the wildlife and ecological impacts of the development are considered acceptable. Any mitigation measures can be conditioned.

155. Other matters

Fire Risk and site safety

156. The Fire Service refers to the requirements under Building Regulations Approved Document B5 Sections 15, Fire Mains and Hydrants and 16 Vehicle access. It is also noted that access to the site may be affected as the local road network is narrow and lacks passing places.
157. The applicant has provided details that the site is expected to be surrounded by fencing and have a level of security cameras for site security. In relation to the fire safety of the site information has been submitted by the applicant in relation to the use of sprinklers and control gear.
158. It is considered that it is likely that the proposed development can be adequately managed from Fire risk point of view and those matters are more appropriately left to the Building Control regime.

Legal Advice

159. Members should note that this proposal differs from that which was considered by Planning Committee on 4 January 2018. This proposal should be considered on its own merits, based upon the contents of this report, the site visit and any oral representations made at the Planning Committee.

160. Members should also remain mindful of the fact that there are no technical objections from any of the statutory consultees that cannot be addressed by way of condition. In this context, if Members are minded to refuse the application, they need to ensure that there is adequate evidence to support such a refusal.

CONCLUSION

1. The main consideration regarding the principle of development would be whether the environmental and economic benefits of the proposal outweigh the policy presumption of restricting development within the open countryside. The site is located close to an existing substation to ensure the viability and effectiveness of the scheme and would make a contribution to supporting the realisation of opportunities provide by energy development and the low carbon economy and will help to increase energy production from the full range of renewable sources. There is sufficient justification for the development to be located in open countryside for the Gas Fired Electricity Station given that scale and location of the proposal would not cause unacceptable landscape harm in either in close and more distant views. The principle of the development therefore meets the requirements of Core Strategy policies CS 7.4, CS7.7 and Policy CS8.2 of the South Lakeland District Council Local Plan and the emergent Development Management Policies DM1, DM2 and DM21.
2. The role of the flexible power plant at Hutton directly facilitates the development of more energy generated by renewable sources, implementing this transition to a low carbon economy. It also improves the security of supply and resilience on the system today where increasingly the imbalance between supply and demand is being exacerbated by the intermittency of renewables. The principle of the development therefore meets National Energy Policy EN – 1 and Core Strategy CS7.7.
3. The most significant highway impacts will arise during the construction phase and the revised scheme showing the use of the public road from the B and through Middleshaw. The acceptance by CCC. as Highway Authority of the revised details showing that the road can adequately take the largest expected size of vehicle coupled with the proposed Construction Traffic Management Plan means that the potential negative impacts on the local road network and the amenity and character of the local area have been mitigated with the proposal now considered to accords with Core Strategy Policy CS10.2.
4. The previous issues of drainage and flooding in the locality have been addressed by the revised design layout and the use of an entire site SUDs scheme. The acceptance by CCC. as Lead Local Flood Authority of the revised drainage arrangements demonstrates that the proposed development will not have an adverse impact on local drainage and is considered to accord with Core Strategy Policy CS 8.8 and Paragraph 163 of the NPPF.

RECOMMENDATION: GRANT subject to:-

Condition	1	The development hereby permitted shall be commenced before the expiration of THREE YEARS from the date hereof.
Reason		To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- Condition 2 Written Notification shall be provided to the Local Planning Authority no later than 14 days after the commencement of the generation of electricity. The gas powered generating station and associated infrastructure and hard standing shall be removed from site and land reinstated in accordance with a scheme submitted to and agreed in writing with the Local Planning Authority before the expiry of 30 years from the generating station being operational
- Reason To ensure that the gas powered generator station is removed once the temporary period of installation has expired in order to protect the surrounding landscape in accordance with Policies CS8.2 and CS8.10 of the South Lakeland Core Strategy.
- Condition 3 The development hereby permitted shall be carried out in accordance with the following approved plans:
- 1:200 scale - Location plan - Dwg No 263-LP-01 – Received 29/05/2018
 - 1:500 scale – Block plan- Dwg No 263-BP-100 Rev A - 29/05/2018
 - 1:500 scale – Site sections- Dwg No 263-BP-200-Rev A – Received 04/07/2018
 - 1:500 scale – Planting scheme – Dwg No 263 –PP- 900 Rev A – Received 29/05/2018
 - 1:1250 scale – Topographical survey – Dwg No SE-TS-01 – Received 09/05/2018
 - 1:100 scale – Substation plans - Dwg No 5001 Rev A – Received 04/07/2018
 - 1:100 scale – DNO Substation plans - Dwg No 5002 – Received 04/07/2018
 - 1:100 scale – Substation plans - Dwg No 5003 – Received 04/07/2018
 - 1:200 scale –Engine arrangement – Dwg No 263 –EE – 01 Rev – Received 29/05/2018
 - 1:50 scale – NW Electricity Control Room – 100050-020- Rev 001 – Received 09/05/2018
 - 1:50 scale – 11 kV Switch house – Dwg No GP-11kV SH01 – Received 04/07/2018
 - 1:50 scale –Control Room – Dwg No 263 –DNOCR -01–

