
Site Address:	Power Generation Facility, Southmoor Lane, Havant, PO9 1JW		
Proposal:	Erection of a flexible power generation facility with associated ancillary infrastructure, access and boundary treatment		
Application No:	APP/20/00833	Expiry Date:	10/11/2020
Applicant:	Conrad Energy (Developments) Ltd		
Agent:	Ms Watts	Case Officer:	David Eaves
	Lichfields		
Ward:	St Faiths		

Recommendation: **GRANT PERMISSION**

1 Site Description

The site lies to the west of Southmoor Lane within a generally industrial and utility facilities area. To the South is Budds Farm a waste water treatment site and to the east beyond the road are large industrial premises.

The site forms part of a larger Lorry Park area with a cafe to the north and the main lorry park area to the west with associated facilities. The site for the proposed development itself includes an area used for containers. To the east is a belt of trees which are an important feature in this otherwise industrialised area.

2 Planning History

01/50757/016 - County Matter Application for the temporary installation (12 months) of a security cabin., PERM,20/06/2001

00/50757/015 - County matter application for waste transfer station and recycling depot with re location of existing on-site lorry parking and associated facilities, REF,06/07/2000

98/50757/014 - Two additional bays to store recycled materials, PERM,07/10/1998

97/50757/013 - Variation of condition 8 of planning permission 96/50757/12/HCC - modification of working hours 0700 and 1800 Monday and Friday to 0700 and 2200 Monday and Friday, and 0700 and 1200 Saturdays to 0700 and 1600 Saturdays (County Council Consultation), RNO,17/06/1997

96/50757/011 - Retention of portable building for use as cafe, TPP,06/06/1996

91/50757/006 - Crown raise to 15' Ash covered by TPO 1258, PERM,08/04/1991

92/50757/010 - Amendment to previously approved plans, forming canteen on ground floor in place of offices. (Consent No 89/50757/3)., PERM,23/04/1992

92/50757/009 - Siting of diesel storage tank (10,000 gallons)., PERM,

90/50757/005 - Construction of Lorry Park, Shipping and Forwarding building including ancillary drivers accommodation, office flat & car parking.
, PERM,09/08/1990

96/50757/012 - Construction of concrete enclosure consisting of three bays with landscaping on three enclosed sides to form waste transfer depot, PERM,12/09/1996

GEN/19/00856 - Proposed electricity generating facility., ,20/01/2020 17:44:02

3 Proposal

Erection of a flexible power generation facility with associated ancillary infrastructure, access and boundary treatment

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)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS19	(Effective Provision of Infrastructure)
CS2	(Employment)
CS20	(Transport and Access Strategy)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM3	(Protection of Existing Employment and Tourism Sites)
DM6	(Coordination of Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

HB2	(Havant and Bedhampton Employment Allocations)
AL1	(Presumption in Favour of Sustainable Development)

Havant Borough Pre Submission Local Plan 2036

E22	(Amenity and pollution)
DR1	(Delivery of Sustainable Development)
IN1	(Effective provision of infrastructure)
E1*	(High quality design)
C1*	(Protection of existing employment sites)
IN3	(Transport and parking in new development)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

Further Comments:

The development highlights the loss of 7 category C trees (not particularly high quality trees that should not be a constraint for development). These trees are inside the site amongst the existing containers and hard standing.

The revised plan shows the trees located offsite within a landscape strip to now be retained, and the LMS includes native tree and hedgerow planting that strengthen the wooded strip. This is the key to the site sustainability in my view and allows for the verdant character to remain in this part of the area - mainly a commercial / industrial setting.

There is space for new tree planting that can establish alongside the development and this should be discussed with our colleagues in CELT.

If the AMS and TPP are conditioned as part of an approved scheme and mitigation planting is agreed then I would raise no objection on arboricultural grounds.

Original Comments

The proposed scheme will involve the loss of all but 8 trees from the wooded belt of trees along South moor Lane. This tree group as a whole, provides a high public amenity value to the area and should be retained as the removal of these trees will significantly alter the street scene and it would be a loss of green amenity in this industrial area, therefore objection is raised to this proposal in its current form.

Coastal Engineering

Coastal Partners have no objection to the proposed development, but are able to offer the following comments and advice.

