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ENERGY

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# SHAWHOUSE, WHALLEY

Prepared by Pegasus Group | September 2018 | P17-2766

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## Planning Statement

On behalf of Suncredit Energy

**Pegasus**  
Group



# **PLANNING APPLICATION FOR A BACKUP ELECTRICITY GENERATION FACILITY**

## **PLANNING STATEMENT**

### **LAND AT SHAWHOUSE FARM, WHALLEY, CLITHEROE**

**ON BEHALF OF SUNCREDIT LIMITED**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE ACT 2004**

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**PLANNING** | **DESIGN** | **ENVIRONMENT** | **ECONOMICS**

## CONTENTS:

Page No:

1.	INTRODUCTION	1
2.	APPLICATION SITE AND ITS ENVIRONS	4
3.	APPLICATION PROPOSAL	11
4.	PLANNING POLICY CONTEXT	14
5.	PLANNING APPLICATION APPRAISAL	34
6.	CONCLUSIONS	44

## APPENDICES:

APPENDIX 1:	SITE LOCATION PLAN
APPENDIX 2:	PLANNING APPLICATION DRAWINGS
APPENDIX 3:	APPEAL DECISION APP/R1010/W/17/3172633

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## 1. INTRODUCTION

- 1.1 This Planning Statement has been prepared by Pegasus Group on behalf of Suncredit [“the applicant”]. Planning permission is sought for the installation of a standby electricity generation hub comprising 12 No. gas utilisation engines on land at Shawhouse Farm, Whalley, Clitheroe, BB7 9AD. The site location plan is provided at Appendix 1.

### APPENDIX 1: SITE LOCATION PLAN

#### Background to Development

- 1.2 The National Grid operates a Balancing Service in order to balance demand and supply and to ensure the security and quality of the electricity supply across its transmission system. It is responsible for managing and making critical adjustments to the supply and demand of electricity at each moment of the day by either implementing agreed stoppages to some electricity users supply and/or calling upon back-up generation. Without such back-up capacity, such as the plant put forward by this application proposal, the national grid is at a real risk of achieving blackouts.
- 1.3 The proposed energy generation scheme at Shawhouse Farm will assist towards controlling the balancing service by providing the National Grid with access to extra power in the form of readily available generation to be able to manage unforeseen demand increase and/or fluctuations to mainstream generation.
- 1.4 With the increasing penetration of intermittent renewables in the system, coupled with the ongoing retirement of large thermal plant, there is an increasing need for reserve power to balance the national grid.
- 1.5 The application proposal therefore provides a valuable local and national service; and allows more renewables to be integrated into the system.
- 1.6 The development management issues relevant to the application proposal are discussed in this Statement. The subsequent sections of this Statement are divided into: -

#### **Section 2: Application Site**

- 1.7 This section contains a description of the application site and its surrounds.

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**Section 3: Application Proposal**

- 1.8 This section contains a description of the proposal and the development parameters that forms part of the planning application.

**Section 4: Planning Policy and Material Considerations**

- 1.9 This section outlines the planning policy context for the site, including both national policy guidance and the statutory development plan which comprises the Ribble Valley Core Strategy. Brief explanations of the key policies pertaining to the development proposal are contained within this section.

**Section 5: Planning Appraisal**

- 1.10 This section outlines some of the planning matters that are considered to be important to the consideration of the application proposal. Considerations are addressed in turn and explained in the context of the relevant planning policy outlined in Section 4.

**Section 6: Conclusions**

- 1.11 This section provides the concluding comments in relation to the proposal.

**Supporting Documentation**

- 1.12 The application proposal is supported by the following documentation:
- **Completed 1APP [Application Form] and Certificates;**
  - **Covering Letter**, prepared by Pegasus Group;
  - **Planning Statement** [this statement], prepared by Pegasus Group;
  - **Planning Application Drawings**, prepared by Pegasus Group;
  - **Design and Access Statement**, prepared by Pegasus Group;
  - **Landscape and Visual Impact Assessment**, prepared by Pegasus Group;
  - **Noise Assessment**, prepared by Sharps Redmore;
  - **Air Quality Assessment**, prepared by Air Quality Consultants;

- **Ecological Report**, prepared by Bowland Ecology.

- 1.13 This Statement should be considered in conjunction with the planning application package, as listed above, in order to gain a complete understanding of the application proposal.
- 1.14 The application documentation demonstrates the diligent approach adopted by the applicant, and their experienced consultant team in delivering a well-considered proposal based on sound environmental and sustainable development considerations.

## 2. APPLICATION SITE AND ITS ENVIRONS

- 2.1 The application site is located within the farmyard of Shawhouse Farm on the northern edge of Whalley. The application site is centred on grid reference SD 73141 37323, within the administrative area of Ribble Valley Borough Council. The main part of the application site occupies an area of approximately 0.54ha excluding the access road (application site area with access road is 0.71 ha).
- 2.2 The main broadly square part of the application site occupies the northern part of the farmyard of Shawhouse Farm, adjacent to the main large-scale farm buildings. A small copse lies to the north/north-west of the application site, and a bund (approximately 2m high) lies on the western boundary between the application site and the adjacent Ribble Valley railway line. The Site is partially hard-surfaced and contains areas of ruderal/pioneer vegetation, and is currently used as a yard for the storage of farm machinery, vehicles and rubble.



**Figure 1: Photograph of part southern section of applicant site (excluding access track).**

- 2.3 Shawhouse Farm is located on the northern edge of Whalley, to the north of the A59 main road and to the east of the Ribble Valley railway line. Land surrounding the farm is generally in pastoral uses, with strong hedgerow field boundaries with

frequent hedgerow trees. There are also numerous tree belts, including alongside the A59, and small copses.

### **Vehicular Access**

- 2.4 In terms of access, the application site is served by the existing farmyard track which connects Shawhouse Farm to Clitheroe Road.



**Figure 2: Photograph of the Shawhouse Farm access track when viewed from Clitheroe Road.**

### **Built Infrastructure**

- 2.5 As well as the large farm buildings of Shawhouse Farm itself, built infrastructure is visible across the local landscape, including the A59 main road to the south of Shawhouse Farm (with the major roundabout junction with the A671 to the east), the Ribble Valley railway to the west of the application site, the Calderstones Hospital to the west, and industrial/commercial developments such as at Lamb Roe and Barrow to the north-east.
- 2.6 A 33kV powerline mounted in single timber T-poles passes immediately to the east of the main development area of the application site. An 11KV powerline cable runs down the access track to Shawhouse Farm.

### **Topography**

2.7 The application site is broadly level, lying at an elevation of approximately 58m Above Ordnance Datum (AOD). The immediately surrounding topography is very gently undulating, generally sloping towards the various nearby rivers (the Ribble, the Hodder and the Calder) and their tributaries. Further to the south-west and north-east the land rises, to over 500m AOD in the case of Pendleton Hill to the north-east.

### **Woodlands, Hedgerows and Trees**

2.8 A small copse lies immediately to the north/north-west of the application site. There are further small woodlands and treebelts across the local area, with notable tree belts alongside much of the A59 main road to the south of the application site.

2.9 Field boundary hedgerows are generally dense and strong, typically being clipped to a height of 1.5-1.8m annually. Hedgerow trees are very common, sometimes continuous.

### **Public Highways and Railways**

2.10 The nearest public highways to the application site is Clitheroe Road, a minor road which lies approximately 300m to the east of the main part of the application site and the farm, and the A59 main road which lies approximately 225m to the south of the main part of the site. Clitheroe Road passes under the A59, linking Whalley and Barrow on a broadly north-south alignment, and the farm access road (which also forms the access to the application site) links to Clitheroe Road.

2.11 The nearest railway line is the Ribble Valley Line which bounds the western edge of the application site.

### **Settlements and Residential Properties**

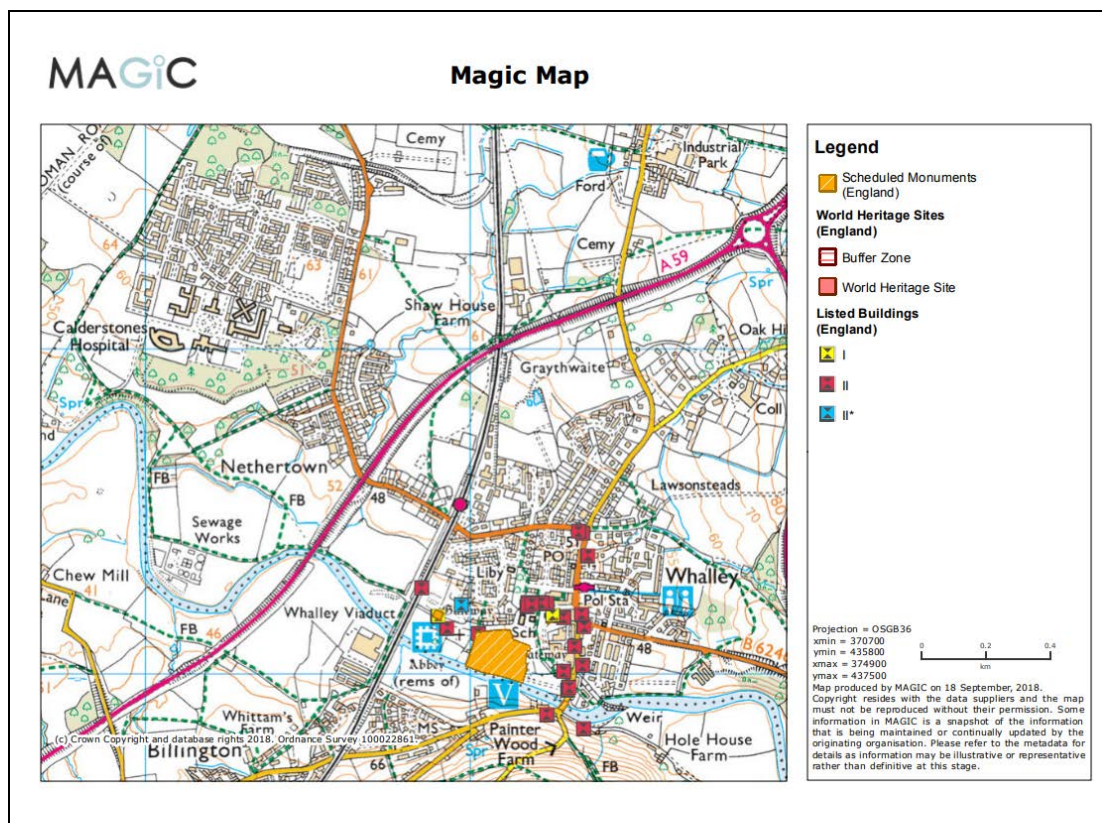
2.12 The nearest residential properties to the application site are:

- the farmhouse and bungalow at Shawhouse Farm itself, approximately 185m south of the main part of the Site but separated from the Site by the farm outbuildings;
- properties at Lamb Roe Gardens on southern edge of Lamb Roe, approximately 400m from the main part of the Site;
- Mead Croft, approximately 315m to the east;

- 
- property on west side of Clitheroe Road immediately to south of the A59 underpass, 350m to the south-east of the main part of the Site;
  - properties on Grasscroft Way on northern edge of Whalley, approximately 525m to the south of the main part of the Site;
  - properties on eastern side of Moor Field on north-east edge of Nethertown, approximately 450m to the south-west of the main part of the Site;
  - properties on west side of B6246 Mitton Road, approximately 450m to the west of the main part of the Site;
  - properties on north-west side of Mitton Road Business Park, approximately 400m north-west of the main part of the Site;
  - Guild House on B6246 Mitton Road, approximately 585m north-west of the main part of the Site; and
  - various residential properties at Brook House Farm, approximately 585m to north-north-west of the main part of the Site.

### **Environmental and Cultural Designations**

- 2.13 There are no conservation areas within or adjacent to the application site.
- 2.14 The nearest to the site is the Whalley Conservation Area (extended in 2006). This is located approximately 600m away from the application site and separated by various land uses including the A59 which sits at a higher level than both the application site and conservation area.
- 2.15 There are no listed heritage assets near the site. The nearest listed buildings are clustered in the Whalley Conservation Area, as shown below: -



**Figure 3: extract from MAGIC showing nearest heritage assets**

2.16 Turning to environmental designations, there are no designated sites located within or adjoining the site. The nearest is Light Clough SSSI which is designated on the basis of earth heritage (geological) and located 2km to the north east of the application site.

2.17 There are twelve non-statutory Biological Heritage Sites (BHS) within the locality, these are: -

- Calderstones Hospital Woodland /Railway Line (73NW09), 260 m to the north-west. This is a site supporting alder – willow carr woodland, swamp and grassland habitats.
- Hard Hill Common (73NW18, 700 m to the north). Formely common land which has been drained for agricultural improvement but still supporting lcoalised areas of purple moor grass/rush pasture.
- Barrow Brook Field (73NW17), 700 m to the north. A site supporting damp semi-natural neutral grassland (MG4 NVC classification).

