

<b>REFERENCE NO - 20/500778/FULL</b>		
<b>APPLICATION PROPOSAL</b> The erection of a switching station with associated apparatus, and landscaping, including 2.4m high boundary fence and access road from Sheephurst Lane. The development affects a Public Right of Way (KM254).		
<b>ADDRESS</b> Land South of Sheephurst Lane, Marden, Tonbridge, Kent, TN12 9PB		
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION subject to planning conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The development fails to accord with the policies SP17, DM1 and DM30. Whilst there is electrical infrastructure present on site, in the form of electricity pylons, it is considered that this level of development would be significantly more intrusive when taking into account the infrastructure buildings and security fencing as well as the length of time for any mitigating screening to mature.  However, the above view must take account of the significant national policy support for electrical infrastructure. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 is a legislative requirement which seeks to reduce greenhouse gas emissions from at least 80% to 100%. This significant reduction will be assisted by allowing grid infrastructure works to be carried out. This legal requirement needs to be taken into account during the decision making process and indeed it should be given significant weight.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Collier Street Parish do not consider the development to be in keeping with policies within the Maidstone Borough Local Plan and the application is considered to be a development contrary to the local plan.		
<b>WARD</b> Marden and Yalding Ward	<b>PARISH/TOWN COUNCIL</b> Collier Street	<b>APPLICANT</b> UKPN  <b>AGENT</b> ADAS Leeds
<b>TARGET DECISION DATE</b> 09/10/2020 (EOT)		<b>PUBLICITY EXPIRY DATE</b> 23/06/2020

Relevant Planning History

12/0721A - Consultation with Maidstone Borough Council by UK Power Networks to remove 150m of overhead line and one steel lattice tower, reposition 95m of one of the existing overhead lines and replace three existing supporting towers to overhead line as shown on details received on 23 April 2011.

No objections

95/0059 - Removal of small lower and realignment of existing conductors. Overhead lines (Exemption) Regulations 1990.

No objections

**1. DESCRIPTION OF SITE**

1.01 The site is an area of open arable land located to the east and north of four existing dwellings. There are four pylons on the site as well as a number of smaller 11kV poles. There is a small area of woodland to the eastern boundary of the site where the pylon

will be removed. A small drain/stream flows along the southern boundary of the site towards the west joining the River Teise. The new access into the site will pass to the north of the existing woodland.

- 1.02 The site is surrounded by arable fields with residential dwellings located beyond the western aspect of the boundary of the arable field. The village of Claygate is located to the north west of the site. The railway between Marden and Paddock Wood Stations is located 720m (approx.) to the north of the site. The Village of Marden is located 3.5km away via the road network from the application site. There is an existing solar farm 2.6km to the west and another 3.1km south east from the site.

## **2. PROPOSAL**

- 2.01 The application seeks to erect an electrical switching station with associated apparatus. A 2.4m high Galvanised Steel security fence would be erected along the boundaries of the site which would be unpainted and an access road off Sheephurst Lane would be established.
- 2.02 The switching station has a length of 27m, a depth of 7m and is depicted as having a height of 5.5m. It is a corrugated structure with a gabled roof form and would be painted in Hermitage Green RAL 6002. The majority of apparatus, the circuit breakers, disconnectors, insulators and CVTs are depicted as being between 4.7m and 4.4m in height, with an additional pylon installed on site depicted as a maximum of 15m in height.
- 2.03 Three existing pylons in the area would be removed, however this does not form part of the application as these works can be carried out under Class B of the General Permitted Development Order.

## **3. POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan 2017:

SS1 – Maidstone borough spatial strategy

SP17 – Countryside

ID1 – Infrastructure delivery

DM1 – Principles of good design

DM3 – Natural environment

DM21 – Assessing the transport impacts of development

DM30 – Design principles in the countryside

Supplementary Planning Documents:

Maidstone Landscape Character Assessment 2013

Overarching National Policy Statement for Energy (2011):

National Policy Statement for Energy (EN-1)

National Policy Statement for Electricity Networks Infrastructure (EN-5)

The National Planning Policy Framework (NPPF):

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

#### **4. LOCAL REPRESENTATIONS**

##### **Local Residents:**

- 4.01 5 representations have been received from neighbouring properties regarding the proposed development.
- 4.02 These are very detailed but the material concerns raised are generally related to the design of the development and its impact upon the character and appearance of the wider area as well as issues such as ecological impacts and impacts from light pollution. Issues raised are generally best summarised by the Parish Council whose summarised response is included in the below consultee section.
- 4.03 Issues of the developments impact that could be considered as a 'right to a view' are also raised. A detailed submission was received following the consultation period that appears to raise issues regarding access to land and past activity from infrastructure operators in the area.