The site is currently located within the Environment Agency's Flood Zone 1 and is therefore considered to be at low risk (less than 1 in 1000 year /0.1% annual probability) of experiencing an extreme tidal flood event. However, from 2085, the site is predicted to be increasingly affected by the effects of climate change and located within Flood Zone 2 (0.1% annual probability). From 2115 the site is predicted to be within Flood Zone 2 and Flood Zone 3 (1 in 200 year /0.5% annual probability of experiencing an extreme tidal flood event).

For information, the present day 1:200-year extreme tidal flood level for Langstone Harbour is 3.3 mAOD, increasing to 4.4 mAOD by 2115 (design tide level).

In order to reduce this risk, we recommend the applicant considers incorporating flood resilient measures into the development.

Any proposed flood resilient measures should follow current Government Guidance. For more information on flood resilient techniques, please see the Department for Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings - Flood Resilient Construction", which can be downloaded from the following website:

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

Councillor D Guest - St Faith's

No comments received

Councillor J Branson - St Faith's

No comments received

Councillor T Pike - St Faith's

No comments received

County Minerals

No comments received.

County Ecologist

Final Comments:

Thank you for consulting me on this application, and the recently amended Air Quality Assessment (Redmore, November 2020).

Firstly, I am not an air quality expert and am not sufficiently competent with the assessment methodology to undertake my own analysis. I am therefore reliant on the information submitted by the applicant to a great degree. The information below is my own view based on my admittedly limited understanding of these complex issues.

The AQA concludes that there will be an exceedance of 24-hour mean NO_x concentrations at receptor 5, an area of mudflat situated within the tidal creek c.200m to the west. There will also be an exceedance of the 10% Predicted NO_x Concentration (PC) threshold at receptor 18, an area of intertidal habitat within the northern edge of Chichester & Langstone Harbours SPA/Ramsar, Langstone Harbour SSSI and Solent Maritime SAC situated c.600m south-west. There are existing exceedances at a number of the ecological receptors, although for the purposes of assessing the effects of the proposal alone any additional exceedances must normally be considered alone, i.e. the baseline levels are relevant context but do not negate any further exceedances resulting from the proposal.

At ecological receptor 5 the mudflat habitat is not situated within any designated site. It is identified as the Priority Habitat 'intertidal mudflat' using Hampshire Biodiversity Information Centre (HBIC) mapping. The mapped extent of this habitat reaches north from the harbour to a footbridge across the creek, beyond which there appears to be a weir and a transition to a more freshwater system. It should be acknowledged that the priority habitat mapping is based on a review of aerial photography rather than ground truthing and may not be entirely accurate with respect to habitat extent. In any case, it appears that there is priority mudflat habitat present within the creek and that this falls within the identified exceedance zone.

Estimating the potential effects of any increased NO_x exceedance on this habitat are difficult to assess. This is due to the fact that there are no published nitrogen deposition critical loads or levels for mudflats. As with the submitted AQA, in the absence of published loads and levels, assessments have to utilise the best-fit habitat type which in this case is 'saltmarsh', or also the broad distinction between 'forest' and 'grassland'. The issue here is that unlike mudflats, saltmarsh is a predominantly vegetated habitat and therefore potential effects of nitrogen are more easily predicted (increased nutrients affecting plant growth) and potentially more profound. It has been argued (in other assessments submitted within Havant Borough, including for the Pre-submission Local Plan 2036) that the dynamic tidal processes affecting mudflats are likely to negate the effects of nitrogen deposition, with depositions being washed

away and dissipated during inundation, and therefore effects are viewed as not significant. In addition, the largely unvegetated nature of mudflats (although marine grasses and algae are present) means that effects on vegetation are less likely to occur. Given that most AQAs seem to conclude that mudflats do not suffer effects from nitrogen deposition, and in the absence of key critical loads and levels, it seems reasonable to conclude that effects would be not significant.

For ecological receptor 18 (Chichester & Langstone Harbours SPA/Ramsar, Langstone Harbour SSSI and Solent Maritime SAC) the issue is the exceedance of the 10% threshold for nitrogen concentration. The figure provided is 10.7%, an exceedance of 0.7%. It is noted that despite the 10% threshold exceedance the overall critical level of 751Jg/m³ is not exceeded (the given value is 70.77) and it is concluded that there will not be a significant effect. Based on the assessment criteria used I would concur with this conclusion.

For nitrogen deposition and acid deposition the submitted AQA concludes effects as not significant and I see no reason to doubt this.