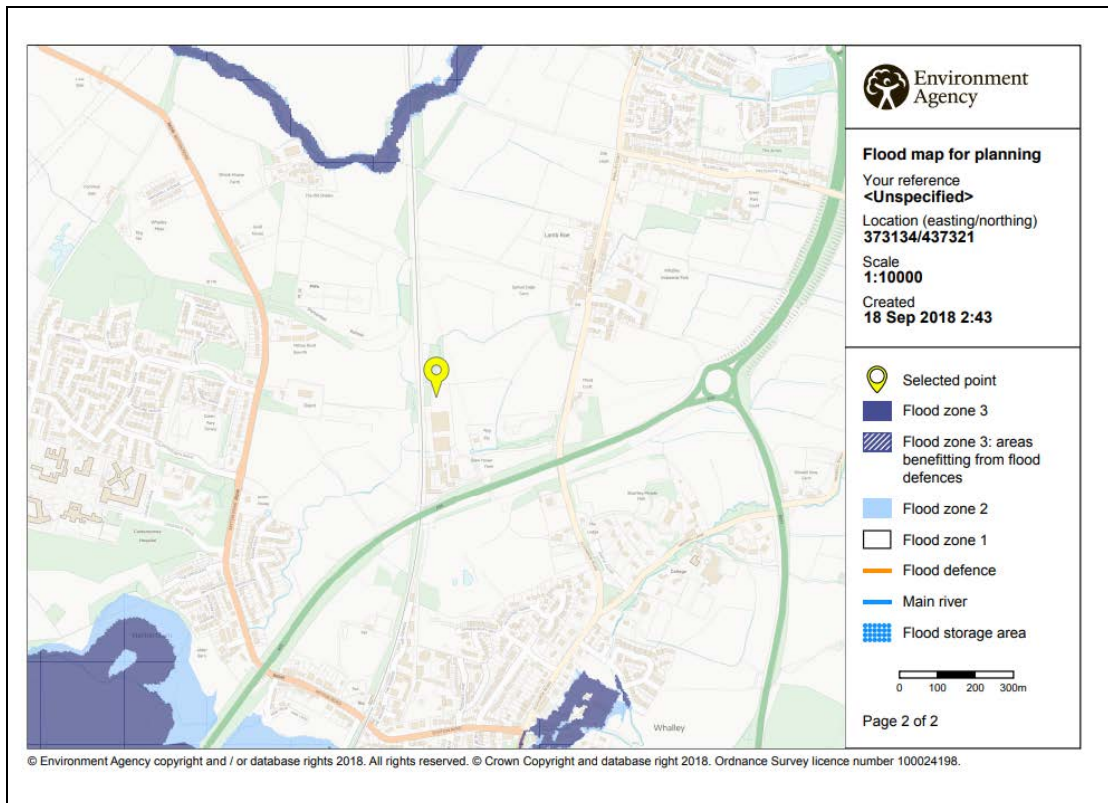
- Spring Wood (73NW14), 1.3 km to the south-east. A woodland and scrub site.
- Mitton Wood (73NW05), 1.4 km to the west. A large semi-natural woodland site listed on Lancashire Inventory of Ancient Woodland (Provisional) (English Nature 1994).
- Sir John's Wood and Lords Park Wood (73NW12), 1.5 km to the south-east. A woodland and scrub site.
- Calder Bank, Broken Bough (73NW1), 1.5 km to the south-east. A steep bank along the northern side of the River Calder, and a continuation of St John's Wood. It supports a population of rough horsetail (*Equisetum hyemale*) which is listed on the Lancashire Red Data List of Vascular Plants.
- Small Field (73NW16), 1.8 km to the north-west. A site supporting semi-natural neutral grassland adjoining the eastern bank of the River Ribble.
- Mitton Hall Wood (73NW0), 1.8km to the north-west. Designated on the basis of woodland and scrub habitats.
- River Ribble from London Road Bridge Preston, in West, to County Boundary, in East (LSRRI), 1.8 km to the north-west. Important for sea trout, salmon, otter, water vole, sand martin and kingfisher. The habitats associated with the river comprise woodland, grassland and, locally, swamp and tall-herb communities.

## Hydrology

2.18 The Government's flood risk advice map locates the site in flood zone 1, and therefore at the lowest risk of flooding. A review of the Environment Agency data set confirms there are no water abstract points within the application site. The relevant extract of the Government's flood risk map is provided below<sup>1</sup>.

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<sup>1</sup> <https://flood-map-for-planning.service.gov.uk>



**Figure 4: Extract of Government Flood Map for Planning.**

### 3. APPLICATION PROPOSAL

- 3.1 Full planning permission is sought for the provision of a standby electrical generating hub with associated vehicular access, parking and landscaping. The proposed layout is provided at Appendix 2.

#### APPENDIX 2: PLANNING APPLICATION DRAWINGS

##### Background and Need for Application Proposal

- 3.2 The National Grid is the owner of the England and Wales High Voltage Transmission System and the Operator of the Great Britain High Voltage Electricity Transmission System. In order to operate the system on a real-time basis, National Grid requires access to a number of services, these include a balancing response. The application proposal contributes towards a balancing response based on real-time needs.
- 3.3 The District Network Operator (DNO) is responsible for the operation of the local grid network. The DNO is licensed to distribute electricity provided by the National Grid and is responsible for bringing electricity from the national transmission network to the local area.

##### Balancing Response

- 3.4 At certain times of the day the electrical grid network needs access to sources of extra power in the form of readily available generation to be able to manage unforeseen demand increase and/or fluctuations to mainstream generation. This is particularly relevant in the context of increasing renewable energy output where supply can often fluctuate depending on specific climatic conditions (for example, too little or too much wind speed for wind turbines and daylight implications for solar panels). As well as providing power at times of low electricity supply, the facility will also provide back-up power at times of high demand.

##### Use

- 3.5 The application proposal will comprise the introduction of 12 No. containerised natural gas fired engines providing a total generation capacity of 24MW (2MW per engine).
- 3.6 The energy hub is subdivided into two compounds whereby 10 No x 2MW engines will serve the existing local 33kv powerline and 2 No x 2MW engines will serve the existing local 11kv power line. Both compounds can run interdependently or at the

same time. Each compound would be in operation for approximately 2000 hours per year, although generating hours are expected to be clustered between the months of November to February (times of peak demand for balancing service to the local grid network). The plant are intended to primarily be contracted to the National Grid procedures under its Balancing Services.

3.7 The main components of the application proposal are set out below: -

- 12 No x 2MW rated gas utilisation engines measuring 12m in length, 3m in width and 3.5m high with a flue stack height of 8m arranged into two gated compounds;
- Landscaping along the eastern edge of the facility;
- Transformers;
- Switchgear cabinet;
- Welfare cabinet;
- 2 No Gas Kiosk;
- 2 No. Customer Substations;
- 2 No. Gated compound with a 2.4m high security fence;
- 2 No. DNO Substation;
- 3m high solid acoustic fence enclosing the containerised engines; and
- Access track.

### **Connection to the Local Electrical and Gas Grid Network**

3.8 The existing local electricity grid infrastructure has sufficient export capacity headroom to accommodate the application proposal. The points of connections for both gas (underground gas pipe) and electricity (two connections) are all located within Shawhouse Farm which accommodates the application proposal. The proposed DNO substation that will accompany the 10x2MW compound would be connect to the adjacent 33kv powerline (located to the immediate east of the main compound) and the proposed DNO substation for the 2x2MW compound would be

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connect to the 11kv powerline which runs parallel alongside the Shawhouse farm access track from Clitheroe Road. The cable runs / gas pipes linking the proposed compound to the point of connections on the national gas/electricity grid would be located underground.

### **Public Access**

- 3.9 The proposed development will not be accessible to the public and security measures provided will act as a deterrent to prevent unlawful access.

### **Lighting**

- 3.10 The facility will be unmanned with infrequent visits made for maintenance purposes. Continuous lighting is therefore unnecessary at the site. The only permanent lighting on site will be timer controlled and motion sensor activated security lighting, enabling the security company to have a visual at night. At other times, task lighting (low in luminance) will only be necessary when an engineer is in attendance. Notwithstanding this, the design and location of the compound is such that light spill out from the site would be negligible.

### **Decommissioning and Removal**

- 3.11 The applicant accepts the imposition of a planning condition which requires the decommissioning of the site if the site becomes inoperative for a period of 6 months or longer.

#### 4. PLANNING POLICY CONTEXT

- 4.1 This section identifies the national and local planning policy, guidance and other material considerations pertinent to the application proposal. The plan-led approach to development as set down by Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to accord with the adopted development plan unless material considerations indicate otherwise.
- 4.2 Importantly, the development plan must be understood as a whole. This approach to construing policy is endorsed in case law judgments; notably that of Sullivan J in Rochdale [R v Rochdale MBC ex parte Milne [2001] reported at 81 P&CR 365]. In this case, Sullivan J concluded that in assessing compliance with the development plan it is not necessary to comply with all policies; there will be some core or site specific policies that take precedence over others<sup>2</sup>. In other words, there will be dominant policies which guide the development proposal.

#### DEVELOPMENT PLAN

- 4.3 The Development Plan covering the planning application boundary area comprises the Ribble Valley Borough Council Core Strategy 2008 -2028. The Core Strategy was adopted in December 2014 and seeks to guide development and land use in the Ribble Valley area up to 2028.
- 4.4 The foreword to the Core Strategy stipulates how the plan provides (inter alia) ***“a clear basis to decide planning applications and coordinate the delivery of services and infrastructure”***. Paragraph 3.4 sets out the vision of the Core Strategy and states: -

The Ribble Valley will be an area with an exceptional environment and quality of life for all, sustained by vital and vibrant market towns and villages acting as thriving service centres, meeting the needs of residents, businesses and visitors.

<sup>2</sup> The proper approach in this regard is that articulated by ***Sullivan J. in R v Rochdale MBC, ex p Milne [2000] Env. L.R. 1*** . He said that *“[i]t is not at all unusual for development plan policies to pull in different directions ... there may be no clear cut answer to the question: “is this proposal in accordance with the plan?”. The local planning authority has to make a judgment bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach ... For the purposes of section 54A it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy therein.”* Accordingly, there will be some policies that take precedence over others.

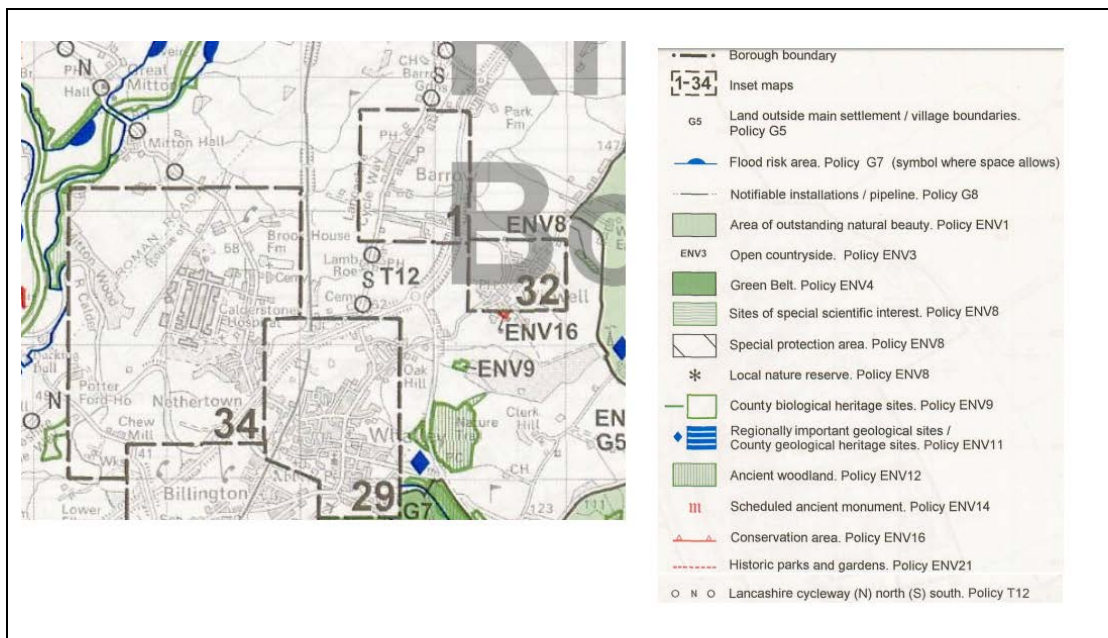
We will seek to create an area with unrivalled quality of place, respecting the unique natural, social and built heritage of the area.

New development to meet the needs of the area for growth, services and quality of life will be managed to ensure the special characteristics of the area are preserved for future generations.

- 4.5 The amplification to the vision, at paragraph 3.7 of the Core Strategy, goes on to state how development will need to meet the needs of residents, business and visitors and how development will require growth facilitated in a way that balances the need for development with the need to conserve the quality of the environment.
- 4.6 The application proposal will reinforce existing essential infrastructure that in turn will contribute towards energy security and safeguarding economic prosperity, community, growth and social wellbeing of the locality.

Local Plan Proposals Map

- 4.7 The Proposals Map accompanying the Development Plan locates the application site in the open countryside and not allocated or safeguarded for a specific use. The relevant extract of the Local Plan Proposals Map is set out below -



- 4.8 The Development Plan policies pertinent to the application proposal are: -

- Key Strategy DS2: Sustainable Development;

- Key Strategy EN2: Landscape
- Key Strategy EN3: Sustainable Development and Climate Change
- Key Statement EN4: Biodiversity and Geodiversity
- Key Statement EN5: Heritage Assets
- Key Statement DMG1: General Considerations
- Key Statement DMG2: Strategic Considerations
- Key Statement DMG3: Transport and Mobility
- Key Statement DME1: Protecting Trees and woodlands
- Key Statement DME2: Landscape and townscape protection
- Key Statement DME3: Site and Species protection and conservation
- Key Statement DMB1: Supporting Business Growth and the Local economy

4.9 Each policy is disused in turn below.

4.10 Key Strategy DS2 reaffirms how the Council will take a positive approach that reflects the presumption in favour of sustainable development. The policy states: -

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits,

when assessed against the policies in the National Planning Policy Framework taken as a whole; or • specific policies in that Framework indicate that development should be restricted.

4.11 The amplification to the Policy, at paragraph 4.15 of the Core Strategy, identifies how ***“The development strategy and the Core Strategy as a whole seek to deliver sustainable development. In particular this demonstrates the economic, social and environmental roles that planning has in contributing to sustainable development. This reflects the Golden Thread that runs through the National Planning Policy Framework and which underpins both plan making and decision taking by local planning authorities. The Council considers that it is important to emphasise the role of securing sustainable development and that in the light of NPPF a clear position is given by the Council on how it will seek to deliver national planning policy aspirations. This is set out in Key Statement DS2 as a core principle of the Council’s approach to achieving sustainable development”.***

4.12 Policy EN2 relates to Landscape and states: -

The landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty will be protected, conserved and enhanced. Any development will need to contribute to the conservation of the natural beauty of the area. The landscape and character of those areas that contribute to the setting and character of the Forest of Bowland Areas of Outstanding Natural Beauty will be protected and conserved and wherever possible enhanced. As a principle the Council will expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials.