#### **5. CONSULTATIONS**

##### Collier Street Parish Council (Summarised)

- 5.01 The Parish has submitted a detailed representation, in the interests of brevity the representation will be summarised.
- 5.02 The Parish Council strongly supports the view expressed by residents of the parish and would wish to object to the applications on the following basis:
- The proposed development is contrary to policy SP17 in the adopted Maidstone Local Plan.
  - 'The proposed development will have a considerable adverse impact on nearby residential properties and the surrounding rural area. In particular, the entrance gate and access road as well as the proposed switching station.' The industrial nature of the development would be out of place within the countryside.
  - The proposed development is also contrary to policy DM3
  - There is mention of a 5m tree screen which will take years to mature.
  - Highways and construction impacts:
  - Infrastructure works that need to be carried out which will mean loud noise. Due to machinery and workers visiting the site the development would have a detrimental impact upon the highway network.
  - The proposed development is contrary to Policy DM 21,
  - There is mention of the parking of 11 cars resulting in a regular flow of traffic with operatives working at night.
  - The building is 5.5m high, the switch gear 7.5m high and the pylon 15m high, this will impact on the outlook of several of our residents and there is no mention of the flow of cabling for the pylon
  - The proposed Development is contrary to policy DM8
  - Drawing number TR/9974/21/003 does not show any proposed perimeter fence lighting or external lighting either high or low level, would assume a site like this to have lots of lighting which will cause a huge amount of light pollution in the area at night time. There are currently no brightly lit buildings anywhere near by so this will be particularly intrusive.
- Flooding:
- A site of this size will have a big impact on the flood plain's ability to deal with flood water and is highly likely to increase the chances of flooding to my property the surrounding properties and Sheephurst Lane. The proposal contradicts the national debate to prevent further such flood plain developments.
  - There is an absolute strategic need to ensure that infrastructure is not placed in areas at risk of flooding.

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Site size:

- The size of the development would be out of keeping with the character and appearance of the countryside location, not in accordance with Policy DM30
- The development would have a detrimental impact upon biodiversity. "The area is used by the following. Roe deer Fallow deer Barn owls Tawny owls Little owls Bats (various species) Foxes; Badgers; Grass snakes and newts \*I'm sure there are many others that will be affected".
- We support the view "the Ecological Appraisal was based on a field study of one day and consequently this snapshot is incomplete.

Noise and Electromagnetic interference:

- We support the view that there is no mention in the proposals of any potential noise or electromagnetic interference that will be constantly generated from the multiple items of electrical equipment etc. to be installed in the development. The development site lies within a rural location where there is currently no source of noise or electromagnetic interference particularly at night.

Natural England

5.03 Natural England has no comments to make on this application. This consultee has directed the Local Planning Authority to its standing advice.

KCC Highways

5.04 This consultee initially raised concerns regarding predicted traffic levels and the position of the access gate. The applicant has indicated that the site would only be visited once a month by a single van, however this consultee has pointed out that the development has 11 parking spaces, that the building has a mess room and that the existing access is substandard for the speed of the road.

5.05 In response the applicant has replied that the 11 spaces are to provide enough turning space for maintenance vehicles and that it is an existing access.

Environmental Protection Team

5.06 No objections raised subject to conditions regarding low frequency noise assessments and details of external lighting to be secured by conditions

5.07 In terms of electromagnetic interference the environmental protection team comment as follows:

5.08 *"For public exposure, there are no statutory exposure limits in the UK. The limits that apply do so as a matter of Government policy. For public exposure, the UK policy is to comply with the 1998 ICNIRP (International Commission on Non-Ionizing Radiation Protection) guidelines in the terms of the 1999 EU Recommendation. In 2010, ICNIRP produced new guidelines, but these do not automatically take effect in the UK. The UK policy remains based on 1998 ICNIRP until Government decide otherwise."*

5.09 Should permission be forthcoming an informative will be included to ensure the applicant is aware of the above and that equipment will need to be installed to monitor emission levels from the site.