Original Comments:

The application is accompanied by a Preliminary Ecological Appraisal (TMA, July 2020). The site is generally of limited ecological value, containing areas of hardstanding with some limited boundary vegetation. I am content that the proposals are not likely to have significant impacts on legally-protected or notable species and habitats. However, I note that other consultees have commented on the loss of the majority of the trees along the eastern site boundary. Whilst these trees may not be especially mature, and have not been flagged as likely to support protected species, they form a useful corridor of habitat within an otherwise industrialised area and they link to other habitats situated to the south and south-west. The details provided of proposed replacement landscaping show the use of native tree and shrub planting to supplement the retained, off-site vegetation.

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

Development shall proceed in strict accordance with the Preliminary Ecological Appraisal (TMA, July 2020) unless otherwise agreed in writing by the Local Planning Authority. All ecological enhancement measures shall be installed in accordance with ecologist's instructions and retained in a location and condition suited to their intended function Reason: to protect and enhance biodiversity in accordance with the NERC Act 2006, NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.

Environment Agency

Environment Agency position

We have no objection to the proposal as submitted.

Advice to Applicant

Environmental Permit

Please note that this development may require an environmental permit, a variation of an existing permit or an exception from an environmental permit from us.

Further information can be found on the gov.uk website-

<https://www.gov.uk/topic/environmental-management/environmental-permits>

<https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>

The Applicant must ensure that the operations at the site are in accordance with the Environmental Permitting (England and Wales) Regulations 2016. The Applicant is advised to contact the National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

Please note that the need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of a permit.

Environmental Health

Final Comments

I have reviewed the Redmore Environmental Air Quality Assessment Ref 3815-3r3, dated 23rd November 2020, and note that the revised text provides some helpful clarifications.

Human Health – Newly Modelled Receptors & Cumulative Effects

The modelled result for residential receptors at Brookside Road returns acceptable concentrations, <75% of the long-term standard, which against industry guidance (EPUK & IAQM 'planning for air quality') attracts a 'magnitude of change' significance level of 'negligible'.

For the short-term standard, the predicted environmental concentration (hourly) is less than 50% of the applicable standard.

Consideration of cumulative impacts has taken a very basic, pragmatic approach – however the results from consideration of the scheme subject to this application (only / considered in isolation) provide for a significant degree of 'headroom' that would make a more detailed consideration (i.e. multiple source modelling) unnecessary.

The conclusions in respect of human receptors are agreed.

Ecological Receptors

The revised text provides helpful clarification on the interpretation of results previously presented – particularly in respect of the highlighted new exceedance of an applicable EQS created at Ecological receptor E6. Environment Agency guidance apparently assesses significance based upon process contribution (only- i.e. independent of the predicted environmental concentration).

The authors are reliant on the EA's guidance for the conclusion that the result is not significant. The report does not dispute that the proposed process is likely to create an exceedance of an applicable air quality standard, contrary to regulation 22 of The Air Quality Standards Regulations 2010 (duty upon the Secretary of state not to exceed these standards, standards subject to specific assessment criteria & averaging areas – regulation 6 / sections A and C of Annex I to Directive 2008/50/EC).

This is relevant in policy terms, for the following reasons:

- Extant Policy DM10 provides that: *'Development that may cause pollution of ...air ...through ...smoke, fumes, gases, ...and other pollutants will only be permitted where all of the following relevant criteria can be met: ...2. National air quality standards or objectives would not be breached.'*
- Policy DM10 carries full weight at present
- Emerging policy E22 provides that *'Development proposals will be permitted where:*

a. Projected levels of ...air pollution do not have a likely significant negative effect on ...the wider environment'

- Given the current status of the emerging local plan (formally adopted by Council, awaiting Secretary of State approval), Policy E22 may be afforded limited weight.
- Policy E22 would allow the interpretation given within the Redmore Report, whereas that interpretation is contrary to extant policy DM10.

I would also highlight that the applicable standard is for the protection of vegetation, and the relevant receptor (E5) is 'mud flats'. The standard may not directly apply at this location.

The policy interpretation, and in particular the balance of decision between differing policies that carry differing weight, is a planning decision. I would reiterate my prior advice that *'the views of the county ecologist &/or Natural England (be) sought as to the perceived significance of the highlighted significant result'* with a view to assisting the decision as to whether the new exceedance at a mud-flat habitat subject to lower tier protection status would amount to a material constraint to the award of consent (or not).

My intention is to highlight the result, and to place it within the applicable policy context – the impact would not fall to Havant Borough Council as the Council is not the regulator for this particular standard. I make no specific recommendation in support of- or against- the award of consent on this basis.