4.13 The amplification to the policy, at paragraph 5.3 of the Core Strategy, identifies how (inter alia) ***“Over 75% of the area is designated as an Area of Outstanding Natural Beauty..”.*** The application site is duly located outside the AONB.

4.14 The relationship between sustainable development and climate change is set out through Key Statement EN3: -

The Council will seek to ensure that all development meets an appropriate recognised sustainable design and construction standard where viable to do so, in order to address both the causes and consequences of climate change. In particular, all development will be required to demonstrate how it will contribute towards reducing the Borough's carbon footprint. The Council will assess applications against the current Code of Sustainable Homes, Lifetime Homes and Buildings for Life and BREEAM standards, or any subsequent nationally recognised standards. Proposals for the development of new renewable energy generation facilities, including onshore wind turbine technologies, will be considered. This will require the consideration of many factors including the need to reduce the area's carbon footprint whilst also recognising its exceptional environmental and landscape context. In adapting to the effects of climate change it is expected that proposals for development will demonstrate how sustainable development principles and sustainable construction methods, such as the use of sustainable drainage systems, will be incorporated. New development in vulnerable areas should ensure that risks can be managed through suitable measures, including through the conservation of biodiversity, improvement of ecological networks and the provision of green infrastructure. All development should optimise energy efficiency by using new technologies and minimising the use of energy through appropriate design, layout, material and landscaping and address any potential issues relating to flood risk. Ribble Valley Borough Council will liaise with the County Council over development within Mineral Safeguarding Areas (MSAs) in both proposing future site allocations and in determining planning applications. This liaison will include consideration of the issue of preventing the unnecessary sterilisation of mineral resources within MSAs and, where feasible and practicable, the prior extraction of mineral resources. On larger schemes, planning permission will only be granted for developments on sites that deliver a proportion of renewable or low carbon energy on site based on targets elaborated within the relevant Development Management policy and also incorporate recycled or reclaimed materials or minimise the use of energy by using energy efficiency solutions and technologies. Where developments fail to achieve any of these, it must be demonstrated why this cannot be achieved.

- 4.15 The amplification to the policy makes specific reference to energy proposal and states ***"It is important that energy and natural resource provision is***

***considered at this stage. The SA scoping report highlighted that there is a very high quality environment in the borough, which needs to be preserved and enhanced. However it also highlighted that in terms of energy provision (including renewables) policies in the Core Strategy will need to be carefully considered and balanced with the need to ensure that the environment of the Borough is not adversely affected. The key statement sets out how energy provision (including renewables) will be considered at planning application level".***

- 4.16 Through Key Statement EN4, the Council will seek, wherever possible, to conserve and enhance the area's biodiversity and to avoid the fragmentation and isolation of natural habitats. The application site comprises bare ground (compacted gravel) and the change of use of a small area of bare ground vegetated with some sparse ephemeral cover is considered to be a negligible ecological impact. No scrub or tree removal is required and therefore no direct impact to breeding birds or bats are envisaged.
- 4.17 For these reasons it is considered that the application proposal would not conflict with requirements of Policy EN4.
- 4.18 Key Statement EN5 deals with Heritage Assets and states: -

There will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. The Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance for their heritage value; their important contribution to local character, distinctiveness and sense of place; and to wider social, cultural and environmental benefits. This will be achieved through:

- Recognising that the best way of ensuring the long term protection of heritage assets is to ensure a viable use that optimises opportunities for sustaining and enhancing its significance.
- Keeping Conservation Area Appraisals under review to ensure that any development proposals respect and safeguard the character, appearance and significance of the area.
- Considering any development proposals which may impact on a heritage asset or their setting through seeking benefits that conserve and enhance their significance and avoids any substantial harm to the heritage asset.
- Requiring all development proposals to make a positive contribution to local distinctiveness/sense of place.
- The consideration

of Article 4 Directions to restrict permitted development rights where the exercise of such rights would harm the historic environment.

- 4.19 Policy DMG1 sets out the general development management issues pertinent to the consideration of all planning applications and sites: -

IN DETERMINING PLANNING APPLICATIONS, ALL DEVELOPMENT MUST:

DESIGN

1. BE OF A HIGH STANDARD OF BUILDING DESIGN WHICH CONSIDERS THE 8 BUILDING IN CONTEXT PRINCIPLES (FROM THE CABE/ENGLISH HERITAGE BUILDING ON CONTEXT TOOLKIT. 2. BE SYMPATHETIC TO EXISTING AND PROPOSED LAND USES IN TERMS OF ITS SIZE, INTENSITY AND NATURE AS WELL AS SCALE, MASSING, STYLE, FEATURES AND BUILDING MATERIALS. 3. CONSIDER THE DENSITY, LAYOUT AND RELATIONSHIP BETWEEN BUILDINGS, WHICH IS OF MAJOR IMPORTANCE. PARTICULAR EMPHASIS WILL BE PLACED ON VISUAL APPEARANCE AND THE RELATIONSHIP TO SURROUNDINGS, INCLUDING IMPACT ON LANDSCAPE CHARACTER, AS WELL AS THE EFFECTS OF DEVELOPMENT ON EXISTING AMENITIES. 4. USE SUSTAINABLE CONSTRUCTION TECHNIQUES WHERE POSSIBLE AND PROVIDE EVIDENCE THAT ENERGY EFFICIENCY, AS DESCRIBED WITHIN POLICY DME5, HAS BEEN INCORPORATED INTO SCHEMES WHERE POSSIBLE. 5. THE CODE FOR SUSTAINABLE HOMES AND LIFETIME HOMES, OR ANY SUBSEQUENT NATIONALLY RECOGNISED EQUIVALENT STANDARDS, SHOULD BE INCORPORATED INTO SCHEMES.

ACCESS

1. CONSIDER THE POTENTIAL TRAFFIC AND CAR PARKING IMPLICATIONS. 2. ENSURE SAFE ACCESS CAN BE PROVIDED WHICH IS SUITABLE TO ACCOMMODATE THE SCALE AND TYPE OF TRAFFIC LIKELY TO BE GENERATED. 3. CONSIDER THE PROTECTION AND ENHANCEMENT OF PUBLIC RIGHTS OF WAY AND ACCESS. AMENITY 1. NOT ADVERSELY AFFECT THE AMENITIES OF THE SURROUNDING AREA. 2. PROVIDE ADEQUATE DAY LIGHTING AND PRIVACY DISTANCES. 3. HAVE REGARD TO PUBLIC SAFETY AND SECURED BY DESIGN PRINCIPLES. 4. CONSIDER AIR QUALITY AND MITIGATE ADVERSE IMPACTS WHERE POSSIBLE.

#### ENVIRONMENT

1. CONSIDER THE ENVIRONMENTAL IMPLICATIONS SUCH AS SSSIS, COUNTY HERITAGE SITES, LOCAL NATURE RESERVES, BIODIVERSITY ACTION PLAN (BAP) HABITATS AND SPECIES, SPECIAL AREAS OF CONSERVATION AND SPECIAL PROTECTED AREAS, PROTECTED SPECIES, GREEN CORRIDORS AND OTHER SITES OF NATURE CONSERVATION. 2. WITH REGARDS TO POSSIBLE EFFECTS UPON THE NATURAL ENVIRONMENT, THE COUNCIL PROPOSE THAT THE PRINCIPLES OF THE MITIGATION HIERARCHY BE FOLLOWED. THIS GIVES SEQUENTIAL PREFERENCE TO THE FOLLOWING: 1) ENHANCE THE ENVIRONMENT 2) AVOID THE IMPACT 3) MINIMISE THE IMPACT 4) RESTORE THE DAMAGE 5) COMPENSATE FOR THE DAMAGE 6) OFFSET THE DAMAGE. 3. ALL DEVELOPMENT MUST PROTECT AND ENHANCE HERITAGE ASSETS AND THEIR SETTINGS. 4. ALL NEW DEVELOPMENT PROPOSALS WILL BE REQUIRED TO TAKE INTO ACCOUNT THE RISKS ARISING FROM FORMER COAL MINING AND, WHERE NECESSARY, INCORPORATE SUITABLE MITIGATION MEASURES TO ADDRESS THEM. 5. ACHIEVE EFFICIENT LAND USE AND THE REUSE AND REMEDIATION OF PREVIOUSLY DEVELOPED SITES WHERE POSSIBLE. PREVIOUSLY DEVELOPED SITES SHOULD ALWAYS BE USED INSTEAD OF GREENFIELD SITES WHERE POSSIBLE

#### INFRASTRUCTURE

1. NOT RESULT IN THE NET LOSS OF IMPORTANT OPEN SPACE, INCLUDING PUBLIC AND PRIVATE PLAYING FIELDS WITHOUT A ROBUST ASSESSMENT THAT THE SITES ARE SURPLUS TO NEED. IN ASSESSING THIS, REGARD MUST BE HAD TO THE LEVEL OF PROVISION AND STANDARD OF PUBLIC OPEN SPACE IN THE AREA, THE IMPORTANCE OF PLAYING FIELDS AND THE NEED TO PROTECT SCHOOL PLAYING FIELDS TO MEET FUTURE NEEDS. REGARD WILL ALSO BE HAD TO THE LANDSCAPE OR TOWNSCAPE OF AN AREA AND THE IMPORTANCE THE OPEN SPACE HAS ON THIS. 2. HAVE REGARD TO THE AVAILABILITY TO KEY INFRASTRUCTURE WITH CAPACITY. WHERE KEY INFRASTRUCTURE WITH CAPACITY IS NOT AVAILABLE IT MAY BE NECESSARY TO PHASE DEVELOPMENT TO ALLOW INFRASTRUCTURE ENHANCEMENTS TO TAKE PLACE. 3. CONSIDER THE POTENTIAL IMPACT ON SOCIAL INFRASTRUCTURE PROVISION.

#### OTHER

1. NOT PREJUDICE FUTURE DEVELOPMENT WHICH WOULD PROVIDE SIGNIFICANT ENVIRONMENTAL AND AMENITY IMPROVEMENTS.

4.20 Policy DMG2 sets out the Council's strategic considerations regarding land use in its administrative areas and states: -

DEVELOPMENT SHOULD BE IN ACCORDANCE WITH THE CORE STRATEGY DEVELOPMENT STRATEGY AND SHOULD SUPPORT THE SPATIAL VISION. 1. DEVELOPMENT PROPOSALS IN THE PRINCIPAL SETTLEMENTS OF CLITHEROE, LONGRIDGE AND WHALLEY AND THE TIER 1 VILLAGES SHOULD CONSOLIDATE, EXPAND OR ROUND-OFF DEVELOPMENT SO THAT IT IS CLOSELY RELATED TO THE MAIN BUILT UP AREAS, ENSURING THIS IS APPROPRIATE TO THE SCALE OF, AND IN KEEPING WITH, THE EXISTING SETTLEMENT.

WITHIN THE TIER 2 VILLAGES AND OUTSIDE THE DEFINED SETTLEMENT AREAS DEVELOPMENT MUST MEET AT LEAST ONE OF THE FOLLOWING CONSIDERATIONS: 1. THE DEVELOPMENT SHOULD BE ESSENTIAL TO THE LOCAL ECONOMY OR SOCIAL WELL BEING OF THE AREA. 2. THE DEVELOPMENT IS NEEDED FOR THE PURPOSES OF FORESTRY OR AGRICULTURE. 3. THE DEVELOPMENT IS FOR LOCAL NEEDS HOUSING WHICH MEETS AN IDENTIFIED NEED AND IS SECURED AS SUCH. 4. THE DEVELOPMENT IS FOR SMALL SCALE TOURISM OR RECREATIONAL DEVELOPMENTS APPROPRIATE TO A RURAL AREA. 5. THE DEVELOPMENT IS FOR SMALL-SCALE USES APPROPRIATE TO A RURAL AREA WHERE A LOCAL NEED OR BENEFIT CAN BE DEMONSTRATED. 6. THE DEVELOPMENT IS COMPATIBLE WITH THE ENTERPRISE ZONE DESIGNATION. WITHIN THE OPEN COUNTRYSIDE DEVELOPMENT WILL BE REQUIRED TO BE IN KEEPING WITH THE CHARACTER OF THE LANDSCAPE AND ACKNOWLEDGE THE SPECIAL QUALITIES OF THE AREA BY VIRTUE OF ITS SIZE, DESIGN, USE OF MATERIALS, LANDSCAPING AND SITING. WHERE POSSIBLE NEW DEVELOPMENT SHOULD BE ACCOMMODATED THROUGH THE RE-USE OF EXISTING BUILDINGS, WHICH IN MOST CASES IS MORE APPROPRIATE THAN NEW BUILD.

IN PROTECTING THE DESIGNATED AREA OF OUTSTANDING NATURAL BEAUTY THE COUNCIL WILL HAVE REGARD TO THE ECONOMIC AND SOCIAL WELL BEING OF THE AREA. HOWEVER THE MOST IMPORTANT CONSIDERATION IN THE ASSESSMENT OF ANY DEVELOPMENT PROPOSALS WILL BE THE PROTECTION, CONSERVATION AND ENHANCEMENT OF THE LANDSCAPE AND CHARACTER OF

THE AREA AVOIDING WHERE POSSIBLE HABITAT FRAGMENTATION. WHERE POSSIBLE NEW DEVELOPMENT SHOULD BE ACCOMMODATED THROUGH THE RE-USE OF EXISTING BUILDINGS, WHICH IN MOST CASES IS MORE APPROPRIATE THAN NEW BUILD. DEVELOPMENT WILL BE REQUIRED TO BE IN KEEPING WITH THE CHARACTER OF THE LANDSCAPE AND ACKNOWLEDGE THE SPECIAL QUALITIES OF THE AONB BY VIRTUE OF ITS SIZE, DESIGN, USE OF MATERIAL, LANDSCAPING AND SITING. THE AONB MANAGEMENT PLAN SHOULD BE CONSIDERED AND WILL BE USED BY THE COUNCIL IN DETERMINING PLANNING APPLICATIONS. FOR THE PURPOSES OF THIS POLICY THE TERM SETTLEMENT IS DEFINED IN THE GLOSSARY. CURRENT SETTLEMENT BOUNDARIES WILL BE UPDATED IN SUBSEQUENT DPDS.