Received 04/07/2018

Composite scale – HP NTS – Received 09/05/2018

1:250 scale – Proposed impermeable areas – NK018770-RPS-GBP-XX-DR-D-6310 Rev PO7 – Received 29/05/2018

1:250 scale – Drainage – NK018770-RPS-GBP-XX-DR-D-6300 Rev PO9 – Received 29/05/2018

1:1000 scale – Draft Tracking plan – Dwg No NK019002-SK-001- Received 09/05/2018

1:250 scale – Draft Tracking plan – Dwg No NK018997- RPS-DR-0244 - Received 09/05/2018

1:500 scale – Tree constraints plan – Received 29/05/2018

1:500 scale – Tree protection plan – Dwg No GP/TPP/01 - Received 29/05/2018

1:25 scale- Perimeter fence - Dwg No GP-PF-02 – Received 09/05/2018

1:25 scale- Compound gates - Dwg No GP-EG -03 – Received 09/05/2018

Reason For the avoidance of doubt and in the interests of proper planning.

Condition 4 No development shall commence until details of all works affecting surrounding watercourses have been agreed in writing with the Local Planning Authority. Any works should include restoration and enhancement of the watercourses, including any opening up of culverts and deepening. The agreed works shall be carried out in full accordance with the approved details.

Reason In the interests of adequate drainage and safeguarding development from the risk of flooding.

Condition 5 No development shall commence until a Construction Method Statement including details of all on-site construction works, post construction reinstatement mitigation and other restoration, together with a detailed timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include ; *formation of the construction compound and access tracks and any areas of hard standing; cleaning of site entrances and adjacent public highway; sheeting of all HGV's where appropriate; post construction reinstatement/restoration of the working areas; traffic*

management for site operatives and measures to minimise numbers of vehicles; the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; wheel washing facilities; measures to control the emission of dust and dirt during construction; a scheme for recycling / disposing of waste resulting from demolition and construction works; and measures to control noise and vibration.

The development shall be carried out in accordance with the approved Construction Method Statement.

Reason In the interests of highway safety and general amenity for local residential properties in accordance with Policy CS1.1 and CS10.2 of the South Lakeland Core Strategy.

Condition 6 a) No development shall take place until details of the implementation, adoption; maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. Those details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development to secure the effective operation of the sustainable drainage system throughout its lifetime.

b) Before the generator station is first brought into use, a validation report (that demonstrates that the drainage scheme has been carried out in accordance with the approved plan) must be submitted to the Local Planning Authority.

c) The system shall be implemented and thereafter managed and maintained in accordance with the approved sustainable drainage details / plan.

Reason These details are required to be approved before the commencement of development to ensure surface water is managed in a sustainable way in accordance with Policy CS8.8 of the South Lakeland Core Strategy.

Condition 7 No development shall commence until details of the construction surface water management have been submitted to and approved in writing by the Local Planning Authority. Such details shall include:

measures to prevent excess and uncontrolled run off from the site,

measures to prevent silt from entering the adjacent watercourses; and

measures to maintain the approved construction surface water management for the duration of the construction period.

The agreed works shall be carried out in full accordance with the approved details.

Reason

To ensure adequate provision is made for the management of surface water disposal accordance with saved Policy S26 of the South Lakeland Local Plan.

Condition 8

No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning authority. The CTMP shall include details of;

maintaining vehicular access to Eskrigg End; construction of the temporary access track site access and creation positioning and maintenance of associated visibility splays; access gates set back 10 metres and inward opening; proposed accommodation works and where necessary a programme for their subsequent reinstatement of street furniture and verges, where required along the route; a pre-construction road condition survey in conjunction with the Highway Authority for accommodation works within the highway boundary; details of road improvement, construction specification, strengthening, a protocol for the maintenance and ongoing identification and repair of damage and defects to the highway attributable to development traffic; details of verge crossings, retained areas for parking; manoeuvring, loading and unloading for use during the development; surfacing of the access roads into the site for a minimum of 25 metres; construction traffic routing; the dimensions of extraordinary HGV's, the management of junctions to and crossings of the public highway and PROW's; details of scheduling and timing of traffic movements; and details of abnormal load escorts, temporary warning signs and banksman /escort arrangements.