Conclusions

The Redmore Air Quality report (r3) is accepted, and it's conclusions are not disputed. The conclusions do not however fully account for the local policy context, and a balanced planning decision is required. Havant Borough Council as the local planning authority may take that decision unilaterally, or it may prefer to seek specialist ecological advice.

As the Local Authority is not the regulator for the relevant standard, I am not intimately familiar with the requirements for it's assessment, and further research would be required in order to determine whether the result would be rendered insignificant as a matter of scale (i.e. averaging area). I am aware that determination of this application is time-sensitive, and I'm afraid that I do not have the opportunity to undertake that research within the necessary time-frame.

An informal consultation with Natural England, the County Ecologist or DEFRA may be the most expedient way to resolve any unacceptable residual uncertainty in this respect.

Further Comments

I would recommend refusal at this point as the reports that have been submitted ,:
. Acoustic Report (from Nova Acoustics) and
. Air quality report by Redmore International,

Have not considered the impact on the nearest residential units (49, 51 brookside road, Havant).

I'm happy that once the reports have been corrected to take account of these dwellings the application is reviewed by environmental Health and informed comments can be made.

Original Comments

Observations | Comments:

I have reviewed the application and would like to provide some comments on the potential for contamination / pollution, and in respect of air quality. Comments here are made without prejudice to those of my Environmental Health colleagues in respect of noise / light (anticipated under separate cover).

Contaminated Land Risks

The proposed development is not particularly sensitive to contamination - it is not expected that ground conditions are likely to present a significant risk to buried services & infrastructure required as part of the development.

The scheme includes 2 x 5600L lubrication oil tanks & associated distribution pipework. It is not clear from the application documents that the storage tanks will be of bunded type, or that they will be provided with adequate collision protection.

The nearest controlled water (Brockhampton Stream, 110m) discharges to harbour waters with European habitats designations (ie. a particularly sensitive receiving environment), and the nearest public surface water drainage communicates directly with the harbour. Oil spills at this site could have significant acute environmental impact.

I raise no objection to the plans (or to the lack of clarity in respect of pollution prevention) based on an assumption that the applicant will observe their obligations under The Control of Pollution (Oil Storage) (England) Regulations 2001 SI 2954.

Air Quality

Comments here relate largely to the Redmore Environmental Air Quality Assessment Ref:3815-3r2 dated 12th August 2020.

Air Quality - Impacts for Human Receptors

I note that the human health criteria assessment did not specifically identify & consider the nearest residential receptors at Brookside Road (-120m). The modelling array included this area. These properties fall within the NO₂ zone corresponding to 27-27.5 ug/m³ annualised, against an annual limit value of 40 ug/m³. Given that the receptors here have not been specifically modelled, it is not possible to determine the likely significance of the estimated process contribution, so it is difficult to determine whether the result is significant in planning terms (or not).

I would also highlight that the Brookside Road receptors also fall within a +1 ug/m³ (annual) contour estimated in the air quality assessment for the 20MW Green Frog Gas STOR facility on the north side of Harts Farm Way, and that the properties will in addition be within the prevailing dispersion plume associated with the 5.3 MW gas engine at Budds Farm, 20MW Diesel STOR on land north of Harts Farm Way, and the industrial biomass boiler at plot 2 Hermitage Park. None of these local sources has been specifically accounted for within the assessment, and it is questionable whether the use of HBC sample location 7B as a background benchmark is sufficiently representative of the cumulative impacts of combustion processes at Brookside Road.

These sources are also relevant (are arguably more relevant-) to the consideration of the short term limit values (200 ug/m³ hourly average, <19 occasions/annum), as all STOR facilities serve the same need, and are not unlikely to be called upon simultaneously, increasing risks of short term exceedances.

Whilst I would recognise that the proposed development is of relatively small scale against the existing facilities, I would nevertheless caution that there is a risk from aggregated emissions from combustion sources in this local area, given the factors driving the siting of such facilities in this location (namely, suitability of the gas supply). This may justify closer scrutiny of emissions from even relatively modest schemes in order for surety that national air quality limit values will not be exceeded at relevant locations. When the available air quality 'headroom' has been consumed by local emissions, there may be grounds for refusal under adopted policy DM10 or emerging policy E23.

It is a planning decision as to whether this uncertainty is material, but I would advise that it is not currently possible to determine likely magnitude of impact at the omitted residential properties, nor the cumulative impact against short term limit values.