Environment Agency

5.10 Initially objected to this application on the grounds that there was conflicting information which suggested that the proposed development may not be sufficiently resilient to the impact of flooding and recommended that the application be refused planning permission on this basis.

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5.11 Following the submission of additional details and drawings, the Environment Agency has *withdrawn* its objections.

KCC Ecology

5.12 Initially raised an objection to the development on the grounds that additional information was sought prior to determination of the planning application on the following

- Further surveys along with any necessary mitigation measures for reptiles;
- Further clarification on the impacts upon bats;
- Clarification of the potential impacts upon broadleaved woodland; and,
- Information on how the development will provide ecological enhancements.

5.13 Following the submission of additional details KCC ecology is satisfied that the above concerns can be addressed via conditions as will be detailed further in the report.

MBC Landscape Officer

5.14 Considers the development to be acceptable in principle but that there are elements of this development that are out of keeping with the landscape character assessment that will be detailed below.

Southern Water

5.15 No objections received but does request additional information regarding a SUDs scheme be provided to the Local Planning Authority, this could be addressed by a condition.

KCC Flood and Water Management

5.16 Initially requested additional information on the following:

- Provision of information on impermeable areas and calculations of surface water generated from the development proposal.
- Information on the treatment of the access road.
- Response to the question as to the approach to drainage

However, the consultee confirms that these issues can be addressed via pre-commencement conditions.

Kent Police

5.17 No objections received.

KCC PROW and Access

5.18 Public Rights of Way KM254 footpath runs inside the southern and eastern boundary of the actual site, but the switching station itself should not affect the path. However, the road leading to the station will cross over the footpath and will affect the application unless provision is made for pedestrians to allow access across the road and any vehicles must give way to people crossing.

Marden Walking Group

5.19 The application covers land crossed by Public Footpath KM254. This path is used by one of Marden Walking Groups published walking guides so we wish to ensure that it continues to be open and walkable. As the KCC PROW submission states, the path runs alongside the installation itself, which is acceptable though not desirable. However it will cross the access drive, which is not a problem as long as the drive is unfenced, which is not clear from the plan.

- 5.20 In summary we consider it essential to maintain this PROW footpath, either with access across or along the new drive or to reroute the path to Sheephurst Lane so that access is maintained.

## 6. APPRAISAL

### Main Issues

- 6.01 The key issues for consideration relate to:

- Principle and policy background
- Landscape Impact/Design
- Wildlife
- Amenity Impact
- Highways
- Flooding

### Principle and policy background

- 6.02 In policy terms the application site is located within the open countryside but otherwise has no landscape designations.

- 6.03 Policy SS1 of the Local Plan (LP) sets out the spatial strategy for the Borough and amongst other matters confirms that *"Infrastructure schemes that provide for the needs arising from development will be supported. New residential and commercial development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve it"*

- 6.04 Policy ID1 of the LP, states in paragraph 6:  
*"Infrastructure schemes that are brought forward by service providers will be encouraged and supported, where they are in accordance with other policies in the local plan...."*

- 6.05 Policy SP17 of the LP, states in paragraph 1:  
*"Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area".*

- 6.06 In terms of design policies DM30 is most applicable in light of the location which states the following:

*"Outside of the settlement boundaries as defined on the policies map, proposals which would create high quality design, satisfy the requirements of other policies in this plan and meet the following criteria will be permitted:*

*The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features;*

*Impacts on the appearance and character of the landscape would be appropriately mitigated. Suitability and required mitigation will be assessed through the submission of Landscape and Visual Impact Assessments to support development proposals in appropriate circumstances;*

*Proposals would not result in unacceptable traffic levels on nearby roads; unsympathetic change to the character of a rural lane which is of landscape, amenity,*

*nature conservation, or historic or archaeological importance or the erosion of roadside verges;*