- 4.21 Through Policy DME1, the Council will, amongst other things, set a presumption against the clearance of broad-leaved woodland for development proposals.
- 4.22 Through Policy DME2 the Council will seek to refuse development proposals which significantly harm important landscape or landscape features.

#### **MATERIAL CONSIDERATION**

- 4.23 Paragraph 008 of the Planning Practice Guidance on Determining a Planning Application (last updated 27 March 2015) provides a definition of material consideration and states: ***"A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations"***.
- 4.24 The relevant material consideration includes:
- The National Planning Policy Framework (NPPF) (2012);
  - Written Ministerial Statement Planning for Growth;
  - Energy Security Strategy;

- The Resilience of the Electricity System 1<sup>st</sup> Report of Session 2014-2015;
- Ministerial Written Statements;
- Oral Evidence of the Economics of UK Energy Policy Inquiry;
- British Infrastructure Group (BIG) Report Electric Shock;
- Intermittent Electricity Generation, Parliamentary Office of Science and Technology.

4.25 As a synopsis, the requirement for decentralised backup electricity generation plant is well supported by Government energy policy. The National Grid, as the Systems Operator, is responsible for managing and making critical adjustments to the supply and demand of electricity at each moment of the day by either implementing agreed stoppages to some electricity users supply and calling upon back-up generation. Without such back-up capacity, such as the plant put forward by this proposal, the electrical grid network is at a risk of achieving brownouts. The proposal will primarily provide the local electrical grid support that is able to respond to instruction to deliver electricity directly to where it is needed, and help to secure continuous supply to the local DNO in times when the electricity grid is experiencing a capacity shortage.

#### **National Planning Policy Statement 2018 (2<sup>nd</sup> edition)**

- 4.26 The revision to the Framework, which came into force on 24 July 2018, has affected both its contents and structure whereby the document is now set into 17 topic based chapter. Overall, for the NPPF 2nd edition, the over-arching presumption in favour of sustainable development remains. Material for this application is how Government has placed a greater emphasis on the delivery of infrastructure, including energy and how this is integral towards fulfilling the economic arm of achieving sustainable development<sup>3</sup>.
- 4.27 The Framework is clear that planning decisions must be made in accordance with Planning Law. Paragraph 2 states that planning law requires that applications for planning permission must be determined in accordance with the Local Plan, unless

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<sup>3</sup> See NPPF 2nd edition paragraph 6 which introduces how the recommendations of the National Infrastructure Committee may be material when deciding applications, and Paragraph 8(a).

material considerations indicate otherwise. Paragraph 2 continues that: -  
***“Planning policies and decisions must also reflect relevant international obligations and statutory requirements”.***

4.28 The requirement to promote EU obligations and statutory requirements is particularly relevant in relation to the UK’s binding EU obligations as set out in legislation whereby the UK’s target is to generate 15% of energy from renewable sources by 2020 and this cannot be achieved without supporting balancing infrastructure, such as that proposed at Calowgreen Farm.

4.29 Paragraph 8 of the Framework identifies how the planning system has three overarching objectives towards achieving sustainable development.

4.30 The revised NPPF stated how these objectives are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives. Paragraph 8(a) *‘an economic objective’* has been strengthened and the NPPF now makes it clearer how ***“identifying and coordinating provision of infrastructure”*** is integral towards fulfilling the economic arm of achieving sustainable development. The three overarching objectives are listed as: -

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 4.31 **Paragraph 9** advises how these overarching objectives should be delivered through the preparation and implementation of plans and the application of policies in the Framework. Paragraph 10 states *“So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development**”*
- 4.32 **Paragraph 15** of the Framework sets out how the planning system should be genuinely plan-led. It goes on to state how succinct and up-to-date plans should provide a positive vision for the future of each and provide a framework for assessing the economic, social and environmental priorities. **Paragraph 16** set out how plans should be prepared with the objective of contributing to the achievement of sustainable development. **Paragraph 20** identifies how, in line with the presumption on favour of sustainable development, plans should make sufficient provision for the provision of infrastructure and energy.
- 4.33 The identification and delivery of energy schemes is therefore acknowledged by the NPPF 2<sup>nd</sup> edition as one of the strategic policies that contributes towards achieving the presumption on favour of sustainable development.
- 4.34 **Paragraph 80** confirms the Government’s commitment to supporting sustainable economic growth and states (inter alia) *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future”*. The application proposal specifically counter and addresses the weakness in the security of electricity supply.
- 4.35 **Paragraph 83**, supporting a prosperous rural economy, is also pertinent as the Development Plan identifies the site as being located in open countryside, it states how planning decisions should enable the sustainable growth of all types of businesses in the rural areas; and the development and diversification of agricultural and other land-based rural businesses.
- 4.36 **Section 14** of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. **Paragraph 150** of the NPPF sets out the planning policy perspective with regards to increasing the use and supply of renewable and

low carbon energy. Through the paragraph, Government requires the decision maker to (own emphasis in bold): -

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.

4.37 Section 15 of the NPPF relates to conservation and enhancement of the natural environment. **Paragraph 170** highlights that new development should be prevented from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. It identifies how decisions should provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

4.38 Overall, the Framework confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Authorities should approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so.

### **Written Ministerial Statement Planning for Growth**

4.39 On 23 March 2011 the Chancellor of the Exchequer issued a call to action on growth, and published the Written Ministerial Statement on '*Planning for Growth*'<sup>4</sup> which presented an ambitious set of proposals to help rebuild Britain's economy. The Ministerial Statement emphasised how the planning system has a key role to play

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<sup>4</sup> The Written Ministerial Statement dated 23 March 2011 was presented within a Letter to Chief Planning Officer '*Planning for Growth*' dated 31 March 2011 (document has not been replaced by the NPPF).

in this, by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. Government's clear expectation is that the answer to sustainable development and growth should wherever possible be 'yes'. The Written Statement states ***"The planning system has a key role to play in this, by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. We will work quickly to reform the planning system to achieve this, but the Government recognises that many of these actions will take some months to deliver, and that there is a pressing need to ensure that the planning system does everything it can to help secure a swift return to economic growth."***

### Energy Security Strategy

4.40 This document was published in November 2012 and provides a detailed and open assessment of the UK's current energy security, outlines work already underway to safeguard our energy security, and sets out the policy which the Government is putting in place to ensure that our energy supplies remain secure. On the issue of electricity the paper identifies how [Pegasus emphasis underlined and in bold]: -

- The overall outlook for our electricity security is robust but there are potential future risks. Electricity capacity will need to grow as demand is likely to increase by between 30 and 100 per cent by 2050. In the short term, **de-rated capacity margins are expected to tighten due to around a fifth of capacity available in 2011 having to close within this decade.**
- Additional capacity and balancing challenges may come in the medium term as existing generation is replaced by more intermittent (renewables) and less flexible (nuclear) generation, and as demand becomes more varied as our heat and transport systems become increasingly electrified. **To remain balanced, our system will need sufficient reliable capacity to meet demand** as well as a variety of non-generation technologies, including storage, interconnection and demand side response<sup>5</sup>.

4.41 The proposal will contribute to these requirements.

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<sup>5</sup> Department of Energy and Climate Change, Energy Security Strategy, pp 31

## The Resilience of the Electricity System 1<sup>st</sup> Report of Session 2014 - 2015

- 4.42 The *Resilience of the Electricity System 1<sup>st</sup> Report of Session 2014 – 2015* published by the Authority of the House of Lords, examines the resilience of the electricity system in Great Britain. It was inspired, in part, by widespread discussion about whether electricity supply would meet demand during the winter of 2015. The report also looks at how resilience could be affected as the electricity system embarks on a period of profound change in the coming decades. This change is driven by technological development and the commitment to decarbonise electricity generation. The paper identifies how current renewables, such as wind and solar, provide an intermittent supply of electricity which will need to be balanced.

### Written Statement

- 4.43 On 1 March 2016, the then Secretary of State for Energy and Climate Change (Amber Rudd) provided a written statement setting out the Government intentions for energy reforms. The relevant extract of the Daily Hansard is set out below (own emphasis underlined): -

I wish to set out the Government's intention for reforms to the way we secure electricity capacity for future years, to ensure a secure, affordable supply in the short and longer terms. In laying this statement before Parliament, I am also setting out the Government's policy intent to makes changes to our policy on the capacity market and the corresponding Electricity Capacity Regulations 2014 and the Capacity Market (Amendment) Rules 2014.

Security of supply—the context

**Delivering Energy Security is the number one priority for DECC.** Maintaining the secure electricity supplies that hard-working families and businesses across the country can rely on is our key objective. We face a legacy of years of underinvestment which has left us more open to the risk of any quickening in the pace of plant closures. **To address this we need to start building new capacity now, especially gas, to guarantee our energy security in the 2020s.**

At the same time, the huge movement in global commodities prices during 2015 has lowered consumers' energy costs but has made generating power

unprofitable for most non-renewable plant. Thermal generators are experiencing lower utilisation levels as a result of increasing renewable capacity and coal plant, in particular, are facing large losses. In consequence, we have seen several closures announced and other plant may be at risk. **We therefore need decisive action now to ensure energy security.**

### Oral Evidence of the Economics of UK Energy Policy Inquiry

- 4.44 At the oral evidence of the Economics of UK Energy Policy Inquiry dated 11 October 2016, the chairman kicked off the proceeding by asking if the current Government energy policy strikes the right balance amongst its four objectives<sup>6</sup>. Professor Richard Green, Professor of Sustainable Energy Business, Imperial College London, gave the following response *"It would be wrong to ignore any of the objectives. If you lose political consensus for decarbonisation because you manage to do it in too expensive a way, or you do it in such a way that, coupled with bad luck or incompetence within the industry, **it leads to significant blackouts**, the political support for that will not happen. You need to balance all three"*.

### British Infrastructure Group (BIG) Report Electric Shock

- 4.45 The *British Infrastructure Group (BIG) Report Electric Shock; Will the Christmas lights go out next winter?* published in December 2016 sets out the following stark warnings: -

- By next winter, the Christmas lights could go out;
- National Grid safety buffer this winter has shrunk to 0.1%. There is sustained danger of intermittent blackouts for the foreseeable future, thanks to dwindling base capacity and freak weather events; and
- National Grid measures for coping with peak demand already include restarting old coal power station and asking factories and hospitals to run emergency diesel generators. Grim future scenario sees electrification of green infrastructure tacking a backward step.

<sup>6</sup> The present Government's four objectives for energy policy are to ensure the UK has a secure and resilient system; to keep energy bills as low as possible for households and businesses; to secure ambitious international action on climate change and reduce carbon emissions cost effectively at home; and to manage the UK's energy legacy safely and responsibly.

## Intermittent Electricity Generation, Parliamentary Office of Science and Technology

- 4.46 The House of Parliament Science and Technology's *Intermittent Electricity Generation Post Note Number 464*, published in May 2014, deals with sources of electricity that exhibit uncontrolled increase or decrease in output (namely renewable energy) and the measures to manage intermittency (namely reserve power, such as that proposed through this application). The note identified how the need for a flexible balancing service which can compensate for unpredicted variation within 2 to 240 minutes will increase by around 2GW from 2014 to 2015, due to intermittent renewables. It goes on to state: -

### Matching Supply and Demand

To keep the electricity system working, suppliers and generators attempt to match predicted supply and demand through pre-arranged agreements. However, because of unpredicted changes, generators and suppliers do not always meet their exact contracted levels of supply or demand at each moment. When this occurs the System Operator (SO), National Grid in GB, intervenes in its role to balance supply and demand. The SO ensures moment-by-moment supply and demand match by making relatively small, but crucial, adjustments to supply and/or demand at each moment **using back-up generation** or agreed stoppages to some electricity users' supply. These interventions take different lengths of time to respond, so they are used in different ways.

When an imbalance between supply and demand first arises, an inbuilt property of the electricity system, system inertia allows power to be maintained, but only briefly. System inertia is provided by the rotating turbines in conventional generation, but only while they are in operation. If there are more rotating turbines in the generation mix, there is more system inertia and this allows the electricity system to remain stable for longer given an imbalance between supply and demand.

After the initial imbalance the SO's flexible balancing services 'frequency response' and 'operating reserve' are used to maintain balance for different lengths of time. The SO may have contracted these in advance or purchased

them from a competitive market. In 2014, National Grid is set to reserve an average of 2 GW of frequency response and 5 GW of operating reserve.

- 4.47 The Post Note identifies how fuel burning generators, such as that proposed through this proposal, are the most flexible technology of providing additional reliable energy capacity.

#### **Other Material Considerations**

- 4.48 The Planning Act 2008 identifies how certain planning applications for energy infrastructure must be decided in accordance to any relevant National Policy Statement. Whilst the proposal falls below the NSIP threshold it remains a material consideration. The *Overarching National Policy Statement for Energy (EN-1)* recognises that flexible electricity generation facilities are required to provide back-up for intermittent renewable energy sources, paragraph 3.3.31 states: -

Government expects that demand side response, storage and interconnection, will play important roles in a low carbon electricity system, but still envisages back up capacity being necessary to ensure security of supply until other storage technologies reach maturity.

- 4.49 Paragraph 3.6.2 of EN-1 goes on to state: -

Gas will continue to play an important role in the electricity sector – providing vital flexibility to support an increasing amount of low-carbon generation and to maintain security of supply.

- 4.50 Paragraph 3.8.8 of EN-1 reaffirms the need to back up generators and states: -

[it] is clear that there must be some fossil fuel generating capacity to provide back-up for when generation from intermittent renewable generating capacity is low and to help with the transition to low carbon electricity generation

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



## 5. PLANNING APPLICATION APPRAISAL

5.1 This section of the Statement contains a detailed analysis of the resubmission against the relevant material planning considerations. These considerations have been derived from an understanding of the site and its surrounds and the policy analysis of the previous section.

