
Site Address: Land at Hermitage Park, Harts Farm Way, Havant
Proposal: Proposed gas fuelled capacity mechanism embedded generation plant to support the National Grid. A resubmission of previously approved applications (APP/21/00809) in order to secure changes to the site layout and technology following transfer of ownership of the site.
Application Type: Full Planning Permission
Application No: APP/24/00237 Expiry Date: 14/05/2024
Applicant: Forsa Energy Gas Holdings Ltd
Agent: Mr Clive Fagg Case Officer: Josephine Lacey
 Clive Fagg Planning
Ward: St Faiths

Recommendation: **GRANT PERMISSION**

1 Site Description

The application is located at Hermitage Park which is a purpose built industrial park located off Harts Farm Way. The site is a square parcel of land on the south west of Hermitage Park although there are no clear defined site boundaries. The site is currently occupied by some hardstanding and overgrown vegetation with peripheral trees along the northern and western boundaries, with the A27 dual carriageway beyond the park to the north of the site. The site is located in a Flood Zone 1 and within a Future Flood Zone with a main river line running adjacent to the site and a surface water sewer crossing the site. Further afield to the site lies a range of commercial and industrial uses. There is also a mains gas pipe which runs close to the western boundary of the site.

2 Planning History

APP/11/01470 - Consultation by Hampshire County Council for provision of a new Havant Household Waste Recycling Centre (HWRC) on the former Havant incinerator land, Harts Farm Way, Havant and an access road to the land to the Northwest of the former incinerator land., PERM,18/11/2011

99/52646/013 - Renewal of Planning Permission 97/52646/12 to continue use of land for storage of fibreglass moulds., TPP,16/12/1999

88/52646/001 - Deemed Consent as set out in Minute No. 17 - Erection of 4 no. Portakabins 'Pullman' series or similar in two decks as office accommodation for a temporary period of 12 months on land as shown edged red on plan no. 3758, UNK,12/01/1989

89/52646/002 - Use of workshop for the preparation of new and used vehicles and area outside for parking of vehicles, UNK,21/09/1989

94/52646/009 - Formation of bus fuel/wash bay and boundary fence and retention of portable building for office, WD,12/12/1995

95/52646/010 - Change of Use of land for storage of fibreglass moulds (retrospective application), PERM,16/01/1996

96/52646/011 - Change of Use from bus depot to Class B8 (storage and distribution) and erection of portacabin to the south side of site, PERM,23/09/1996

APP/13/00498 - Consultation on application to Hampshire County Council to vary condition 2 of Planning Permission APP/11/01470., NPW,02/02/2016

APP/13/00592 - Application for removal of Condition 13 of Planning Permission APP/10/00737., PERM,12/02/2014

APP/14/01264 - Proposed removal of stockpiled material and associated engineering operations, UNK,

APP/15/00959 - Variation to Condition No. 6 of Planning Permission APP/14/00708 relating to height increase of 2m to the approved building.(APP/14/00708 was a variation of Reserved Matter approval APP/13/00911). , PERM,20/11/2015

APP/15/01089 - Discharge of Condition No. 5 of Planning Permission APP/13/00592., PERM,22/10/2015

APP/16/00373 - County Matter application for variation of condition 12 of Planning Permission APP/13/00498 (to allow the acceptance of trade waste) at Havant HWRC, Harts Farm Way, Havant PO9 1HS., RNO,27/04/2016

APP/17/00075 - Erection of 1No. warehouse and 1No. portacabin for storage and distribution purposes (Class B8) with associated open storage, access and servicing arrangements, car parking, landscaping & associated works, PERM,25/05/2017

APP/17/00511 - Proposed Gas fuelled Capacity Mechanism embedded generation plant to support the National Grid. (23.11.17). Request to discharge condition no's 3,4,5 & 6 (14.01.19)., PERM,23/11/2017

APP/17/00623 - 6no. non-illuminated fascia signs, 2no non-illuminated totem signs, 1no. non-illuminated post mounted sign and 1no. flag. , PERM,15/08/2017

APP/17/00959 - Application for non-material amendments to Planning Permission APP/17/00075 relating to additional hardstanding area to north west end of site and relocation of diesel tank., PERM,29/09/2017

