
Site Address:	Generator Compound, Land Adjacent to, Amenity Tip, Harts Farm Way, Havant		
Proposal:	Installation of generator compound (retrospective).		
Application No:	APP/18/01013	Expiry Date:	06/12/2018
Applicant:	Mr Fairchild Peak Gen Power 18 Limited		
Agent:		Case Officer:	Emma Chisnall
Ward:	St Faiths		

Recommendation: **GRANT PERMISSION**

1 Site Description

- 1.1 The site lies to the north side of Harts Farm Way and is accessed via a link road used by traffic accessing the public recycling and waste amenity site. Direct access is through a parking area understood to be used by staff and operatives working at the amenity site to the south of the proposed site.
- 1.2 The site itself already contains generator units with a landscaping tree belt to the north adjacent to the A27. This application is part retrospective.

2 Planning History

APP/11/01469 - Consultation by Hampshire County Council for construction of two new salt storage barns with associated supporting facilities, small office unit, drainage, lighting, landscaping and vehicle parking., RNO,22/11/2011

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. Permitted November 2011

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/13/00530 - Consultation on Hampshire County Council application for variation of Condition 2 of Planning Permission APP/11/01469 (to allow work to start at 0730) at Broadmarsh Salt Barn, Harts Farm Way, Havant, Hampshire, PO9 1HS., NPW,02/02/2016

APP/14/00450 - Installation of generator compound., WD,15/07/2014

APP/14/00800 - Installation of Generator Compound, PERM,13/02/2015

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

3 Proposal

- 3.1 Installation of generator compound (retrospective).

- 3.2 The current application follows a permission granted in 2014 for a new generator compound. However, the site was not developed in accordance with the approved site layout plan and was also developed to a slightly larger scale incorporating a part of the land to the east. As such, the applicants are seeking a retrospective planning permission for the new site layout and larger scale of the generator compound. The application also comes alongside a change in legislation requiring the generators to be fitted with a new apparatus so the site is compliant with new legislation. Therefore the generators also have a slightly different appearance and output to those previously approved in 2014.

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)
CS20	(Transport and Access Strategy)
DM10	(Pollution)
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)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist, Havant Borough Council

No objection. The compound is already in situ. Tree roots may have been affected but they are not protected by a TPO or CA. The owner may want to carry out a health and safety check of the trees.

Officer Comment: This shall be included as an informative on the application

County Ecologist

The application is accompanied by an Ecological Technical Note (ECOSA, August 2018). The generator and compound has been constructed and the Technical Note confirms that no ecological impacts are expected.

County Minerals

No comment

Crime Prevention

No comment

Southern Water

Please find attached a plan of the sewer records showing the approximate position of foul sewer crossing the site. The exact position of the foul sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Should the applicant wish to divert apparatus:

1. The foul sewer requires a clearance of 3.5 metres either side of the sewer to protect it from construction works and allow for future access for maintenance.
2. No development or new tree planting should be located within 3.5 metres either side of the external edge of the public sewer
3. No new soakaways should be located within 5 metres of a public sewer.
4. All other existing infrastructure should be protected during the course of construction works.

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items (1) - (4) above also apply.

Furthermore, due to changes in legislation that came in to force on 1 st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

In order to divert drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example, "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development." The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 03303030119) or www.southernwater.co.uk.

Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

Our initial investigations indicate that there are no public surface water sewers in the immediate vicinity to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

The proposed development site is located approximately 380 metres from Budds Farm Havant WWTW.

Southern Water endeavours to operate its sewage and sludge treatment works efficiently and in accordance with best practice to prevent pollution. However, the very nature of sewage treatment works means that they are not ideal neighbours to sensitive land uses. Development sensitive to odour pollution in close proximity to sewage treatment works can suffer from smells that are inherent in the treatment process.