5.2 The key issues which are considered pertinent for this assessment are: -

- Sustainable Development & Principle of Development;
- Need for Development;
- Landscape and Visual Considerations;
- Biodiversity;
- Air quality;
- Acoustics; and,
- Locational Requirements & Site Selection.

### **Sustainable Development & Principle of Development**

5.3 Paragraph 8 of the Framework confirms there are three dimensions to sustainable development, these are economic, social and environmental gains. Paragraph 8 advises that in order to achieve sustainable development, economic, social and environmental gains should be pursued in mutually supportive ways through the planning system.

5.4 As discussed elsewhere in this statement, the Government's energy policy emphasises the need to progress towards an energy mix that supports the troughs in the supply associated with renewable energy by securing back up energy generation, such as that proposed at the application site. This utilities provision is a critical part of towards achieving sustainable development and this is recognised by paragraph 8.9 of the Core Strategy which acknowledges that given the extent of new development planned for the development Plan period it will be inevitable that most forms of infrastructure will also need to be improved. Through paragraph 8.12 of the Core Strategy the council goes on to emphasise how ***"the Council is committed to ensure the necessary infrastructure is brought forward to***

***meet the needs of the area resulting from proposed growth and development. The Council will continue to work with relevant authorities, public bodies and agencies to secure the delivery of infrastructure in a timely and effective manner".***

- 5.5 The development will provide employment and business opportunities for component suppliers / installers and those involved in grid connection, transport and logistics. Where possible, local businesses will be contracted for relevant parts of the scope of works over the period of construction (labour and materials such as hardcore etc), operation and maintenance. There will be additional induced impacts during the construction period with any incoming construction workers (engineers, project managers etc) spending their wages at a local level (restaurants, retail stores etc) and using local accommodation.
- 5.6 There is no Government data which identifies the economic benefits attributed to back-up energy generation schemes, nevertheless by using comparative data from construction of wind turbines, DECC/Renewable UK research estimates that the expenditure of workers who visit the local area benefit the accommodation and food service sector to the value of around £7,500 per MW constructed. For this project the resultant short-term benefit would potentially be around £180,000. The wider 'knock-on' effects can in turn support the supply chain of other activities such as the spending habits of retail operations and accommodation providers. Additional financial benefits that will be delivered as part of the scheme include the resultant taxes (including corporation Tax, Employer National Insurance, Irrecoverable VAT, Income Tax, Employee National Insurance and non-domestic business rates). Whilst these exchequer impacts have not been quantified they duly provide economic benefits.
- 5.7 The development therefore fulfils an important economic role.
- 5.8 The application proposal has a number of social and environmental benefits these include: -
- Provide back-up generation at peak use times that will help maintain grid supply and improve energy security both locally and nationally and to provide balancing service to the local electrical grid network to maintain frequency of supply. These systems are an absolute necessity in order to progress toward an energy mix with a greater emphasis on renewable

energy, to ensure that the real-time fluctuations in supply associated with renewable energy (i.e. the variable nature of sun and wind) do not harm grid parity and security. The appeal proposal would support growth and prosperity in the energy sector and improve energy security by diversifying the region's energy supply mix and thus help to insulate local community from potential blackouts<sup>7</sup>;

- Making appropriate use of the surrounding resources to contribute towards farm diversification, this specifically refers to the site's proximity to the point of connections to the electricity grid which traverse through Shawhouse Farm;
- Ecological enhancement through provision of two bat boxes installed on mature trees within the ownership boundary and the introduction of new hedgerow screening along the eastern boundary of the site; and,
- Support long term jobs relating to site operation, site security and ongoing management and maintenance.

5.9 Reflecting on the above, the proposal duly delivers economic, social and environmental benefits and accords with the requirements of paragraph 8 of the Framework and is considered to constitute sustainable development. The proposal would contribute towards farm diversification and support local economic growth and prosperity within the energy sector. It therefore satisfies the overarching requirements of Policy DMB1 '*Supporting Business Growth and the Local Economy*' of the Core Strategy.

5.10 At a site specific level, the application site occupies a parcel of underutilised hardstanding within the extended farmyard of Shawhouse Farm. The farming enterprise is located on the edge of Whalley which is identified by the Core Strategy as one of the Ribble Valley's principal settlements primed to take significant growth. The application proposal will enhance the local electricity grid that will contribute towards the security of electricity supply at a local level for existing and future generations. The energy generation secured through the application proposal will

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<sup>7</sup> Ofgem's Electricity Security of Supply Report, published in July 2015, provides Ofgem's commentary on the national grid future energy scenario for the next three winters and anticipates that the loss of load expectation (LOLE), which is the average number of hours per year in which supply is expected to be lower than demand under normal operation of the system, is expected to increase compared with the range of 0 to 3 hours projected in their Capacity Assessment of 2014 and this verifies the pressing need and importance of the for the proposal.

only take place as and when instructed by National Grid. This gives reassurance to the Local Planning Authority that the construction and operation of the application proposal is vital and necessary to contribute to the capacity balancing service at the local level. In other words, the application proposal will respond to National Grid instruction to deliver electricity directly to where it is needed and help to secure continuous supply to the local DNO in times when the national grid is experiencing capacity shortage. The application proposal would therefore contribute towards strengthening and meeting the requirement of Policy EN3 '*Sustainable Development and Climate Change*'.

- 5.11 In applying the Framework's presumption in favour of sustainable development, and the test at paragraph 11 in particular with regards to decision taking, it is clear that the proposed development accords with the Development Plan and as such the application should be approved without delay.

#### **Need for Development**

- 5.12 The requirement for decentralised reserve electricity generation plants to support the growth of renewable energy generating sources is well supported by Government's energy policy. The balancing mechanisms available to the local grid network include implementing agreed stoppages to some electricity users and calling upon back-up generation. Without such back-up capacity, the local electrical grid network is at risk of achieving brownouts.
- 5.13 Importantly, the backup energy generation will only be produced at the site as and when instructed by the local electrical grid network. This gives reassurance to the decision maker that the construction and operation of the proposal is vital and necessary to contribute towards the capacity balancing service at the local level. In other words, the proposal will respond to grid instruction to swiftly deliver electricity directly to where it is needed and help secure and continuous supply to the local district network operator (DNO) in times when the local electrical grid network is experiencing capacity shortages.
- 5.14 It is acknowledged that the proposal would rely on a non-renewable energy source to provide energy to the local grid network. However, flexible peaking power generation capacity specifically forms part of the renewable infrastructure being developed to meet the UK's obligations under the EU Renewable Energy Directive, because renewable sources are supplies that are dependent on the time of day and

local weather conditions. This position has been verified at a recent appeal decision [APP/R1010/W/17/3172633 4 August 2017] whereby the Inspector stated *'the appellant indicates that flexible peaking power generation capacity specifically forms part of the renewable energy infrastructure being developed to meet the UK's obligations under the EU Renewable Energy Directive, because renewable sources are supplies that are dependent on the time of day and weather conditions. Moreover, the Council accepts that in so far as the appeal proposal is required to provide greater capacity and flexibility in the energy generation network the proposed generators could be described as 'associated infrastructure' that would support the move towards low carbon energy supplied increasingly by renewable energy developments. It seems to me therefore that on balance it is not unreasonable to conclude that the proposed development would constitute development required for the exploitation of sources of renewable energy'*.<sup>8</sup>

### APPENDIX 3 - APPEAL DECISION APP/R1010/W/17/3172633

- 5.15 The proposal is associated infrastructure required for the exploitation of renewable energy sources, in that it will deliver much needed flexible back-up generation that will allow for a greater resilience on renewable energy in the generation mix. For example, generation from ground mounted solar parks and wind farms is variable and must therefore be supported by back-up systems that can contribute towards meeting demand at times when less energy is being generated from renewable sources. As such, the proposal will provide associated infrastructure that supports renewable energy development.
- 5.16 The proposal is distinct from more traditional forms of producing power such as large-scale coal based power stations that are designed to run continuously or have long lead in times to begin producing power or cooling down. The application proposal is a resource efficient short term operating reserve that can be utilised by the local electrical grid network at extremely short notice.
- 5.17 Overall, the need for the proposal is clearly outlined in the Government's energy strategy and national planning policy. At the local level the Infrastructure Delivery Plan identifies energy provision as an essential requirement for the Council; the proposal will contribute towards this requirement and support Ribble Valley's shifting energy mix by helping to deliver renewable energy.

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<sup>8</sup> Appel Decision APP/R1010/W/17/3172633 Paragraph 8

## Landscape and Visual Considerations

5.18 The application proposal is supported by a Landscape Appraisal which considers potential effects on landscape elements; landscape character; and visual amenity. The salient points are set out below: -

- The location of the proposed development on a rough yard at the northern end of the farmyard of Shawhouse Farm, the context to the site provided by the adjacent large farm buildings, and the strong tree cover within the local landscape means that effects on landscape character would be limited to the site itself and its immediate environs, while notable effects on local visual amenity would be limited to a very short section of Footpath 3-45-FP10 approximately 125m to the south-east of the main part of the site.
- There would be no direct effects on the landscape character of the Forest of Bowland AONB, and only very limited indirect or perceptual effects on landscape character. Where the Proposed Development may be visible from limited locations on the western edge of the AONB, any effects on visual amenity would also be very limited.
- The overall effects on landscape features and elements can be summarised as: A negligible effect on on-site topography, with no effect on off-site topography; and; No effect on the local off-site tree and hedgerow resource, with a minor to moderate beneficial effect on the on-site tree and hedgerow resource and a negligible beneficial effect on the local tree and hedgerow resource as a whole.
- The theoretical visibility of the scheme would be very limited in extent due to the undulating topography and various copses and tree belts (particularly in the immediate environs of the site) within the surrounding landscape, and the relatively low height of much of the application proposal (excluding the flues). There would be some limited theoretical visibility to the immediate north-west, north-east and east of the site, with further limited areas of theoretical visibility on rising ground to the north-east, north-west and south-west. The field survey has shown that the 'actual' visibility of the application proposal would be considerably less due to the well-treed nature of the Ribble Valley. There would be some limited visibility from footpaths

to the north of the site, particularly during the winter months when deciduous vegetation is not in leaf. There would also be visibility from Footpath 3-45-FP10 as it follows the existing farm drive and once it passes the copse to the north of the drive. Higher ground at the edge of the Forest of Bowland AONB (to the east of the site) also allows some views towards the site, though extensive tree cover within the Ribble Valley restricts views of the site itself.

- Major effects on local visual amenity would be limited to a short section (approximately 50m) of Footpath 3-45-FP10 as it follows the existing farm drive and once it passes the copse to the north of the drive.

5.19 To summarise, it is therefore considered that the application proposal could be accommodated on the application site without unacceptable effects on local landscape character or landscape features and elements, or on the overall visual amenity experienced within the local area. The application proposal therefore satisfies the requirements of Policy EN2 'Landscape', Policy DME1 '*Protecting Trees and Woodlands*' and Policy DME2 '*Landscape and Townscape Protection*'.

### **Biodiversity**

5.20 The application submission is supported by an extended Phase 1 ecological survey undertaken by Bowland Ecology Ltd. The salient points are set out below: -

- The application site comprises bare ground (compacted gravel) which has become vegetated around the margins with a sparse cover of ephemeral and early colonising species.
- The data search with Lancashire Environmental Record Network (LERN) identified that there is one SSSI within the 2 km of the site. However this is designated on the basis of earth heritage and therefore is not relevant to the ecological assessment.
- There are 12 Biological Heritage Sites within 2 km, although 11 of these lie beyond 700 m from the site. Calderstones Hospital Woodland /Railway Line lies 260 m from the site. However, the small scale nature of the scheme indicates that impacts to these sites are considered unlikely.

- The application proposal would result in the loss of a small area of bare ground vegetated with some sparse ephemeral cover is considered to be a negligible ecological impact and no mitigation is proposed. No scrub or tree removal is required and therefore no direct impact to breeding birds or bats are envisaged. There are mature trees within boundaries close to the proposed compound which could be directly impacted through root damage during construction works.
- Himalayan balsam is present within boundaries close the application boundary and therefore the scheme has the potential to spread this species which is listed on Schedule 9 of the Wildlife and Countryside Act, 1981, as amended.
- Other notable species which could potentially occur in the area, such as hedgehog or brown hare would be most likely to use the adjacent habitats which will not be impacted.
- The generator compound will be established in proximity to mature trees and therefore to avoid indirect impacts such as through root damage, the establishment of tree protection areas should be considered. An appropriate stand off of 5 - 7 m from the Himalayan balsam should be demarcated on site and any potentially contaminated material should be treated as Controlled Waste and disposed on in accordance with government guidance.
- As an enhancement, two bat boxes (Schwegler 2F) would be installed on mature trees within the ownership boundary.

5.21 For the reasons identified above it is considered that the application proposal complies with Policy EN4 'Biodiversity and Geodiversity' and the relevant criteria of Policy DMG2 '*Strategic Considerations*' and Policy DMG1 '*General Considerations*' of the Core Strategy.

### **Air Quality**

5.22 The impacts associated with the proposed natural-gas power-generation facility at Shawhouse Farm have been assessed in relation to the air quality objectives set to protect human health and critical levels and critical loads set to protect sensitive ecosystems. The assessment has considered an operational scenario of 2,000 hours per year. Overall, it is considered that the air quality effects associated with the

proposed natural-gas power generation facility at Shawhouse Farm, with the generators operating for up to 2,000 hours, will be 'not significant'.

- 5.23 Air Quality Consultants Ltd carried out their assessment and their report accompanies the planning application submission.