The development shall be carried out in accordance with the approved Construction Management Traffic Plan with all works to be carried out to the specification of the Highway Authority.

Reason

In the interests of highway safety in accordance with Policy CS10.2 of the South Lakeland Core Strategy.

Condition	9	<p>a) The development shall not proceed except in accordance with the noise assessment report JAT9473-REPT-01-R2 prepared by RPS Group and deposited with the Local Planning Authority on 01/06/2018.</p> <p>b) All approved control measures shall be implemented [prior to the use commencing / prior to first occupation of the building] and shall be retained as such thereafter.</p>
Reason		To safeguard the amenity of neighbouring occupiers in accordance with National Planning Policy Framework para 17 Core Principles and paras 121 - 122.
Condition	10	<p>a) A scheme showing the proposed lighting plan (including all external floodlighting, external building lights and car park lighting) for the development shall be submitted to and agreed in writing with the Local Planning Authority prior to development commencing. This shall show the location, number and type of units proposed, their orientation and brightness in lux and proposed hours of operation. It shall also predict the light level in lux to be experienced outwith the site boundaries.</p> <p>b) The development shall be carried out in accordance with the approved lighting scheme and retained as such thereafter.</p>
Reason		These details are required to be approved before the commencement of development to minimise the visual impact of light on the locality in accordance with the National Planning Policy Framework Core Principles.
Condition	11	<p>No work for the construction of these developments, including demolition, shall take place on the site, except between the hours:</p> <p>08.00 - 18.00 Monday to Friday; and</p> <p>08.00 - 13.00 on Saturdays;</p> <p>unless otherwise agreed in writing with the Local Planning Authority. In particular, no work should be carried out on Sundays or officially recognised public holidays without the prior agreement in writing of the Local Planning Authority.</p>
Reason		To safeguard the amenity of neighbouring occupiers in accordance with National Planning Policy Framework Core Principles.

- Condition 12 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is brought in to operation or in accordance with a programme to be agreed in writing with the Local Planning Authority prior to any development commencing. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.
- Reason To safeguard and enhance the character of the area and secure high quality landscaping in accordance with saved Policy S3 of the South Lakeland Local Plan.
- Condition 13 a) No development shall commence until samples and details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) Development shall be carried out in accordance with the approved schedule of materials unless otherwise agreed in writing with the Local Planning Authority.
- Reason To ensure the development is of a high quality design in accordance with Policy CS8.10 of the South Lakeland Core Strategy and saved Policy S2 of the South Lakeland Local Plan.
- Condition 14 a) Development shall not commence until a scheme to prevent the run-off of debris, dust and pollution into the Middleshaw Beck during the construction work has been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be carried out in accordance with the approved scheme in (a) above.
- Reason These details are required to be approved before the commencement of development to prevent harm to protected species in accordance with Policy CS8.4 of the South Lakeland Core Strategy.
- Condition 15 No development shall commence until details of the external finish and colour of the 4 gas powered generator exhaust flue stacks have been submitted to and approved in writing by the

		Local Planning Authority.
Reason		To minimise the visual impact of the proposed development upon the surrounding landscape in accordance with Policies CS8.2 and CS8.10 of the South Lakeland Core Strategy.
Condition	16	<p>No development shall take place until the applicant or their agent(s) or successor(s) in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The written scheme of investigation shall include the following components:</p> <p>a) an archaeological evaluation; and</p> <p>b) archaeological recording programme, the scope of which shall be dependent upon the results of the evaluation.</p> <p>Where the results of the programme of archaeological work recommend, there shall be carried out within two years of the completion of that programme on site, or within such timescale as otherwise agreed in writing with the Local Planning Authority:</p> <p>i. an archaeological post-excavation assessment and analysis;</p> <p>ii. preparation of a site archive ready for deposit at an appropriate store;</p> <p>iii. compilation of an archive report; and</p> <p>iv. the preparation and submission of a report of the results for publication in a suitable specialist journal.</p>
Reason		These details are required to be approved before the commencement of development to ensure any remains on site are properly recorded in accordance with saved Policy C19 of the South Lakeland Local Plan.
Condition	17	No alterations or variations to the approved works or tree protection schemes shall be made without the prior written consent of the Local Planning Authority.
Reason		To ensure the protection and retention of important landscape features in accordance with Policy CS8.1 of the South Lakeland Core Strategy.