APP/18/00071 - Proposed new factory and wood chip store and associated works for B1, B2 and B8 use (approved 19/12/2018). , PERM,19/12/2018

APP/18/00160 - Non material amendment relating to installation of 3No. additional windows, PERM,29/03/2018

APP/18/00928 - Condition 6 - External Materials pack to discharge condition 6. Document reference 18079-EXM01 refers (4 pages) Conditions 7 & 8 - Drainage - PTA Planning Conditions 7 & 8 Report (22 pages) Condition 9 - Hard Landscaping Plan 18079-HL-001 & Hard Landscaping Materials 18079-HL-002, UNK,

APP/18/01281 - Variation of conditions 2 (approved plans) and 3 (sewer diversion details) of Planning Permission APP/17/00511 (Proposed Gas fuelled Capacity Mechanism embedded generation plant to support the National Grid) in order to retain the existing sewer, change type of containerised generator, remove transformers and replace with a single 33kv transformer, amend size of proposed substation, reconfigure layout accordingly, replace proposed acoustic fence by a timber fence, and slightly amend fence line around the access to compound., PERM,14/03/2019

APP/19/00047 - Condition 3 - Letter from Southern Water confirming that they have no objection to Condition 2 and 3. Condition 4 - Report from Waterco - w10748-180913 Condition 5 - Landscaping Scheme A4101/01/A Condition 6 - Landscaping Scheme A4101/01/A, UNK,

APP/19/00663 - Variation of Condition 2 of Planning Permission APP/18/00071 (Proposed new factory and wood chip store and associated works for B1, B2 and B8 use) relating to amendments to approved elevations., PERM,01/10/2019

APP/19/01206 - Application for non-material change to Condition 2 of Planning Permission APP/18/01281 relating to replacement of Drwg no: 4000-GF-DR-PP-103 with Drwg no: 4000-GF-DR-PP-103 A., PERM,14/02/2020

APP/21/00389 - Variation of Condition 2 of Planning Permission APP/17/00075 relating to amendment to approved drawings., PERM,29/07/2021

APP/21/00809 - Proposed Gas fuelled Capacity Mechanism embedded generation plant to support the National Grid. A resubmission of previously approved applications (APP/17/00511 as amended by APP/18/01281) in order to secure a further three years to commence development following transfer of ownership of the site.

, PERM,19/01/2023

APP/22/00881 - Change to external layout including amendments to parking layout and numbers., PERM,30/11/2022

3 Proposal

Proposed gas fuelled capacity mechanism embedded generation plant to support the National Grid. A resubmission of previously approved applications (APP/21/00809) in order to secure changes to the site layout and technology following transfer of ownership of the site.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)

CS16 (High Quality Design)

DM10 (Pollution)

DM12 (Mitigating the Impacts of Travel)

DM14 (Car and Cycle Parking on Development (excluding residential))

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Building Control

No comment received.

Councillor Gillian Harris

No comment received.

Councillor Imogen Payter

No comment received.

Councillor Phil Munday - St Faiths

No comment received.

County Minerals (1)

Thank you for consulting Hampshire County Council as the mineral and waste planning authority (MWPA) with regards to the above application.

The proposed development lies within the mineral and waste consultation area (MWCA) – Sites section.

It lies within the buffer zone of three safeguarded sites; Harts Farm Way HWRC, Havant operated by Hampshire County Council, Harts Farm, Way, Havant operated by Keltbray Environmental, and Bedhampton Aggregates Wharf, Havant operated by Solent Aggregates Ltd & Tarmac Limited. These areas are informed by the safeguarded sites list as defined through Policy 16: Safeguarding – mineral infrastructure and Policy 26: Safeguarding – waste infrastructure of the adopted Hampshire Minerals and Waste Plan (2013) (HMWP).

The purpose of these policies is to protect current and potential minerals and waste sites from pressures to be replaced by other forms of development, including through 'encroachment' where nearby land-uses impact their ability to continue operating.

It is often the case that appropriate buffers and mitigation measures can make potential nearby development compatible. Any mitigation measures would need to be undertaken by the proposed non-minerals or waste development and reduce potential impacts to and from the safeguarded site to levels that would ensure the safeguarded site could continue its intended minerals or waste use.