### Noise

- 5.24 A noise assessment has been undertaken to consider the potential impact on the nearest residential property outside of the development and considers the noise source data used, predicted levels and target levels using appropriate standards and methodology. This included a 24 hour noise survey carried out in a monitoring position representative of the nearest noise sensitive property to provide details of existing ambient and background noise levels.
- 5.25 The assessment of impacts is based on the subtraction of the measured background level from the rating level determined. The rating level is obtained by measuring or predicting the specific sound level and applying correction factors for on-time, and any acoustic feature corrections. A difference of around +10 dB or more is likely to be an indication of a significant adverse impact: A difference of around +5 dB indicates likely to be an indication of an adverse impact and; where the rating level does not exceed the background level then this is an indication of the noise source having a low impact.
- 5.26 The background noise level measured at the nearest residential receptor to the site, namely Paddock Bungalow, is 33dB<sub>LA90 15 mins</sub>. The predicted noise levels generated by the application proposal at the nearest residential receptor is 32dB<sub>LAeq 15 mins</sub>. The predicted levels are significantly below the lowest background level during the night time period and as such the assessment indicates a likelihood of low impact subject to context.
- 5.27 It is concluded that the proposed standby generator facility would operate well below appropriate guidelines and below existing typical background and ambient levels as surveyed over approximately a 24 hour period providing day and night data. The rating level for the operation would be considered to have zero impact with reference to BS 4142:2014.

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## Locational Requirements & Site Selection

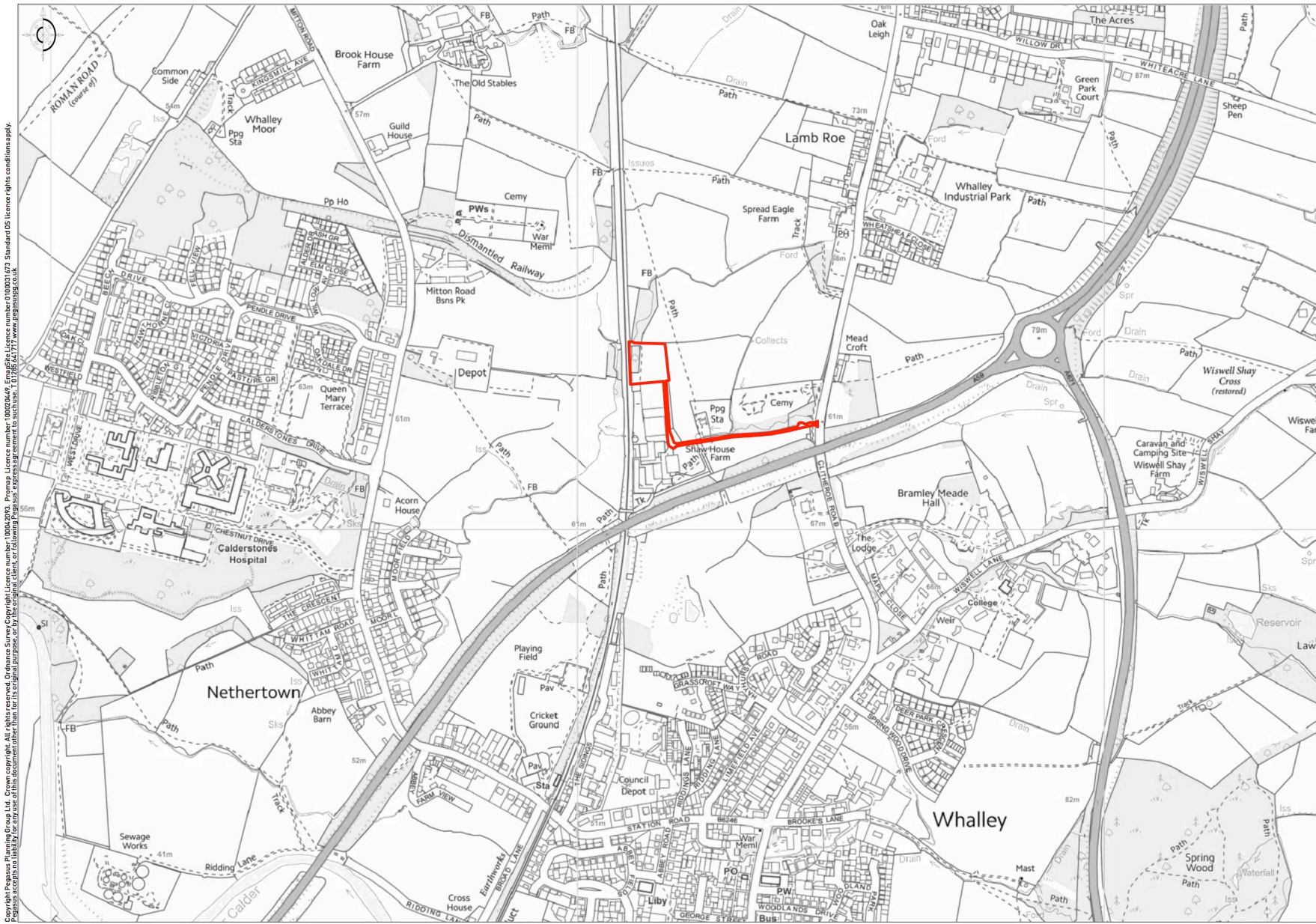
5.28 As stated elsewhere in this statement a viable grid connection is an essential material consideration. For energy proposals a site with a viable grid connection is a reasonable constraint to take into account. The grid network within the North West is physically constrained and this significantly restricts the potential areas of search that can accommodate embedded energy proposal at a community level. Increasingly, electrical connections are being forced back to substations and Bulk Supply Points as the amount of renewable generation connected within the electrical lines has grown. For gas schemes the network viability is more complex since proximity must be secured to both the gas network and electric network, this is achieved at the application site whereby the applicant has secured the connections to the gas and electricity mains (both the 33kv and the 11kv) within the demise of Shawhoue Farm.

## 6. CONCLUSIONS

- 6.1 There can be no doubt that this application proposal embodies the principle of sustainable development placed at the heart of the planning system.
- 6.2 The application proposal comes forward against the backdrop of a clear recognition at both national and international level that there is a pressing requirement to take steps to tackle climate change and reduce carbon emissions. The application proposal will directly support the national grid and contribute to its managing the supply and demand of electricity across the network.
- 6.3 The imperative need to deliver contributions from low carbon energy is a fundamental part of Government's commitment which seeks to stimulate growth in green technologies. The application proposal contributes towards these requirements. The energy generation secured through the application proposal will only take place as and when instructed by National Grid. This gives reassurance to the Local Planning Authority that the construction and operation of the application proposal is vital and necessary to contribute to the capacity balancing service at the local level. In other words, the application proposal will respond to National Grid instruction to deliver electricity directly to where it is needed and help to secure continuous supply to the local DNO in times when the national grid is experiencing capacity shortage or frequency shortage or surplus.
- 6.4 The two reserve generating compounds will each operate for a maximum of 2000 hours per year. It is envisaged that the gen set engines will primarily become operational for very short periods in the evenings, especially in the winter months, when the national grid calls upon reserve electricity to balance out the 'real time' gap between the increased demand and shortage of supply of electricity and thus avoid localised blackouts. A report published by Ofgem in July 2015 sets out how it anticipates that the scenario where the loss of load is expected to be lower than demand under normal operation of system is expected to increase to a range of between 2 and 15 hours in the next three years. The application proposal will contribute towards bridging the known energy gap. For the majority of the time the facility will not be operational.
- 6.5 In summary, the proposal responds to an urgent need that is recognised in the Government's energy strategy and duly accords with the relevant policies of the Development Plan.

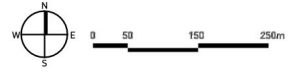
**APPENDIX 1**

**SITE LOCATION PLAN**



**KEY: SITE LOCATION PLAN**  
 APPLICATION BOUNDARY

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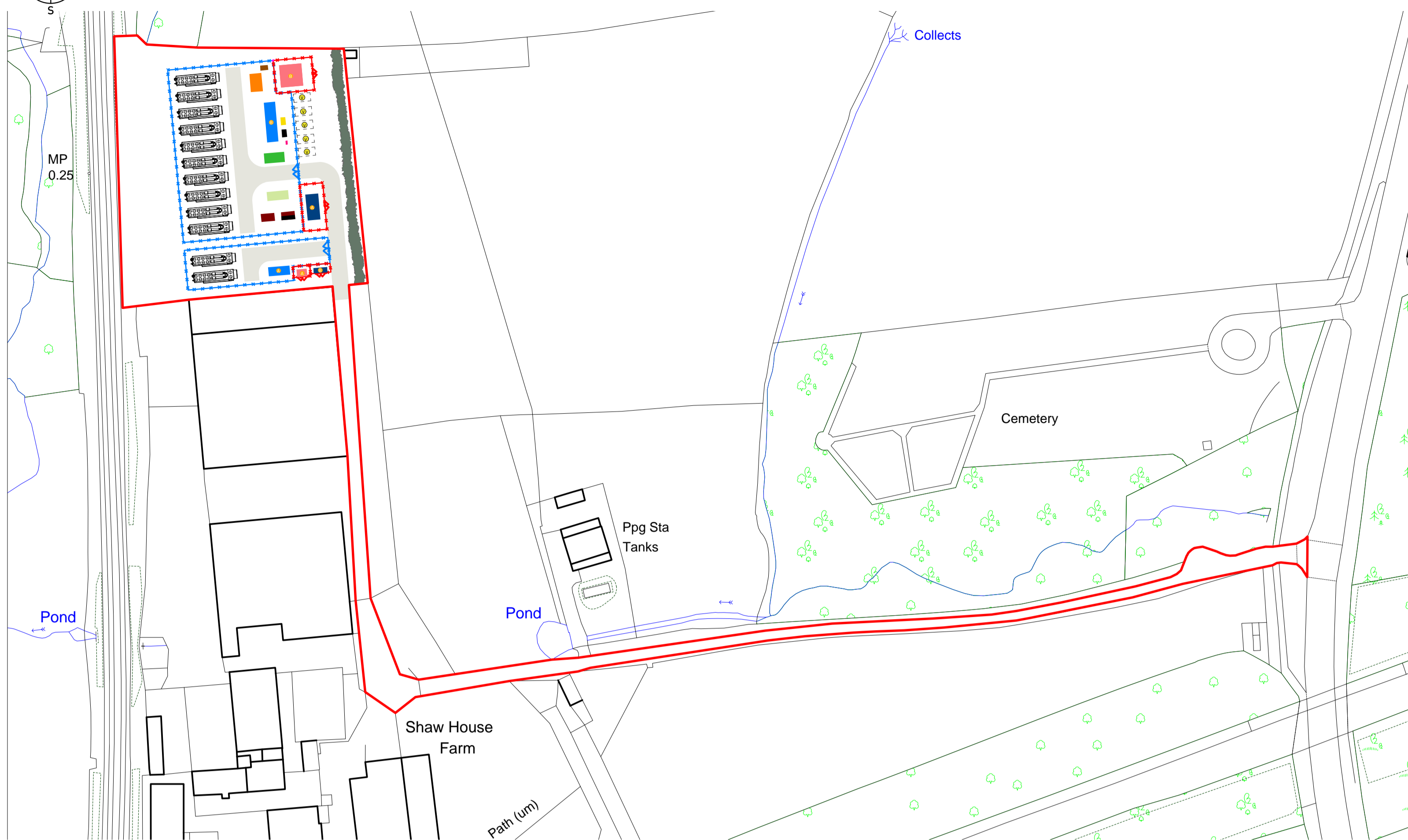
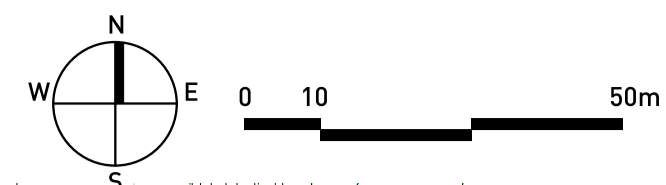
**SHAWHOUSE, WHALLEY - SITE LOCATION PLAN**



**APPENDIX 2**

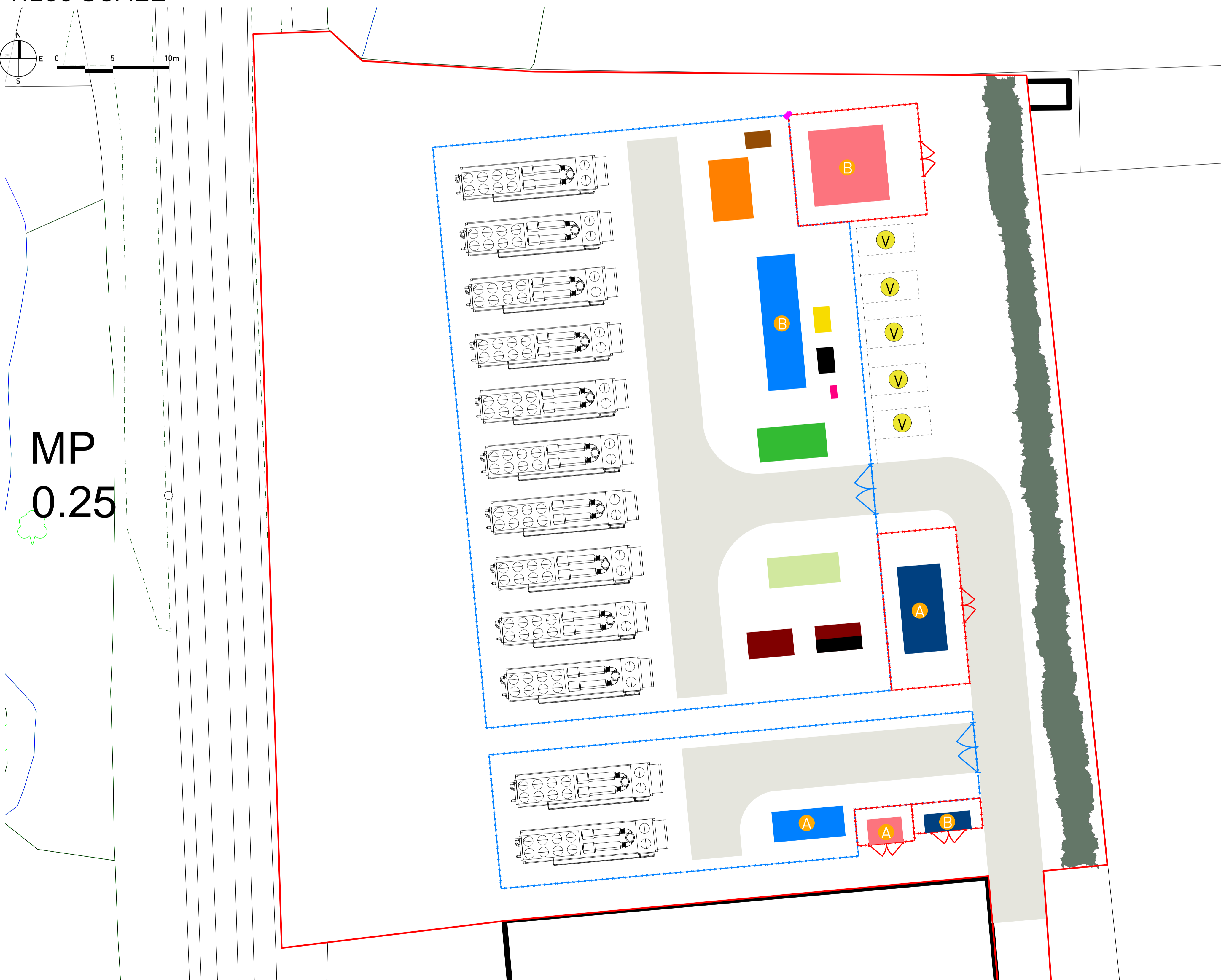
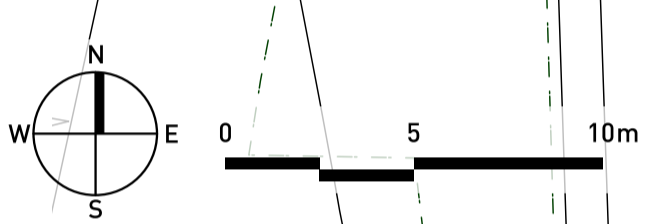
**PLANNING APPLICATION DRAWINGS**