We therefore ask that the precautionary principle is adopted by Local Planning Authorities to avoid potential land-use conflict, in accordance with National Planning Policy Framework. This can be achieved by designating an appropriate buffer zone around the treatment works within which development sensitive to odour is excluded or by a S106 agreement in which the developer funds measures at the works required to control odours. I will describe later how the size of the buffer zone can be determined but will first make reference to National Planning Policy Framework.

National Planning Policy Framework. paragraphs 17, 109 and 120 list matters that may be material in the consideration of individual planning applications. It includes: the need to separate necessary but potentially polluting and other land uses so as to reduce conflicts, for example by identifying where necessary areas around existing sources of pollution in which proposed new development and uses should be carefully considered in terms of the potential as pollution receptors.

Returning to the question of the size of the buffer zone required, the water industry predicts the dispersion of odours from point sources using computer modelling. Meteorological Office data is used to predict the dispersion of odours throughout a "receptor grid" radiating outwards from the works. Modelling is based on the industry standard for odour of 0.6 parts per billion (ppb) of hydrogen sulphide with a 98-percentile probability. Sensitive development that is subject to levels above this standard is likely to lead to complaints about odour from residents.

Officer Comment: The matter of sewer protection/diversion was raised with Southern Water and it was agreed that the concerns they raised would be covered under their own legislation and should not prevent a planning decision from being released. An informative shall be included with the decision making the applicant aware of Southern Waters requirements.

The site would not provide residential accommodation and employees only visit the site and are not based there. The impact on Budds Farm sewerage works is therefore unlikely to result in significant issues.

Environmental Health Manager

I am satisfied that the submitted information is sufficient to conclude that on balance that the benefit of the reduction of NO_x outweighs the marginal harm related to the (lower than expected, estimated-) post-abatement NH₃ emissions.

In this respect, it becomes immaterial whether or not the driver for use of the SCR is statutory or elective, as (albeit that based upon the above I would expect the true impact to be greater than estimated in the permit application-) the net impact is likely to be positive, not adverse.

Given this, there would appear to be no need to have further discussion with PeakGen, and I can recommend approval of the application.

Highways Engineer, Development Engineer

The Highway Authority has no adverse comment to this application.

Langstone Harbour Board

The Board's Planning Sub Committee considered this application and offered no objections to the proposals.

Natural England Government Team

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. Natural England's advice on other natural environment issues is set out below.

European sites

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Chichester and Langstone Harbour Special Protection Area and Ramsar site and Solent Maritime Special Area of Conservation. Natural England has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

Langstone Harbour Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

Protected species

Natural England has not assessed this application 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.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 113 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)[11]. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#). Should the proposal change, please consult us again.

Planning Policy

The proposal appears to relate to minor physical alterations to a scheme already approved and built, on order to comply with new environmental requirements. In this case, Planning Policy has no comments to make.

Portsmouth Water Company

The site is situated to the south of the Source Protection Zone 1 for Havant and Bedhampton Springs, north of Harts Farm Way. The drainage from the site is to connect to Southern Water mains and therefore, providing there are no discharge off site that could potentially impact the underlying Chalk Aquifer, Portsmouth Water have no further comments on this application.

Southern Gas

Thank you for your enquiry indicating that an application for planning permission has been made for the above development. We apologise in the delay in getting this response to you.

Although SGN has a high pressure gas pipeline in the vicinity, the safety and integrity of our assets will not be affected by the proposal and therefore the objection to this planning application can be lifted, however, should your proposal change please contact us immediately and we will re-assess.

The pipeline is of prime importance to the gas supplies of this area. It is essential that the following restrictions detailed below and in the document SGN/WI/SW2 are adhered to in order to protect our plant and equipment and for the safety of your own operatives. A SGN representative must be contacted before any works commence.

- 1) No mechanical excavation is allowed within 3 metres either side of pipeline.
- 2) No plant or storage of equipment shall be made within any easement strip.
- 3) If any metallic pipes or cables are being laid in proximity to gas pipelines then interference testing will be required, the cost of which to be borne by the promoter of the works. A minimum clearance of 600mm is required.