Usually, the mitigation measures would need to focus on impacts such as noise, dust, visual impact, odour and traffic movements. They can take a variety of forms, including landscape design, tree planting, barriers, building design and orientation and use of different building materials (such as double glazing for windows).

The appropriate mitigation measures are best informed through direct discussions with the operator of the safeguarded site as they will be most aware of operational requirements. However, Hampshire County Council is also available for further discussions, as well as facilitation, if required.

In order to discharge the requirements of the safeguarding policy, Hampshire County Council would expect to see how the nearby safeguarded site was considered, how operator comments were taken into account and what impacts that had on the proposed development design. If the details of mitigation are to follow in a future application, Hampshire County Council would expect to see a condition requiring such details.

In the unlikely event that it is not possible to agree appropriate mitigation measures, Hampshire County Council would be seeking evidence that the minerals or waste management capacity can be relocated or provided elsewhere and delivered.

Further information on safeguarding and Hampshire County Council's approach to it is available in the adopted Minerals and Waste Safeguarding in Hampshire Supplementary Planning Document, which can be found on our website:<http://www3.hants.gov.uk/mineralsandwaste/planning-policy-home/hmwpspds.htm>

County Minerals (2)

Having reviewed the submitted document, produced by CF Planning, and the associated assessments, we are satisfied that the requirements of **Policies 16 (Safeguarding – mineral infrastructure)** and **26 (Safeguarding – waste infrastructure)** of the currently adopted Hampshire Minerals and Waste Plan (2013) have been met.

Therefore, we have no objection to the proposed development at Hermitage Park.

Defra

No comment received.

Developer Services, Southern Water

Following the review of the submitted documents, we have the below comments for the Planning consultation.

Protection of Public Apparatus

Please see the attached extract from Southern Water records showing the approximate position of our existing public foul sewer within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The 160 mm public foul sewer requires a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No new soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: Microsoft Word - DS Stand off distances V1.1NEW.docx (southernwater.co.uk) Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Foul and Surface Water Drainage

Southern Water would not support the proposals for septic tank in the presence of public foul sewerage network in the close vicinity of the development site. The foul sewerage shall be disposed in accordance with Part H1 of Building Regulations hierarchy.

It may be possible for the foul flows from the proposed development to be connected to a nearby public sewer, and the applicant shall investigate this option. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:
southernwater.co.uk/developing-building/connection-charging-arrangements

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:
water.org.uk/sewerage-sector-guidance-approved-documents/

ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at:
SouthernWaterPlanning@southernwater.co.uk

Ecologist, Planning Policy Team

The application is accompanied by a Preliminary Ecological Appraisal (The Ecology Co-op, February 2024) and a Habitats Regulations Assessment (The Ecology Co-op, January 2024). The site comprises an ex-industrial location containing ruderal vegetation and scrub habitats. The site walkover survey, including the botanical assessment, was carried out in December and therefore at a suboptimal time for assessing the presence of plant species (many of which will not be visible in winter). As an example, the tree named as Beech in Photograph 1a (p.10) is not Beech, but rather a Poplar species. These limitations notwithstanding, I am content that the site is of relatively low ecological interest. There is potential for various protected and notable species to occur, including nesting birds and common species of reptile. Sensible precautionary methods of working are included and are acceptable.

Further survey works are recommended in order to establish the potential presence of both Water Vole and Great Crested Newt. The results of these surveys, and any necessary mitigation measures, will be required prior to determination. NPPF, Circular 06/2005 and Natural England Standing Advice, require that planning decisions are based on full, up-to-date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the Local Planning Authority prior to determination, particularly in the case of protected sites, habitats and species, which are a material planning consideration. This will enable the Local Planning Authority to determine the application on the basis of full knowledge about the potential ecological impacts of the proposal and to ensure that any impacts can and will be mitigated.

The Habitats Regulations Assessment concludes that there are no potential impact pathways that could lead to a likely significant effect on the nearby international designated sites. The submitted Air Quality Assessment (Isopleth, February 2024) concludes that there will be a slight improvement in potential air quality issues from the previous approved proposal. I am content to concur with this assessment. This conclusion should be recorded within the Council's own HRA.