# 1:1000 SCALE



KEY: SITE LAYOUT	
[Red outline]	APPLICATION BOUNDARY
[Dark blue block]	GAS KIOSK
[Light blue block]	PRIVATE SUBSTATION
[Green block]	WELFARE
[Light green block]	WORKSHOP
[Brown block]	NER
[Orange block]	33/11KW TX
[Dark red block]	OIL STORAGE
[Black block]	WASTE OIL
[Pink block]	DNO SUBSTATION
[Yellow block]	11/0.4KW TX
[Magenta block]	BT
[Black block]	STBY GENERATOR
SURFACE MATERIALS:	
[Grey block]	TARMACADUM
ENCLOSURE DETAILS:	
[Blue dashed line]	3M ACOUSTIC FENCE/2.4M SECURITY FENCE (COUPLED)
[Red dashed line]	2.4M SECURITY FENCING
[Yellow circle with V]	VISITOR PARKING
[Blue triangle]	ACOUSTIC ACCESS GATE
[Red triangle]	SECURITY GATE
[Green hatched area]	PROPOSED SHRUB PLANTING

# 1:200 SCALE



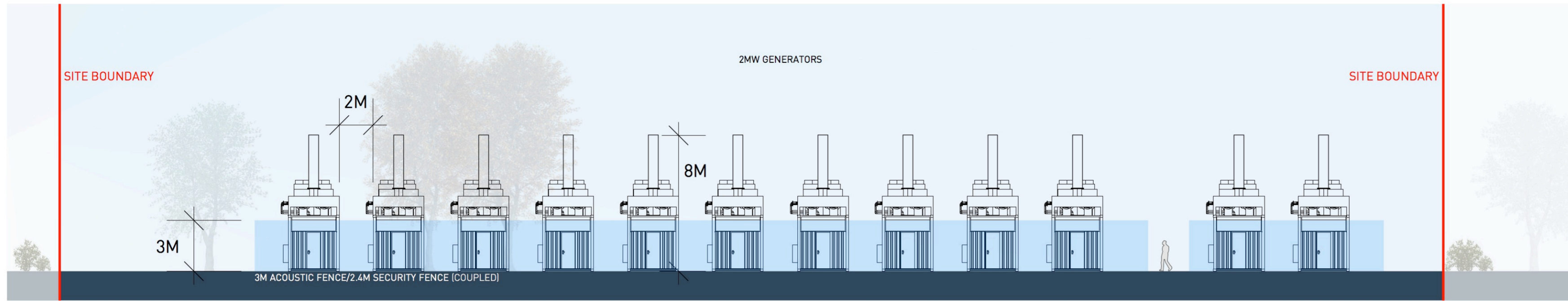
MP  
0.25

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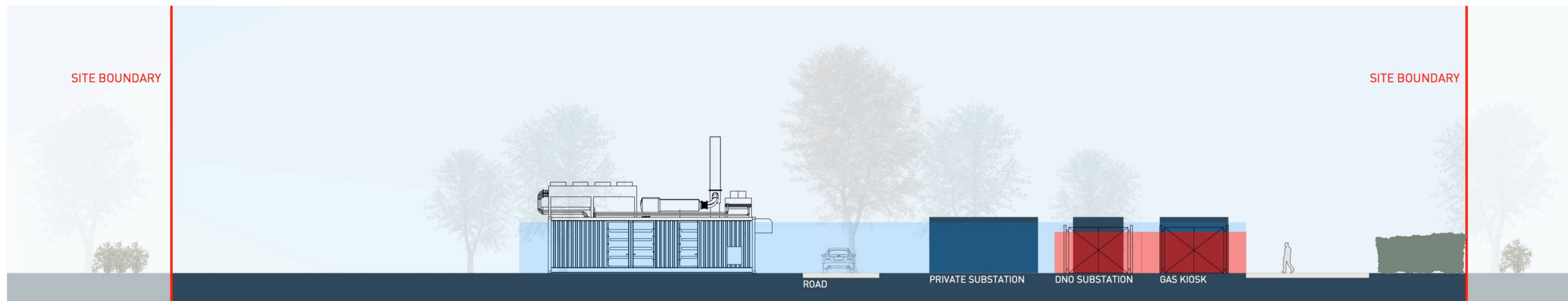
## SHAWHOUSE, WHALLEY - SITE LAYOUT



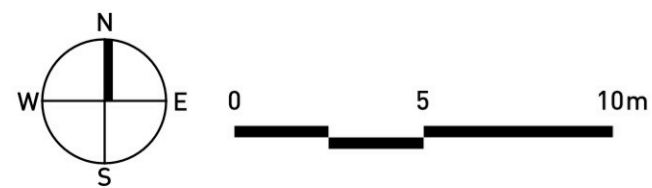
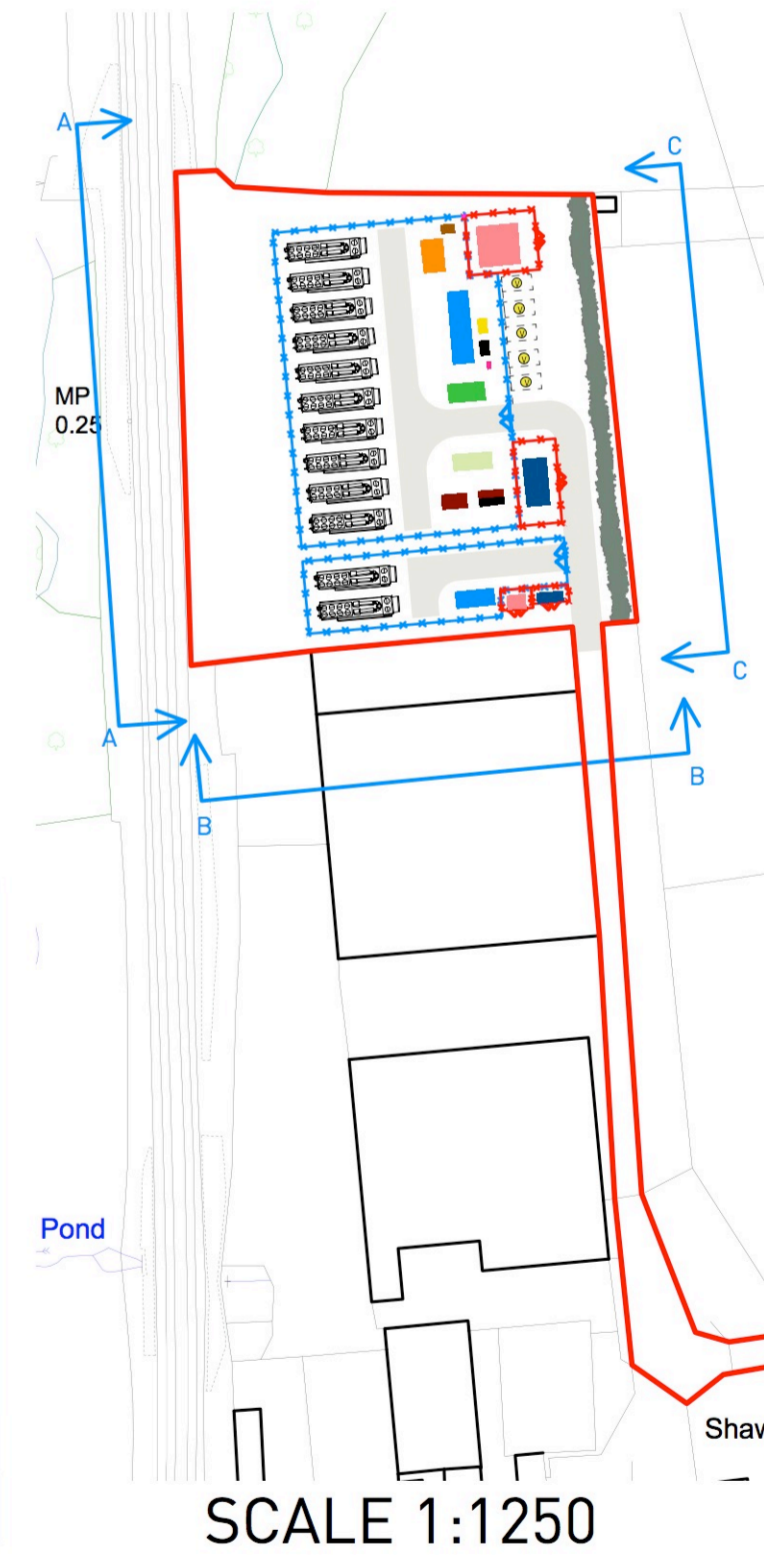
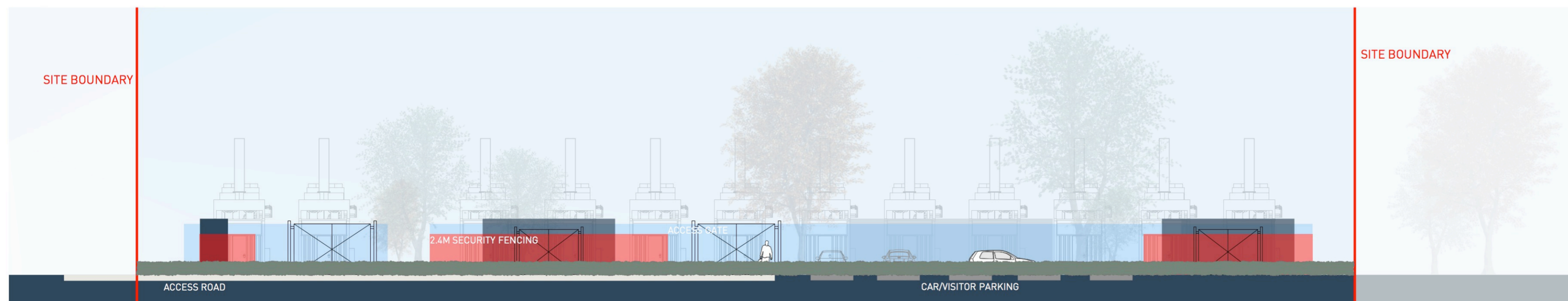
# SECTION A



# SECTION B



# SECTION C



# SHAWHOUSE, WHALLEY - SITE SECTIONS



## **APPENDIX 3**

### **APPEAL DECISION APP/R1010/W/17/3172633**



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# Appeal Decision

Site visit made on 27 June 2017

**by Beverley Doward BSc BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 4 August 2017**

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**Appeal Ref: APP/R1010/W/17/3172633**

**Land at Hilcote Lane, Hilcote Lane, Hilcote, DE55 5NS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Stephen Mason (Rydberg Development Company Limited) against the decision of Bolsover District Council.
  - The application Ref 16/00437/FUL, dated 8 September 2016, was refused by notice dated 6 January 2017.
  - The development proposed is the construction and operation of a 14MW Peaking Power Generation Plant and ancillary equipment and access.
- 

## Decision

1. The appeal is allowed and planning permission is granted for the construction and operation of a 14MW Peaking Power Generation Plant and ancillary equipment and access at land at Hilcote Lane, Hilcote Lane, Hilcote, DE55 5NS in accordance with the terms of the application, Ref 16/00437/FUL, dated 8 September 2016, subject to the conditions set out in the schedule attached to this decision.

## Procedural Matter

2. The description of development in the heading above is taken from the planning application. The Council's decision notice and various appeal documents refer to the development as a 20MW Peaking Power Generation Plant. Therefore, I have sought clarification from the parties on the description of the development. Both parties confirm that all the references to the development proposed should be for a 14MW Peaking Power Generation Plant and ancillary equipment and access. Accordingly, I have considered the appeal on this basis.

## Main Issue

3. The main issues in this case are whether, in the context of the relevant development plan policy, the proposed development would be acceptable on the site; and the effect of the development on the character and appearance of the countryside.

## Reasons

### *Description of development*

4. The proposed development would provide a Peaking Power Generation Plant (PPGP). It would comprise seven natural gas fired engine-driven electricity

generators that provide a total of up to 14MWe generating capacity and which would be housed in acoustically insulated weather proof steel containers. The electricity would support the local electricity network. There will be an exhaust flue for each engine, measuring 6.0m in height. In addition to the generators, a gas kiosk, switchgear container, four transformers and two lube oil tanks will be located within the plant compound. Provision would also be made to park and manoeuvre vehicles within the compound. The plant compound would be enclosed by a 4.5m high acoustic fence. A combined substation and metering enclosure would be located on the outside of the fence.