*Where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area;"*

- 6.07 In its own right it is considered that this infrastructure would be highly visible and intrusive in this location which other than the existing pylons is relatively undeveloped beyond the road network and a scattering of dwellings. It is acknowledged that the existing overhead lines and pylon towers in the immediate environment would be removed (utilising permitted development rights) but this would be set against the infrastructure as proposed.
- 6.08 Paragraph 140 of the National Planning Policy Framework (NPPF) states "*The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*"
- 6.09 Paragraph 170 b) of the NPPF states that planning policies and decisions should contribute and enhance the natural environment by "*recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*".
- 6.10 The Overarching National Policy Statement for Energy 2011 sets out the Government's policy for delivery of major energy infrastructure and as set out in paragraph 1.2.1 "*is likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990*". Paragraph 3.7.1 of the document states "*Much of the new electricity infrastructure that is needed will be located in places where there is no existing network infrastructure.*" which is the situation in this instance.
- 6.11 Paragraph 3.7.2 continues "*The need to connect to new sources of electricity generation is not the only driver of need for new electricity network infrastructure. As noted in Parts 2 and 3 of this NPS, it is likely that demand for electricity will increase significantly over the coming decades. Factors contributing to such growth include the development of new housing and business premises (the number of households in England is projected to grow to 27.8 million by 2031) and the increased use of electricity in domestic and industrial heat and transport. Lack of sufficiently robust electricity networks can cause, or contribute to, large scale interruptions. Existing transmission and distribution networks will have to evolve and adapt in various ways to handle increases in demand, but construction of new lines of 132 kV and above will also be needed to meet the significant national need for expansion and reinforcement of the UK's transmission and distribution networks.*"
- 6.12 Finally paragraph 3.7.3 states "*It is important to note that new electricity network infrastructure projects, which will add to the reliability of the national energy supply, provide crucial national benefits, which are shared by all users of the system.*"

- 6.13 Paragraph 5.9.14 states *"Outside nationally designated areas, there are local landscapes that may be highly valued locally and protected by local designation. Where a local development document in England or a local development plan in Wales has policies based on landscape character assessment, these should be paid particular attention. However, local landscape designations should not be used in themselves to refuse consent, as this may unduly restrict acceptable development"*.
- 6.14 Paragraph 1.2.3 of National Policy Statement (NPS) for Electricity Networks Infrastructure (EN-5) (which is taken together with EN-1) states *"In England and Wales this NPS is likely to be a material consideration in decision making on relevant applications that fall under the Town and Country Planning Act 1990 (as amended). Whether, and to what extent this NPS is a material consideration will be judged on a case by case basis."*
- 6.15 There is national support for the promotion of improved infrastructure which is more resilient to the effects of climate change and growing populations and to promote the transition to a low carbon economy. There is policy support in the form of SS1 and ID1 of the LP which supports infrastructure schemes that provide for the needs arising from new development. However, there are also policies which seek to protect the intrinsic character and beauty of the countryside. Whilst the principle of development of such infrastructure is established, careful consideration with regard to the landscape and other constraints is required to ensure the balance between any harm arising from the development can be appropriately mitigated for or alternatively the need for the infrastructure outweighs the harm.

#### **Applicants Justification for Development**

- 6.16 The Design and Access Statement (DAS) submitted in support of the application details how the present situation leaves the local and regional area which is served by the current infrastructure to be at a significant risk of power outages. The statement details that *"demand is expected to increase as towns and settlements expand with new households and end business users, as well as the switch to hybrid vehicle technology and high-speed charging points. The proposed switching station won't increase the capacity, but it will ensure that when the network capacity is increased there will be the flexibility and resilience to ensure the power reaches the customers without significant outages."*
- 6.17 The DAS further explains that the existing infrastructure is particularly vulnerable to lightning strikes which requires a manual reset. This is a very dangerous situation and as a result this switching station has been proposed to allow the circuits to be switched remotely and without the need to manually interact with the pylons. This will ensure not only the ability to quickly reset the circuits but do so without risk to human life. Essentially the development would establish a more resilient and effective electricity network in the area as well as forming a safer network for maintenance staff to operate on.
- 6.18 The DAS details other options considered which are as follows: *"Another option at Hartley Grid was considered. However after an extensive study was undertaken it was assessed that a switching station at Hartley Grid will only service and provide control over two ends as it would not address the risk of a tower failure across the lightning prone Medway Valley. This would still result in a lengthy and dangerous operation to reset the jumpers and still result in long service outages which would prevent the UKPN from meeting its regulatory requirements."*