Ecologist (2)

The application is accompanied by an Ecological Assessment (The Ecology Co-op, May 2024) and a Habitats Regulations Assessment (The Ecology Co-op, January 2024). The site comprises an ex-industrial location containing ruderal vegetation and scrub habitats. The site walkover survey, including the botanical assessment, was carried out in December and therefore at a suboptimal time for assessing the presence of plant species (many of which will not be visible in winter). The habitat is described as approaching the Priority Habitat 'Open Mosaic Habitat', comprising mostly hardstanding with scattered plant species colonising. The tree named as Beech in Photograph 1a (p.10) is not Beech, but rather a Poplar species. Despite these limitations, I am content that the site is of relatively low ecological interest. There is potential for various protected and notable species to occur, including nesting birds and common species of reptile. Sensible precautionary methods of working are included and are acceptable. Further survey works have been carried out for both Water Vole and Great Crested Newt. The results of these surveys show that both species are likely to be absent.

The Habitats Regulations Assessment concludes that there are no potential impact pathways that could lead to a likely significant effect on the nearby international designated sites. The submitted Air Quality Assessment (Isopleth, February 2024) concludes that there will be a slight improvement in potential air quality issues from the previous approved proposal. I am content to concur with this assessment. This conclusion should be recorded within the Council's own HRA.

If you are minded to grant permission, can I suggest that all ecological avoidance, mitigation, compensation and enhancement measures are secured by condition.

Prior to the commencement of development activities, a Landscape & Ecological Management Plan shall be submitted to an approved in writing by the Local Planning Authority. The Plan shall be in accordance with the ecological avoidance, mitigation, enhancement and management measures as detailed in the Ecological Assessment (The Ecology Co-op, May 2024) unless otherwise agreed in writing by the Local Planning Authority. It shall include, but not necessarily be restricted to: full details of all ecological avoidance and mitigation measures, to include timings, methods and responsibilities; full details of all ecological compensation and enhancement measures, including location, area, composition, establishment and ongoing management, monitoring and responsibilities. Reason: to provide ecological protection and enhancement in accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Engineering Services, Havant Council

No land drainage observations. However Flood Risk Assessment para 3.7.1 is incorrect in that the nearest main river is immediately adjacent to the north-west boundary of the site (picked up in 3.7.3 as a 'minor feature') and as such the applicant will require consent from the EA for works within the offset of the river.

Environment Agency

We have no objection to the proposal as submitted.

Advice to Local Planning Authority and Applicant

Guidance to assess future flood risk

Planning practice guidance provides advice on what is considered to be the lifetime of the development in the context of flood risk and coastal change (see ref ID: 7-006-20220825). The Environment Agency guidance 'Flood risk assessments: climate change allowances' provides allowances for future sea level rise, wave height and wind speed to help planners, developers and their advisors to understand likely impact of climate change on coastal flood risk. It also provides peak river flow and peak rainfall intensity allowances to help planners understand likely impact of climate change on river and surface water flood risk.

Signing up for flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what to do after a flood, visit <https://www.gov.uk/after-flood>.

Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Environmental Health Manager, Community Group

Thank you for consulting the Environmental Protection Team on this application. Please accept this email as confirmation that we reviewed the noise assessment and have no objections to make in respect of the impact of the proposed plant on nearby residential receptors.

Landscape Team, Havant Borough Council

From a landscape perspective we have no objection to the principal, however we require soft landscaping between the proposals and Harts Farm way. This will assist in the screening of the site and also enhance the green infrastructure to the west.

Natural England Government Team**SUMMARY OF NATURAL ENGLAND'S ADVICE****NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Habitats Regulations Assessment

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects

Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

Air Quality

Natural England notes that the Air Quality Assessment (provided with the consultation has screened the proposal to check for the likelihood of significant effects from aerial emissions on the above named European sites. The assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. It identifies that the localities predicted to have an exceedance of the 1% Critical threshold do not contain habitats or interest features of the SPA which are sensitive to nitrogen and acid deposition. On the basis of information provided, Natural England concurs with this view.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Should the proposal change, please consult us again.

Property Services Manager

No comment received.

Southern Gas

No comment received.