Air Quality - Impacts for Ecological Receptors

Report paragraph 5.4.2, appears to include an error in stated results relative to the annual mean Environmental Quality Standard (EQS) of 30 ug/m³ and against the reported results at table 24. Table 24 indicated 4 no. exceedances (one additional relative to the text). High extant background concentrations are cited as the cause of exceedances (not the process contribution).

Paragraph 5.4.6 appears to contain a typographical error in respect of the standard quoted: it refers to the 30ug/m³ annual standard, should read 75 ug/m³. One exceedance is noted, at receptor E5, Mudflats. High Background levels is cited as the reason for exceedance. The overall conclusion presented is essentially that 'the process will negatively contribute to existing exceedances of EQS at ecological receptors, but process will not in & of itself 'cause' an exceedance where none currently exists'.

Further errors are noted at 5.4.8, both in standards quoted, and in reference to results presented at table 27. Most significantly, the results for receptor E5 as presented in table 27 appear to show both that the 24hr EQS would be exceeded, and that the development would create an exceedance where previously there was none. On this basis I would materially disagree with the conclusion presented in this paragraph, and would conclude instead that the result could be considered to be 'significant' against policy DM10. The ecological assessment similarly ignores the impacts of the other local sources not specifically accounted for within the modelling (i.e. local energy facilities discussed in human health section above), and this could in principle reduce the estimated process contribution (associated with this development). Accounting for other local sources would likely increase the number of exceedances noted in absolute terms over the respective relevant averaging periods.

As above, it is a planning decision as to whether this result should be considered to be material, but I would advise that the views of the county ecologist &/or Natural England are sought as to the perceived significance of the highlighted significant result, and whether in consequence a formal objection may be appropriate under policy DM10 (or applicable ecological policy).

As above I would reiterate the caution in respect of aggregation of combustion sources in this locality.

Hampshire Biodiversity Information Centre

Within 50m Notable and protected species Herring Gull (nesting site)

Within 100m Priority Habitat Reedbeds, Coastal and Floodplain Grazing Marsh

Hampshire County Council

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

It lies adjacent to the safeguarded site Budds Farm Wastewater Treatment Works operated by Southern Water Services Limited.

This area is informed by the safeguarded sites list as defined through Policy 26: Safeguarding - waste infrastructure of the adopted Hampshire Minerals and Waste Plan (2013) (HMWP).

The purpose of this policy is to protect current and potential 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-waste development and reduce potential impacts to and from the safeguarded site to levels that would ensure the safeguarded site could continue its intended 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, HCC is also available for further discussions, as well as facilitation, if required.

In the unlikely event that it is not possible to agree appropriate mitigation measures, HCC would be seeking evidence that the 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/hmwp-spds.htm>

Hampshire Highways

Further Comments:

Further to the Highway Authority's response dated 19th October, the applicant has provided further information to address the comments raised.

The maximum number of expected HGV movements to the site will be 8 (two-way) over a 7 day period. When averaged across the course of the week, the HGV movements are minimal and therefore considered acceptable. Additionally, 1-2 vans will be visiting the power generation facility every week. The Highway Authority are satisfied that these additional movements will not have a detrimental impact on highway safety or operation.

The current occupier of the site has also provided confirmation that the new facility will not impinge on the operation of the lorry park. The tracking drawings provided demonstrate that the generation facility will be suitably setback so as not to impact on existing HGV movements to the site.

Following the provision of the additional information noted above, the Highway Authority recommend no objection to the proposed development.

Original Comments

Access to the new power generation facility will be provided via the existing junction onto Southmoor Lane.

The applicant has not indicated how many new movements to and from the site will be generated following construction of the facility. These figures should be provided to confirm that the new traffic flows will not conflict with the existing lorry park movements.

Whilst a matter for HBC to confirm in their capacity as local parking authority, the applicant has not indicated that the reduced parking at the lorry site will still provide sufficient space to park and store lorries. Confirmation should be provided that the loss of on-site space will not result in lorries parking on the public highway, causing a potential safety hazard.

The Highway Authority requires the points above to be addressed before a formal recommendation can be made to the planning application.

Landscape Team, Havant Borough Council

Further Comments

I am happy with the principle to condition the landscape details as this will ensure we can retain the landscape buffer, whilst progressing with the application.