- 6.19 *The only other option is to do nothing which is not acceptable as this would result in potential long outages and time required to make jumpers in the event of a power loss on the 132kV network supplied from either North fleet East or Ninfield Grid Supply Points across a large area of Kent. This would result in the UKPN being unable to meet the regulatory requirements."*

**Landscape Impact/Design**

- 6.20 When assessing the design and impact of the development it is worth reiterating the relevant policies within the borough plan.
- 6.21 SP17 in the adopted Maidstone Local Plan, states in paragraph 1: "*Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area*".
- 6.22 Paragraph ii. of DM1 states proposals must "*Respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage – incorporating a high quality, modern design approach and making use of vernacular materials where appropriate;*".
- 6.23 Paragraph v. continues with development must "*Respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worth of retention within the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as a positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area;*"
- 6.24 Finally, paragraph vi states that development must "*Provide a high quality design which responds to areas of heritage, townscape and landscape value or uplifts an area of poor environmental quality;*"
- 6.25 In terms of design Policies DM30 is most applicable in light of the location which states "*Outside of the settlement boundaries as defined on the policies map, proposals which would create high quality design, satisfy the requirements of other policies in this plan and meet the following criteria will be permitted:*
- i. The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features;*
  - ii. Impacts on the appearance and character of the landscape would be appropriately mitigated. Suitability and required mitigation will be assessed through the submission of Landscape and Visual Impact Assessments to support development proposals in appropriate circumstances;*
  - iii. Proposals would not result in unacceptable traffic levels on nearby roads; unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance or the erosion of roadside verges;*
  - iv. Where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area;"*

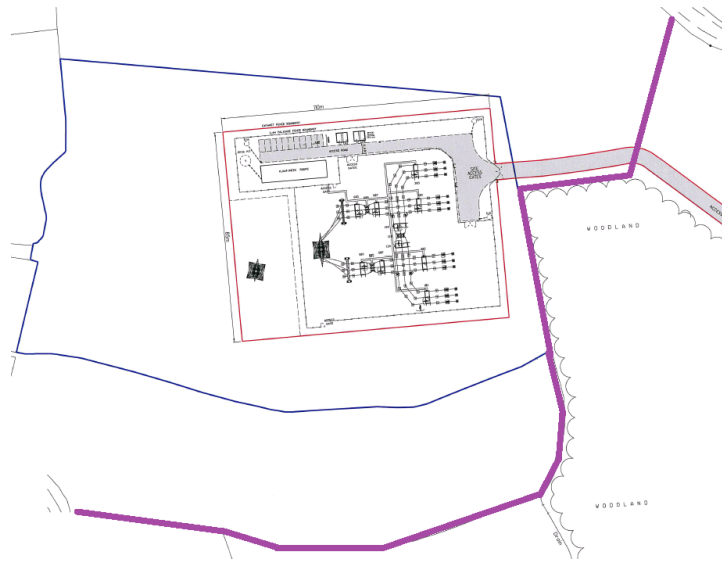
- 6.26 Paragraph 2.8.2 National Policy Statement for Electricity Networks Infrastructure (EN-5) (2011) states *"New substations, sealing end compounds and other above ground installations that form connection, switching and voltage transformation points on the electricity networks can also give rise to landscape and visual impacts. Cumulative landscape and visual impacts can arise where new overhead lines are required along with other related developments such as substations, wind farms and/or other new sources of power generation."*
- 6.27 As taken from the DAS *"The design of the proposal is standard for a 132kV Switching Station which will be comprised of a building and Air Insulated Switchgear mounted on steel structures within the site, the maximum height of this apparatus will be 7.5 metres and the proposed Landing Gantry will be a maximum of 15 metres in height. The Landing Gantry is required to interconnect the proposed development with the existing overhead cables."*
- 6.28 *The Switching Station building will be 5.5 metres in height, 27 metres in length and 7 metres in width, the external appearance of this building will be painted in Hermitage Green RAL 6002. This building will contain a Mess Room and a Switch Room. The proposed perimeter fence will be a Galvanised Steel fence at 2.4 metres in height, it is required to secure the site from unauthorised access. The proposed perimeter fence will be unpainted.*
- 6.29 *The proposed Switching Station will include two small low voltage secondary transformers which will be contained within individual kiosks. These are required to provide operational power to the proposed Switching Station.*
- 6.30 *The proposed access road is making use of an existing field access from Sheephurst Lane into the site which is considered to provide adequate visibility for vehicles leaving and entering the site in a forward gear."*
- 6.31 The application site is located within the Laddingford Low Weald Landscape Character Area. Paragraph 39.6 of the Maidstone Landscape Character Assessment describes views in this area as the following *"Along many of the roads and within the settlements, views are contained by the small scale field pattern with hedgerows and tall shelterbelts often enclosing orchards. However views from the wider landscape are more extensive across large scale arable fields."* It is considered that this application site is very much in keeping with this assessment.
- 6.32 The assessment notes in paragraph 39.7 *"Visual detractors comprise large agricultural barns and silos, polytunnels, pylons and fencing."* Paragraph 39.8 continues *"Similarly whilst there are some striking examples of local vernacular, recent development often degrades the setting of traditional buildings."* The assessment concludes that the landscape is of moderate sensitivity and that the visual impact of large agricultural barns and silos should be softened with native planting.
- 6.33 A 5m wide tree screen is proposed along the northern boundary of the site (which is currently open to views from/to Sheephurst Lane). There are numerous gaps in the roadside hedging which allows open views across the farmland to the woodland and to the open area where the compound is proposed to be sited. The proposed access road leading to the compound would be constructed in front of and to the east of the existing woodland area following the route of the woodland edge. The backdrop of the woodland would to an extent soften the impact of the access road however the site of the proposed compound would be readily visible from Sheephurst Lane and would appear significantly at odds with the open countryside character due to its utilitarian character and galvanised steel fencing. Whilst it acknowledged that there are a number of