Arboricultural Officer

The application does not include any Arboricultural details.

I note from the PEA and from the recent site photographs provided by the case officer; that the important belt of broadleaved trees which stands just off-site along the western site boundary, have not been fully considered in this application.

The case officer has advised me that these trees stand on land owned and maintained by Hampshire County Council.

To make this application acceptable in arboricultural terms, it is necessary for the applicant to demonstrate how the proposed development can be achieved without harming the nearby third-party trees.

This could likely be secured by a pre-commencement condition to be submitted for approval, and provided in accordance with British Standard 5837:2012 "Trees in relation to design, demolition and construction".

It seems reasonable that the landowner might wish to prune some of the encroaching branches in order to maintain separation between the trees and the boundary fence line. Any such tree pruning must be carried out in accordance with British Standard 3998: 2010 "Tree Work-Recommendations".

Policy Comments

Policy Comments are sought on the acceptability of the proposal in flood risk terms.

The applicant has submitted a Flood Risk Assessment (FRA), which considers the risk on the site, and also covers the applicants' approach to the sequential and exception tests.

It is considered that the applicant is incorrect in principle in stating,

- In paragraph 3.12.2 of their FRA that the sequential test is generally undertaken at the strategic level by the LPA. While this is true, this does not exempt applicants from the need to also satisfy the test where it is required'; and
- in paragraph 3.12.8 of their FRA, that the sequential test is 'passed by default' because the proposal is for essential infrastructure. The notes to Table 2 in the PPG explicitly say 'This table does not show the application of the Sequential Test which should be applied first to guide development to the lowest flood risk areas'.

Nevertheless it is also noted, that the site is allocated for employment uses under Policy HB2 (site ref BD9), and that the allocations plan was supported by sequential testing using the same strategic flood risk assessment as forms the basis of future risk mapping now. While not strictly an employment use, the proposal is the kind of use that is expected to be seen on industrial estates. It is also noted, that proximity to a national grid connection point is required to avoid unnecessary power losses, and that this may be achieved here. Overall, it is therefore accepted that the sequential test does not need to be passed again. A similar development to the current proposal has also previously been accepted under ref APP/21/00809.

In terms of the exception test, providing power infrastructure to supply the national grid, it is accepted that the development provides sustainability benefits that may be considered to outweigh the flood risk. The remaining question then is whether the development can be considered to be safe and remain operational in the event of a flood event.

The applicant's FRA concludes the proposed facility would be unaffected by design return period fluvial or tidal flooding or by extreme fluvial flooding throughout its anticipated lifetime, but could potentially be affected from extreme tidal flooding towards the end of its anticipated lifetime (0.14m; low hazard). The FRA goes on to consider mitigation measures to this residual risk, and concludes that it is considered that with the outlined mitigation and management measures in place, the residual risks posed to the installation by tidal flooding can be reduced to an acceptable level.

Therefore, in order for the proposal to be acceptable in flood risk terms, the proposed mitigation measures as set out in the applicant's FRA at section 4.3 should be secured as part of this proposal.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 14

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area and impact on residential amenity
- (iii) Highways and parking considerations
- (iv) Landscaping/considerations
- (v) Ecology matters
- (vi) Flood risk
- (vii) Drainage matters
- (viii) Tree considerations

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The proposal would accord with Policy CS2 by providing employment opportunities in the borough.

- 7.3 The principle of development has also been established following the permission under planning reference APP/21/00809 in January 2023 for 'Proposed Gas fuelled Capacity Mechanism embedded generation plant to support the National Grid. A resubmission of previously approved applications (APP/17/00511 as amended by APP/18/01281) in order to secure a further three years to commence development following transfer of ownership of the site'. Since the determination of APP/21/00809 on 19th December 2023 there has been no material change in planning policy. The NPPF was updated in December 2023 but retains a presumption in favour of sustainable development with greater emphasis on achieving beautiful places.