Original Comments

From a landscape perspective we have the following comments:

- The loss of the mature trees to the east of the site would be detriment to the landscape character of Southmoor lane, furthermore the trees act as screening to the unsightly lorry park and the removal would increase the visual impact of the site.
- Is it not possible to shift the site west within the site envelope and retain the line of trees and understorey plants. From the submitted spec sheets it would seem the units are modular and do not require excavation.
- There is no information of the proposed planting submitted to understand what is being recommend and how this will screen the site.

Natural England

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Solent Wader & Brent Goose Strategy

The application site is in close proximity to a Secondary Support Area H130. The Solent Waders and Brent Goose Strategy (SWBGS) aims to protect the network of non-designated terrestrial wader and brent goose sites that support the Solent Special Protection Areas (SPA) from land take and recreational pressure associated with new development. However given the localised scale and nature of the works and being separated by the lorry park Natural England considers the proposals will not have an adverse effect on integrity on the SPA or its functional land.

Air Quality

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, we note that whilst at ecological receptor 18 the nitrogen concentration threshold of 10% is exceeded the critical load of 75~g/m³ is not exceeded, with the value given as 70.77. The supporting Air Quality Assessment concludes that there will therefore not be a likely significant effect on the integrity of the European site in question. With this in mind we concur with the assessment's conclusion that the proposals will not result in an adverse effect on integrity of the Chichester & Langstone Harbour SPA.

Protected species

Natural England has not assessed this application and associated document for impacts on protected species. Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise that the standing advice is interpreted for you by your district ecologist, or an equivalent independent party with the necessary expertise. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Planning Policy

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan form the development plan for the borough. The Pre-submission Havant Borough Local Plan (September 2020) (HBIP) can be afforded limited weight.

The following policies are of particular relevance:

- CS2 - Employment
- CS 16 - High Quality Design
- CS 19 - Effective Provision of Infrastructure
- DM 10 - Pollution
- DM14 - Car and Cycle Parking on Development (excluding residential)

In the Pre-submission Plan the following policies are of particular relevance:

- DR1 | Delivery of sustainable development
- C1 | Protection of existing employment sites
- IN1 | Effective provision of infrastructure
- IN3 | Transport and parking in new development
- E1 | High quality design
- E22 | Amenity and pollution

Principle of development

Policy CS2 of the Core Strategy prioritises the use of previously developed land for the provision of new employment floorspace, whilst Policy DM2 seeks to safeguard existing employment sites from development proposals for non-employment uses. In this case, the lorry park is a sui-generis use and is not therefore strictly safeguarded by this policy.

The site forms part of the Broadmarsh established employment area as proposed to be defined by emerging Policy C1. The emerging policy recognises there are other employment generating uses which support employment, including uses which do not fall within a particular use class. Paragraph 7.11 of the supporting text indicates that a wider interpretation of employment uses is to be taken for the purposes of the policy accordingly.

Paragraph 7.11 of the supporting text states that other uses will be supported provided they remain of a scale which is subservient to the main function of the employment area and do not have a significant adverse effect on the operation of adjoining and nearby commercial occupiers. In this case, the electricity generating facility is a sui-generis use. It is also worth noting that Policy IN1 of the emerging local plan lends general support to infrastructure investment in the Borough which would include energy utilities which would apply to this application.

Summary

No objection is policy terms for the principle of development.

Property Services Manager, Corporate Group

HBC are freeholder owner of the site and lease the site under the terms of a business tenancy. Our tenant will require landlord's consent to sub-underlet and depending on the specifics of the power generation facility project may, under the terms of the lease, require consent for alterations and a variation to their user clause.

Southern Gas Network

No comments received.

Finally consideration has been had as to whether a consultation is required with the HSE

Health and Safety Executive

PADHI+ should be used to consult HSE on any developments which meet any of the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- *residential accommodation;*
- *more than 250m² of retail floor space;*
- *more than 500m² of office floor space;*
- *more than 750m² of floor space to be used for an industrial process;*

• or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

Comment:

It is considered that the proposal would not materially increase the number of persons working or visiting the area. Floorspace does not exceed the relevant criteria.

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: 4

Number of site notices: 1

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
- (iii) Impact upon residential amenity
- (iv) Access/servicing and impacts on the Lorry Park
- (v) Ecological and Environmental Impacts
- (vi) Energy Supply and continuity
- (vii) Trees/landscaping
- (viii) Impact on the safeguarded site Budds Farm Wastewater Treatment Works operated by Southern Water Services Limited.
- (ix) Health and Safety Issues

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The development provides for service continuity in relation to essential infrastructure provision.