existing large pylons in the vicinity of the site and across the wider landscape area, with the wider proposals resulting in the removal of three in close proximity to the compound and being replaced with smaller pylons together with the removal of overhead power lines in the immediate locality,(being carried out under permitted development rights and not forming part of this application), the overall impact of the development on the local countryside setting would be one at odds with its character and incongruous in this location.

- 6.34 It is acknowledged that the proposed tree screen would take some time to mature, at least 10-15 years and during this time, the site would be significantly more visible. The view below is from Sheephurst Lane with the woodland to the left and the open area where the compound is proposed to be positioned to the right of the woodland, marked by the arrow.

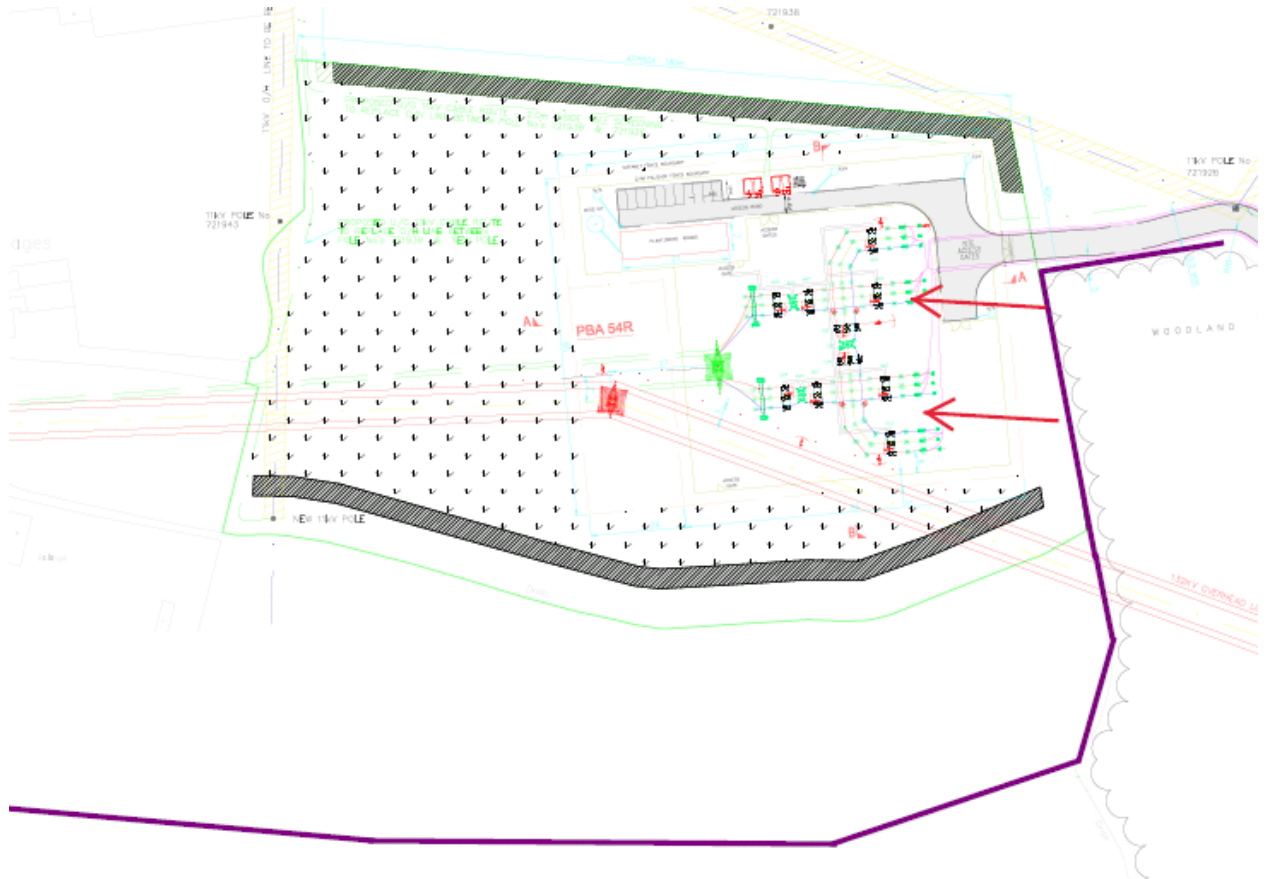


- 6.35 PROW KM254 runs across the farmland from Sheephurst Lane and connects to the corner of the woodland – see plan on next page (purple annotation added by case officer). Views from the PROW would look directly towards the compound and users of the PROW on reaching the corner of the woodland would have full sight in very close proximity of the compound and the surrounding fencing. This would be regarded as a very high visual detractor to users of the PROW who would expect to see views of the open countryside, but in fact would be faced, in very close proximity, to the compound and its structures.



- 6.36 The applicant's Landscape Visual Appraisal (LVA) does provide an assessment of landscape impacts between pages 26-29. A number of impacts such as the character landscape impact are assessed as being 'moderately adversely' impacted upon. Whilst the assessment provided by the applicant is broadly agreed with, and it is important to consider that the