(ii) Impact upon the character and appearance of the area and impact on neighbour amenity _

- 7.4 This application would amend the layout approved under planning reference APP/21/00809 from 9no. standby generators and ancillary equipment to 5no. standby generators and ancillary equipment. The height of components vary from 12.8 metres for the exhaust stacks of the generators and other associated buildings being a maximum of 5 metres. Security gates would be sited to the entrance to the north off Hermitage Park with security fencing surrounding the compound at 2.4 metres high with 6 metre high security columns. To the north of the site there would be a DNO kiosk, gas kiosk and transformer compound. On the west side of the site there would be a switch room container. To the rear of the site there would be a welfare cabin.

- 7.5 The surrounding area is industrial in character and therefore the proposal is considered to be in keeping with this with the siting of the various units considered to be acceptable and complemented by the proposed landscaping. The fencing would be high however this is due to security and acoustic reasons. There are no residential properties within close proximity of the site. Should a noise complaint be made by the neighbouring commercial properties then Environmental Health would be able to enforce their own legislation to review this. The principle of this development has already been approved under applications APP/21/00809. Overall, the proposal would not result in harm to the character of the area, in accordance with Policy CS16 of the Havant Borough Local Plan.

(iii) Highways and parking considerations _

- 7.6 The internal road to the site has already been constructed. Access to the site would be via the main access to the north and there is an existing access point which has been extended to the compound. The servicing of the site would be limited, and the use would generate very low levels of vehicle movement. The access would allow vehicles to access the compound and park centrally which is considered to be sufficient.
- 7.7 There would be two on site parking spaces area provided within the development site for the use by contractors and maintenance staff to ensure no requirement for on street car parking. This is considered to be acceptable on parking grounds.

(iv) Landscaping considerations

- 7.8 The proposal includes a landscaping scheme which matches that approved under APP/21/00809 and has again been agreed by Havant's Landscape Architect who has no objection to this proposal.

(v) Ecology matters

7.9 The Council's Ecologist commented on the application stating further survey works are needed in order to establish the potential presence of both Water Vole and Great Crested Newt. The results of these surveys and any necessary mitigation measures were required prior to determination. Following this the applicant's agent provided a further survey in which the Council's Ecologist now raises no objection subject to a prior commencement condition for a Landscape and Ecological Management to be provided. This condition has been recommended to the decision and the applicant's agent has agreed to it.

- 7.10 On this basis the Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that, based on the applicant's submitted evidence, any effects on nitrogen deposition, air quality or acid deposition would not be significant and therefore any likely significant effects on nearby European sites (the Solent Maritime SAC and Chichester & Langstone Harbours SPA/Ramsar sites) could be screened out. This conclusion has been accepted by Natural England.

(vi) Flood risk

- 7.11 The application site is located within Flood Zone 1 however it is located within a Future Flood Zone. The applicant has submitted a Flood Risk Assessment (FRA) which considers the risk on the site, and also covers the applicant's approach to the sequential and exception tests. The Council's Policy Team commented on the application stating the site is allocated for employment uses under Policy HB2 (site ref BD9) of the Havant Borough Allocations Plan 2014 and was supported by sequential testing using the same strategic flood risk assessment that forms the basis of future risk mapping now. It is noted it provides important infrastructure to the national grid. As such it is accepted that the sequential test does not need to be passed again. In terms of the exception test, it is accepted that the development provides sustainability benefit that may be considered to outweigh the flood risk. Finally, the FRA concludes the proposed facility would be unaffected by design return fluvial or tidal flooding or by extreme fluvial flooding throughout its anticipated lifetime, but could potentially be affected from extreme tidal flooding towards the end of its anticipated lifetime (0.14m; low hazard). The FRA goes on to consider mitigation measures to this residual risk and concludes that it is considered that with the outlined mitigation and management measures in place, the residual risks posed to the installation by tidal flooding can be reduced to an acceptable level. Therefore, in order for the proposal to be acceptable in flood risk terms, the proposed mitigation measures as set out in the applicant's FRA at section 4.3 should be secured as part of this proposal. A condition to this effect has been recommended to the decision.

(vii) Drainage matters

- 7.12 Southern Water were consulted on the application. The Applicant will notify Southern Water and agrees to take part in the necessary investigations. There will not be any septic tank installed and we're not expecting the SUDS scheme to be adopted by the public authority or statutory undertaker. Furthermore, Southern Water responded to the previous application (APP/21/00809) with no objection or any concerns raised on their asset.