(ii) Impact upon the character and appearance of the area

The site lies within an area of existing business and employment uses and close to Budds Farm sewerage works. The site lies within the built up area and forms part of Havant Lorry Park.

In policy terms policy CS2 of the Havant Borough Local Plan (Core Strategy) 2011 prioritises the use of previously developed land for the provision of new employment floorspace, whilst Policy DM2 seeks to safeguard existing employment sites from

development proposals for non-employment uses. In this case, the lorry park is a sui-generis use and is not therefore strictly safeguarded by this policy. It would appear that the facility would not provide significant on site employment with minimum supervision/maintenance only required at the premises.

The site forms part of the Broadmarsh established employment area as proposed to be defined by emerging Havant Borough Local Plan 2036 Policy C1. The emerging policy

recognises there are other employment generating uses which support employment, including uses which do not fall within a particular use class. Paragraph 7.11 of the supporting text indicates that a wider interpretation of employment uses is to be taken for the purposes of the policy accordingly.

Paragraph 7.11 of the supporting text states that other uses will be supported provided they remain of a scale which is subservient to the main function of the employment area and do not have a significant adverse effect on the operation of adjoining and nearby commercial occupiers. In this case, the electricity generating facility is a sui-generis use which would be located on a small part of the existing lorry park and that it is located within an area which

imports large amounts of electricity during periods of peak demand. As such, it is considered that the proposed development would be likely to support the function of the employment area. Consideration in relation to any potential impacts on the Lorry Park is considered further below.

(iii) Impact upon residential amenity

The closest residential properties are located in Brookside Road approximately 122m from the site. Revised acoustic and air quality reports have been submitted to assess the potential impacts on these properties. The Councils Environmental Control Officer has assessed the report and confirmed that the reports conclusions in respect of human receptors (impacts considered not significant) are agreed.

(iv) Access/servicing and impacts on the Lorry Park

The proposal allows for access into the Lorry Park by HGV's to be retained. The HGV's can manoeuvre within the Lorry Park itself. The area proposed for the power generation facility represents a relatively small part of the Lorry Park and appears to have partly been used for the storage of containers.

The use itself results in a limited number of vehicular movements to and from the site to service the use this would have a negligible impact on the Local Highway network.

HCC Highways raise not objection to the proposed development and the proposals are considered acceptable from a highway perspective.

(v) Ecological and Environmental Impacts

The application has been submitted with a Preliminary Ecological Appraisal and considered by the Councils Ecologist. The Ecologist concludes that he is content that the proposals are not likely to have significant impacts on legally protected or notable species and habitats. A condition is recommended in relation to the development being carried out in accordance with the Ecological Appraisal. This condition is proposed to be attached to the decision.

It is noted that the site is in relatively close proximity to Langstone and Chichester Harbours and their national and international designations. Environmental Health state that they raise no objection to the plans in relation to oil storage (or to the lack of clarity in respect of pollution prevention) based on an assumption that the applicant will observe their obligations under The Control of Pollution (Oil Storage) (England) Regulations 2001 SI 2954.

Air quality issues in relation to ecological receptors have been considered in detail with the Councils Environmental Control Officer, Councils Ecologist and in consultation with Natural England. A Habitats Regulations Assessment / Appropriate Assessment has been carried out and is included on the case file which sets out the considerations in detail. The HRA/AA concludes in consultation with Natural England that the application will not have a likely significant effect on the relevant Solent European sites.

(vi) Energy Supply and continuity

The proposed development forms part of a system to ensure continuity of energy supply. The application is supported by a planning statement which sets out the 'Economic and Environmental Benefits of Flexible Power Generation Developments' as follows:

Development such as these are increasingly required throughout the grid network and play an important and strategic role in supporting the growth of renewable energy generation by ensuring the UK's national electricity supplies are operated and managed in a sustainable, long term manner.

The development of peaking plants brings about many benefits. This includes economic benefits as a result of contract and employment opportunities for local and regional contractors both directly, during construction, and indirectly through the supply chain. As well as saving money by ensuring generated electricity is not 'wasted' as can be the case with more traditional power plants which cannot be quickly turned on and off.

The gas generators will be fuelled by low carbon natural gas which is considered to be very clean. Furthermore, the majority of sources of renewable energy are less reliable than traditional power plants. For example, when the sun doesn't shine it affects the quantum of electricity generated from solar farms. During these events, an alternative source of energy is required to balance supply and demand and peak power plants are ideal to meet this short-term demand. Other traditional power plants can't respond as quickly to short term energy shortages.