4) All precautions stated in publication SGN/WI/SW2 (Safe Working in the Vicinity of High Pressure Gas Pipelines) shall be fully complied with in all respects. Acceptance of SW2 shall be acknowledged by the responsible site person signing and returning the form Appendix A (back page) to the SGN representative contacted in (7).

5) No thrust boring shall take place within three meters of the pipeline.

6) All planting within the easement strip should comply with 'Notes for Guidance on Tree Proximity'. Before commencing work on site you must contact our Pipeline Maintenance Section on the number above at least three days before work commences. A Southern Gas Networks representative will then contact you to arrange to visit site. Details of working near to high-pressure gas pipelines can then be discussed.

7) Pipeline sections that are planned and agreed by SGN to be permanently covered (i.e. by road surface) will require a coating survey. SGN will repair any indicated coating defects free of charge. The survey costs will be borne by the promoter of the works. Prior to any surface cover cathodic protection coupons and reference cells will require installation at no cost to SGN.

8) This pipeline is cathodically protected and as such has test cables located in test posts, were these to be lost through this work we would look to you for remedial action at no cost to SGN.

9) Intrusive construction methods will require an agreed method statement prior to work starting.

10) Any extended period of SGN site supervision may incur charges to you. These will be charged based on visiting times, materials and occurrences. You will be informed when these come into effect and be invoiced direct.

11) Any piling or boreholes within 15 metres of the pipeline may require vibration monitoring. No piling or boreholing must take place within 3 metres of the pipeline. Please ensure these conditions, together with any relevant drawings are forwarded for use by the construction personnel of your works.

Please let me know if SGN can supply you with technical or other information that may be of assistance to you in determination of the application.

Officer Comment: An informative in relation to these requirements is recommended.

Southern Electric

No comments received

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: 60

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) Access/servicing
- (iv) Ecological impacts
- (v) Energy supply and continuity
- (vi) Trees
- (vii) Impact on operation of waste recycling operation
- (viii) Health and safety issues

(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 site is also part of allocation plan site BD10 (Land North of the Regional Business Centre) allocated for B2/B8 uses.

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

7.3 The site lies to the rear (north) of the Havant Household Waste Recycling Centre (HWRC) and south of the A27. The site includes a number of mainly small trees some of which have been felled as a result of the development. The site is enclosed by 3m acoustic fencing. To the south of the site is a staff car park used in association with the HWRC, beyond this is an access road and the enclosed waste recycling centre. To the north there would remain a belt of trees which forms part of an important line of landscaping to the side of the A27. To the west are a line of mature trees which would remain in place. To the east is an area of landscaping and further trees.

7.4 The application proposes the retention of the generator compound which following planning permission granted in 2014 was constructed and began operating. The site includes ten generators, five fuel tanks, five transformer buildings, a control room, adblue tank, storage locker and metering switchroom. However the layout of the site differs from the plans approved in 2014 and is slightly larger in size than originally permitted and as such, a retrospective application has been sought for the new layout, additional size and new equipment/apparatus for the generators and site. Solar PV panels have been installed on the switchgear containers and on a number of the generator containers.

7.5 Given the sites context adjacent to the HWRC site and with good screening by retained trees to the north and west and the wider context of the industrial development in Harts Farm Way, it is considered that the development would have an acceptable impact on the character and appearance of the area.

(iii) Access/servicing

7.6 Access to the site is via the main access to the HWRC and there is an existing access point which has been extended to the compound. The servicing of the site is limited and generates very low vehicle movement. The access allows a fuel oil tanker to access the compound with a poplar tree to the east of the application site. The access is considered to be acceptable and is unchanged.