(viii) Tree conditions

- 7.13 The County Tree Team commented on the application. The surrounding trees and land are owned and maintained by Hampshire County Council. In order for the application to be considered acceptable in Arboricultural terms it is necessary for the applicant to demonstrate how the proposed development can be achieved without harming the nearby third-party trees. The County Tree Team confirmed these details could be secured by a prior commencement condition in accordance with British Standard 5837:2012. A condition to this effect has been recommended. An informative has also been added regarding pruning works.

8 Conclusion

- 8.1 The proposal is considered to have an acceptable impact and would provide the benefit of important energy infrastructure within the Borough and is therefore recommended for approval.

9 **RECOMMENDATION:**

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/24/00237 subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan - APPENDIX A1 FE-01-481
Elevation Building - APPENDIX A10 FE-01-600
Elevations Security Column - APPENDIX A11 FE-01-601
Elevations Palisade Fence - APPENDIX A12 FE-01-602
Site Layout Plan - APPENDIX A2 FE-01-593
Elevations - APPENDIX A3 FE-01-594
Elevations Containerised Engines - APPENDIX A4 FE-01-595
Elevations Transformer - APPENDIX A5 FE-01-596

Elevations DNO Building - APPENDIX A6 FE-01-597
 Elevations Switchroom Container - APPENDIX A7 FE-01-597
 Elevations Gas Kiosk - APPENDIX A8 FE-01-598
 Elevations Oil Tanks - APPENDIX A9 FE-01-599
 Covering Letter
 Noise Impact Assessment - APPENDIX B
 Air Quality Assessment - APPENDIX C
 Preliminary Ecological Appraisal - APPENDIX D1 REV 3
 Shadow Habitat Regulations Assessment - APPENDIX D2
 Havant Visual Assessment - APPENDIX E1
 Visualisation - APPENDIX E2
 Visualisation - APPENDIX E3
 Flood Risk Assessment - APPENDIX F - rev 3
 Outline Construction Environmental Management Plan - APPENDIX G
 Construction Traffic Management Plan - APPENDIX H

Reason: To ensure provision of a satisfactory development.

- 3 Prior to commencement of development on site, details of the tree protection measures for trees off site on the western boundary in accordance with British Standard 5837:2012 "Trees in relation to design, demolition and construction" shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to commencement of development and thereafter retained in the approved position.

Reason: In the interest of tree protection and with due regard to policies CS16 and CS11 of the Havant Borough Council Local Plan (Core Strategy) 2011 and National Planning Policy. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

- 4 Prior to occupation, details of soft landscaping between the proposal and Harts Farm Way will be submitted to and approved in writing by the Local Planning Authority to assist in the screening of the site and enhance green infrastructure to the west.

Reason: To ensure provision, establishment and maintenance of a reasonable standard of landscape having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy.

- 5 The proposed development approved shall be carried out in accordance with the mitigation measures set out in the Flood Risk Assessment at Section 4.3 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that flood risk has been appropriately addressed having due regard to policies CS15 and CS16 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Prior to the commencement of development activities, a Landscape & Ecological Management Plan shall be submitted to an approved in writing by the Local Planning Authority. The Plan shall be in accordance with the ecological avoidance, mitigation, enhancement and management measures as detailed in the Ecological Assessment (The Ecology Co-op, May 2024) unless otherwise agreed in writing by the Local Planning Authority. It shall include, but not necessarily be restricted to: full details of all ecological avoidance and mitigation measures, to include timings, methods and responsibilities; full details of all ecological compensation and enhancement measures, including location, area, composition, establishment and ongoing management, monitoring and responsibilities.

Reason: To provide ecological protection and enhancement in accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

- 7 The development hereby permitted shall not commence unless and until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the steps and procedures that will be implemented to avoid or mitigate construction impacts on protected species and habitats. The CEMP as a minimum shall provide details of:

- Storage of Construction materials/chemical and equipment
- Parking of construction vehicles · Measures to ensure dust suppression
- Construction waste disposal
- Measures to minimise noise and vibration impacts to protected species and habitats.

The construction phase shall be carried out fully in accordance with the CEMP as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protected species and habitats having due regard to the Habitats Regulations, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, the Wildlife and Countryside Act 1981 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.