Overall the development would add to robustness and continuity of the energy supply network and can be supported in terms of essential utilities provision.

(vii) Trees/landscaping

The proposals have been modified during the course of the application and an amended arboricultural impact assessment submitted following concerns raised by the Councils Arboriculturalist and Landscape Officer. As a result the impact of the development on the important belt of trees to the east of the site has been reduced slightly. The current proposals would result in the loss of 7 category C trees. No objection to this is raised by the Councils Arboriculturalist.

The loss of trees however would need to be compensated for by the planting of additional trees. It is recognised that a revised landscaping proposal will be required as more trees are now to be retained. A pre-commencement condition is recommended to secure the details of additional landscaping.

(viii) Impact on the safeguarded site Budds Farm Wastewater Treatment Works operated by Southern Water Services Limited

The proposal is limited in area and would not result in accommodation near the site. It is not anticipated that the development would lead to unacceptable impacts on the operation of the treatment works. An informative is recommended to highlight the requirement for the applicant to liaise with the HCC in relation any appropriate requirements.

(viii) Health and Safety Issues

The site is located within the consultation zone of a major gas pipeline. Southern Gas were consulted on the application. no response was received from Southern Gas. It is anticipated that the operator would be working with Southern Gas in relation to supply to the facility.

The proposals do not appear to require a formal consultation with the HSE although there will be requirements under other legislation in relation to the operation of the site which PeakGen would need to address outside the planning requirements. An informative is recommended in relation to the presence of the High Pressure Gas pipeline.

8 Conclusion

In conclusion, the development of the site for the use proposed is considered appropriate. The impact on the character and appearance of the area is considered to be acceptable. Access is provided to the existing road network and the use would generate limited traffic. Ecological impacts have been assessed and a Habitats Regulations Assessment / Appropriate Assessment carried out in consultation with Natural England this concludes that the development will not have a likely significant effect on the relevant Solent European sites.

The development would help to secure continuity of electricity supply. Whilst there is an impact on trees, this has been reduced with alterations to the proposed development, there would remain an area of tree cover and landscaping to Southmoor Road. The use is likely to operate intermittently and is considered to have a very limited impact in relation to the operation of the nearby waste transferee site.

It is recommended that planning permission can be granted subject to appropriate planning conditions.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/20/00833 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 Drawing No. LGN-AB-01 Rev A
Site Plan Drawing No. LGN-PSP-02 Rev H
Proposed Elevations Drawing No. LGN-EP-01 Rev A
Specification Drawing No. LGN-SPN-01 Rev A
Specification Drawing No. LGN-SPN-02 Rev A
Specification Drawing No. LGN-SPN-03 Rev A
Air Quality Assessment Ref: 3815-3r3 Dated 23rd November 2020
Arboricultural Report Dated December 2020 Ref 200637-PD-11
Noise Impact Assessment of an Electric Generating Facility Nova Acoustics dated 12th November 2020 Version 1
Preliminary Ecological Appraisal Including Extended Phase 1 Habitat Assessment, Bat Scoping Assessment TMA July 2020 Ref: 200637-ED-01a
Site Plan vehicle tracking Drawing No. LGN-VT-01 Rev A
Site Plan vehicle tracking Drawing No. LGN-VT-01 Rev A (Aerial photo)
Information with regard to vehicular movements received 27th November 2020

Planning Design and Access Statement September 2020

Listed For Information Only:

Indicative Landscape Masterplan Figure 1 Ref P0474

Reason: - To ensure provision of a satisfactory development.

- 3 The development hereby permitted shall be carried out fully in accordance with the Arboricultural Report- Tree report for planning purposes December 2020 Ref: 200637-PD-11 including the Arboricultural Method Statement / Tree Protection Plan within the report (Drawing No. 200637-P-12 Rev A).

Reason: In the interests of retaining a tree belt important to the character and appearance of the area and having due regard to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 No development hereby permitted shall be commenced until a detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works. The details shall include compensatory tree planting.

The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 Development hereby permitted shall proceed in strict accordance with the Preliminary Ecological Appraisal (TMA, July 2020) unless otherwise agreed in writing by the Local Planning Authority. All ecological enhancement measures shall be installed in accordance with ecologist's instructions and retained in a location and condition suited to their intended function and thereafter retained and maintained.

Reason: To protect and enhance biodiversity in accordance with the NERC Act 2006, the National Planning Policy Framework and Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.