5. The documentation indicates that the proposed PPGP would have an operational life of 15-20 years and that thereafter it would be decommissioned and the site reinstated to its original form.

#### *Principle of development*

6. The appeal site lies outside the defined settlement framework boundary of Hilcote as defined in the Bolsover District Local Plan 2000 (Local Plan). Accordingly, it lies within the open countryside for planning policy purposes.
7. Policy ENV3 of the Local Plan indicates that outside settlement frameworks planning permission will only be granted for development in certain circumstances and provided that a number of criteria are complied with. The specific circumstances identified include, amongst other things, whether the development is necessary in such a location or it is required for the exploitation of sources of renewable energy.
8. Policy ENV3 of the Local Plan does not elaborate what is meant by '*development which is required for the exploitation of sources of renewable energy*' nor does the supporting text to the policy. The appeal proposal would rely on a non-renewable energy source to provide energy to the National Grid. However, the appellant indicates that flexible peaking power generation capacity specifically forms part of the renewable energy infrastructure being developed to meet the UK's obligations under the EU Renewable Energy Directive, because renewable sources are supplies that are dependent on the time of day and weather conditions. Moreover, the Council accepts that in so far as the appeal proposal is required to provide greater capacity and flexibility in the energy generation network the proposed generators could be described as '*associated infrastructure*' that would support the move towards low carbon energy supplied increasingly by renewable energy developments. It seems to me therefore that on balance it is not unreasonable to conclude that the proposed development would constitute development required for the exploitation of sources of renewable energy.
9. The policy requirement is that the proposed development only needs to meet one of the circumstances set out in policy ENV3, there being the word '*or*' between each of the specified circumstances, before then being considered against each of the criteria set out in the second part of the policy. Accordingly, in the light of my finding above it is not necessary to also consider whether the proposal meets the other specified circumstances in the first part of the policy, including that which states whether the development is necessary in this location.
10. In relation to the criteria set out in the second part of policy ENV3 of the Local Plan the proposed development would be environmentally sustainable in so far

as it would support the move towards low carbon energy supplied by renewable energy developments, would have a limited operational life thereby allowing for the reinstatement of the site and would not cause harm in relation to noise, air quality or biodiversity subject to the imposition of appropriate conditions. It would have no resultant impact on the vitality of Hilcote village centre. Moreover the production of a stand-by power source to support renewable energy supply to the grid in this area may improve the viability of the village and nearby industrial areas by providing greater security of supply. The proposed development would not materially harm the rural landscape as detailed below. Furthermore given that the land would be reinstated to its original form at the end of the operational life of the PPGP it would not lead to unnecessary urbanisation and sprawl in the longer term. In addition the proposed development would be enclosed within a defined boundary and would be physically and visually separated from the adjacent villages therefore it would not lead to the coalescence of settlements.

11. Consequently, having regard to all of the above I conclude that in the context of the relevant development plan policy the proposed development would be acceptable on the site. It would therefore accord with policy ENV3 of the Local Plan.

#### *Character and appearance*

12. The appeal site comprises part of a field which is low grade agricultural land and appears to be used for grazing. It lies within an area defined as open countryside for planning policy purposes but which also contains extensive urban influences.
13. The site displays many of the characteristics of the Settled Coalfield Farmlands and the Coalfield Village Farmlands as defined respectively by the East Midlands Region Landscape Character Assessment April 2010 and the Landscape Character of Derbyshire 2014. It is enclosed to the north by woodland and by the embankment of the M1 motorway to the west which runs in a north/south direction. The motorway passes within 30 metres of the site and the steep motorway embankments and motorway signs and gantries are prominent features within the wider surrounding countryside within which the appeal site lies. I also noted from my site visit that noise from the motorway is constant and is audible from the site and the surrounding area. To the south of the site, beyond the southern boundary of the field within which the appeal site is located, is an area of woodland which surrounds a fish farm and beyond this are areas of industrial development, including a sewage treatment works. To the east of the appeal site lies the village of Hilcote which the evidence indicates is a former mining village.
14. The Council accepts that the appeal proposal would be unlikely to cause significant harm to the wider landscape character of the area. I agree. However, it contends that it would cause harm to countryside character through encroachment and by the visual impact of the development.
15. The proposed development would be partially enclosed by existing mature woodland and the additional planting proposed along the southern and eastern boundary of the compound would further augment this. There would be distant views of the proposed development from the higher ground to the south. However, the development would appear small in scale in relation to the foreground industry and the adjacent motorway. Furthermore, whilst walkers

- using the adjacent right of way would experience views of the development these would be localised and would extend only for a short distance.
16. At my site visit I had the opportunity to walk along the public footpath which cuts through the field within which the appeal site lies and crosses the line of the proposed site access. I saw that views from the footpath are dominated by the adjacent motorway and its associated infrastructure. I also saw that when walking in a southerly direction along the footpath the industrial development to the south was readily visible in long distant views. Having regard to all of the above therefore, I consider that the siting of the proposed development adjacent to the motorway coupled with the existing and proposed screening would mean that, even to users of the public footpath, the development would not appear as an overly incongruous extension of built development into the countryside so as to cause significant harm to its character and appearance.
  17. The Council does not disagree with the findings of the noise assessment submitted with the planning application or with the comments made by its Environmental Protection Officer which both indicate that the proposed development would fall within acceptable parameters for noise. However, it states that the issue of noise and disturbance is a matter of how the findings of the assessment are applied taking into account the impact upon the noise character as experienced by users of footpaths in the immediate vicinity of the development.
  18. I appreciate that the generators would produce an additional source of noise related to their operation. However, given the existing constant noise from the motorway I am not persuaded that the noise associated with the proposed PPGP, which will run intermittently for short periods, would be such as to significantly add to the noise levels in the area so as to detract from the enjoyment of users of the footpath or from the character of the area.
  19. To conclude on this issue therefore, I consider that the proposed development would not cause substantive harm to the character and appearance of the countryside. It would not conflict with policy ENV3 of the Local Plan in this respect nor would it conflict with the core planning principle of the National Planning Policy Framework (the Framework) that indicates that planning should take account of the roles and character of different areas and recognise the intrinsic character and beauty of the countryside.

#### *Other matters*

20. There is no substantive technical evidence to indicate that subject to the imposition of appropriate conditions the proposed development would cause harm in relation to noise, air quality, biodiversity or highway safety.
21. Interested parties have raised concerns regarding recent levels of development that have taken place in the local area and contend that the proposed development would set an undesirable precedent. I have considered the appeal proposal on the basis of the development applied for and on its own merits having regard to the relevant planning policy and the context of the site and its surroundings. Given that I have concluded that the appeal proposal would be acceptable I can see no reason why it would lead to harmful developments on this or other similar sites. The courts have taken the view that planning is concerned with land use in the public interest, such that the

protection of purely private interests such as the impact of a development on the value of a neighbouring property is not a material consideration.

22. Concerns have been raised regarding the Council's handling of the publicity of the planning application. However, this is not something that I can comment upon or consider in an appeal made under section 78 of the above Act.

### *Conditions*

23. The Council has not suggested any conditions that it considers would be appropriate were I minded to allow the appeal. However, it has indicated that it considers the draft conditions suggested by the appellant as reasonable and necessary if I were to allow the appeal. Accordingly, I have had regard to these as well as those conditions suggested by consultees on the planning application.
24. A condition to ensure the development is carried out in accordance with the submitted plans is necessary to ensure certainty. In the interests of highway safety a condition is necessary requiring the submission and approval of the details of the access before the development commences and the laying out and construction of the access in accordance with the approved details before the commencement of construction on the main PPGP compound. I agree with the County Highway Authority that a condition is necessary in the interests of highway safety to address the provision within the site for the storage of plant and materials, site accommodation, loading, unloading and manoeuvring of employees and visitors vehicles during the construction period. A condition requiring the submission, approval and implementation of a construction method statement would suitably cover these matters and would also address the hours of demolition/construction works. Such a condition is therefore necessary in the interests of highway safety and the living conditions of residents of neighbouring dwellings. Conditions are also necessary in the interests of highway safety to ensure satisfactory provision is made within the site for the parking, loading, unloading and manoeuvring of vehicles and to control the siting of any gates or barriers.
25. In the interests of safety conditions relating to coal mining legacy issues and any gas risk on the site are also necessary. To ensure a satisfactory appearance a condition requiring the submission of sample materials to be used in all external wall and roof areas is necessary. A condition controlling the general parameters of layout, scale and landscaping and requiring woodland and hedgerow planting and mitigation measures to be implemented in accordance with the submitted drawings is necessary in the interests of character and appearance of the countryside and to ensure the retention of habitats and biodiversity. In the interests of the living conditions of residents of neighbouring dwellings conditions are necessary to ensure the noise protection measures are retained. A condition to ensure the retention of the adjacent public footpath during construction and operation of the PPGP is necessary in the interests of local amenity.
26. The PPG indicates that where the proposed development complies with the development plan, as is the case here, a condition limiting the use to a temporary period would rarely pass the test of necessity. Accordingly, I have not included a condition which restricts the time period of the operation of the PPGP but rather one which requires that at the end of the operational life of the

PPGP the plant should be decommissioned and the land and modified access reinstated in the interests of the character and appearance of the countryside.

**Conclusion**

27. For the reasons set out above and having had regard to all other matters I conclude therefore that the appeal should be allowed.

*Beverley Doward*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. RDCL-01 Location Plan, Drawing No. ENQ 6540-11-1001-D-C Issue C Site Boundary, Drawing No. ENQ 6540-11-1002-D-C Issue C Lease Boundary, Drawing No. ENQ 6540-11-1003-D-C Issue C Site Layout, Drawing No. ENQ 6540-11-1004-D-B Issue D Site Elevations, Drawing No. ENQ 6540-11-1005-D-A Issue A Switch Gear Container, Drawing No. ENQ 6540-11-1006-D-A Gas Kiosk, Drawing No. ENQ 6540-11-1007-D-A Left Handed Gas Generator, Drawing No. ENQ 6540-11-1008-D-A Right Handed Gas Generator, Drawing No. ENQ 6540-11-1009-D-A Issue A WPD; Combined GRP Enclosure and Metering, Drawing No. ENQ 6540-11-1010-D-A Lube Oil Tanks, Drawing No. ENQ 6540-11-1011-D-B Issue B Single Acoustic Fence Panel, Drawing No. ENQ 6540-11-1012-D-A Issue A Transformer, Drawing No. ENQ 6540-11-1013-D-A Transformer Bund, Drawing No. 04 Rev A Mitigation Measures included in the Hilcote Lane Peaking Power Generation Plant, Hilcote Land, Derbyshire – Landscape and Visual Assessment, 17th October 2016.
- 3) Notwithstanding condition 2 (i.e the condition requiring that the development is carried out in accordance with the approved plans) no development shall commence until details of the modifications to the existing access to Hilcote Lane, including the surfacing materials to be used and the visibility splays to be provided, have been submitted to and approved in writing by the local planning authority. The access shall be laid out and constructed in accordance with the approved details before the commencement of construction on the main Peaking Power Generation Plant compound.
- 4) No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the parking and manoeuvring of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) Before the commencement of the development hereby approved, a scheme of investigation to establish the exact situation regarding coal mining legacy issues on the site, including a scheme of intrusive site investigations, shall have been submitted to and approved by the local planning authority. The approved scheme shall be implemented as approved and a report of the findings arising from the intrusive site

- investigations and any recommended remediation works shall be submitted to the local planning authority for approval and any scheme of remedial works approved shall be implemented as approved.
- 6) Before the commencement of the development hereby approved, a gas risk assessment to assess the risk from former mine workings and ground gas shall be carried out and any remediation proposed where necessary. The assessment and any necessary remediation proposals shall be submitted to the local planning authority for approval and any necessary remediation measures incorporated into the development in accordance with the approved scheme. Any gas protection measures necessary shall be carried out by a suitably qualified person and an independent verification report submitted to the local planning authority for approval before the development is first brought into use.
  - 7) Before construction commences on the erection of any building or wall representative samples of the materials to be used in all external wall and roof areas shall first have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved sample details.
  - 8) The application shall follow the general parameters of layout, scale and landscaping set out and illustrated in the proposed layout (shown on Drawing No. ENQ 6540-11-1003-D-C Issue C Site Layout) and landscaping details (shown on Drawing No. 04 Rev A Mitigation Measures). In particular, the new Native Woodland planting around the plant compound and Native Hedgerow planting along the access track shall have been planted no later than the first available planting season after the facility is operationally ready, using species specified on Drawing No. 04 Rev A Mitigation Measures.
  - 9) Before the PPGP hereby approved first becomes operational space shall be provided within the site for the parking, loading, unloading and manoeuvring of vehicles in accordance with details which shall have been submitted and approved in writing the local planning authority. The parking, loading, unloading and manoeuvring provision should be retained thereafter for the operational life of the plant.
  - 10) The rating sound levels specified within the acoustic report 'Inacoustic Hilcote Lane Peaking Power Generation Plant BS4142:2014 Assessment for Planning Application 10th September 2016' must be achieved at all times that the development is operational at all noise sensitive receptors. All sound levels should be measured at or calculated to, a position representing the boundary of the nearest residential dwelling which may suffer a loss of aural amenity from sound associated with the development. The measurements and assessment shall be made in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.
  - 11) Footpath No. Blackwell FP5 as shown on drawing number ENQ 6540-11-1001-D-C shall remain open and unobstructed during the construction and operation of the development hereby permitted.
  - 12) There shall be no gates or other barriers within 20m of the nearside highway boundary and any gates shall open inwards only.

- 13) Within 6 months of the end of the operational life of the PPGP hereby approved the plant shall be decommissioned, all items, structures, hardcore and any underground apparatus or concrete shall be removed from the site within the red line application site identified on Drawing No. ENQ 6540-11-1001-D-C Issue C Site Boundary and the land shall be subsequently restored to its undeveloped state in accordance with a scheme which shall have previously been submitted to and approved in writing by the local planning authority. The modified access to Hilcote Lane shall also be reinstated to a standard which shall have been agreed in writing by the local planning authority.

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