(iv) Ecological impacts

- 7.7 The application has been submitted with a technical note which shows the limited impact the development has caused on an ecological scale. Natural England and the HCC Ecologist have been consulted with in relation to the proposal and have raised no further concern following the information submitted by the applicants. It is therefore concluded that a likely significant effect on the SPA can be ruled out.
- 7.8 Under the 2014 permission concern was raised regarding the application site and a compliance condition was recommended in relation to control of pollution to watercourses. Although this has not been raised under the current application and that the development is part retrospective it is still considered necessary to include the condition with the current decision given the nature of the development, the siting in a source protection area and the proximity of watercourses and Langstone Harbour SPA/SSSI. This shall be included with the decision.

(v) Energy supply and continuity

- 7.9 PeakGen have a number of similar sites UK wide and are pursuing more to service National Grid Capacity Mechanism/STOR requirements. This site has been chosen due to the connection possibilities to the National Grid and site availability. The embedded power generation supplies power to the local distribution network at or near the point of use i.e. where power is to be used and helps to support the network at times of peak demand, thus avoiding power fluctuations and blackouts. It also does not 'waste' the generated power in transmission losses which occur when power is transmitted over long distances.
- 7.10 The plant will cover peak periods of demand and it is understood generation would take place for a maximum of 500hrs per year.
- 7.11 It is considered that whilst the generators would use non-renewable fuel sources, the continuity of supply would be enhanced by the proposals at times of peak demand. The site itself would be powered by renewable solar power with any excess generation feeding into the National Grid.

(vi) Trees

- 7.12 The retrospective application has been reviewed by the Arboricultural Officer in relation to the trees onsite . It is considered that there may be harm to tree roots as a result of the development however the impacted trees are not of good enough specimens to warrant a TPO or other form of protection. The original layout approved under the 2014 application ensured that the poplar tree was to be retained which it is and the remaining trees provide a good level of screening surrounding the site. It is considered that the proposal should not be refused in relation to the impact on trees. It is also considered that no additional landscaping within the application site is necessary as previously considered. This is due to the acoustic screening that would prevent a view of the trees. The Arboricultural Officer has suggested carrying out a health and safety check on the trees which shall be included as an informative with the decision.

(vii) Impact on operation of waste recycling operation

- 7.13 The proposal forms a self contained use accessed via the road serving HWRC. It is not anticipated that the use would or does generate any significant increase in traffic and as the operators would need consent from the land owners to access the site any operational issues could be addressed at the point of lease/sale.

(viii) Health and safety issues

- 7.14 The site is located adjacent to the consultation zone of a major gas pipeline and adjacent to the A27 which is part of the Strategic Road Network. Southern Gas were consulted on the application and no objection has been raised in relation to the retrospective application. As such the development is considered to be acceptable on these grounds.

8 Conclusion

- 8.1 In conclusion, the continued use of the site in its current form is appropriate and would provide development in accordance with the site allocation (B2 use). 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 very limited traffic. Natural England and the County Ecologist raise no objections to the proposals.
- 8.2 The development would help to secure continuity of electricity supply. Whilst there has been an impact on trees this is not altered from the original permission. There would remain an area of tree cover and landscaping to the A27. The use is likely to operate intermittently and is considered to have a very limited impact in relation to the operation of the HWRC. Health and safety and water protection can be appropriately addressed.
- 8.3 It is recommended that planning permission can be granted subject to appropriate planning conditions.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/01013 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 HV-LP-02 Rev A

Site Layout and Elevations Plan: Drawing No HV-SP-06 Rev A

Block Plan with Tree Detail: Drawing No HV-SP-01 Rev G

Container with SGR Plan: Drawing No PG-GA-02 Rev A

Reason: - To ensure provision of a satisfactory development.

- 3 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the compound hardstanding shall be passed through a 'forecourt' class oil separator designed and constructed to have a capacity compatible with the fuel storage and refueling arrangements implemented. Roof waters shall not pass through the separator.

Reason: To prevent pollution of the water environment and having due regard to policies CS15 and DM10 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework 2018.