impact from this development is confined principally to the immediate area and not the wider landscape, I do not agree that the impact upon the immediate landscape and for users of the PROW footpath would only be 'moderate adverse'. To my mind, the impact would be "major adverse". As detailed above, the proposal would introduce a visually discordant and utilitarian feature to the immediate countryside setting and to users of the PROW and whilst not impacting on the wider landscape, would have significant impacts on the immediate landscape character. Whilst mitigation in the form of the proposed hedgerow screen/buffer planting would assist in reducing this adverse impact, the screening would take a significant time to reach maturity (15 years) and would not fully screen the development from public vantage points. This being especially so for users of the PROW.
- 6.37 The LVA also considers that the visual harm to neighbouring properties around Little Sheephurst Farm and Mill Cottages to be 'minor adverse' and the property known as 'Ridgings' to be 'moderately adverse'. This is a fair assessment and one I agree with, Ridgings does have a more direct view of the development where others have existing vegetation obscuring views to a degree but until mitigating landscaping has matured, dwellings would be able to view the development which again is considered to have a significant impact upon the immediate landscape.
- 6.38 The applicant has submitted photomontages in support of the application. Whilst these do indicate that large portions of the development would be screened, this will not occur until the landscaping reaches maturity (15 years from completion of the development) and therefore the development would be highly visible in the intervening period. It is also true to say that a photomontage is just that and cannot give a true view as would be experienced by users of the countryside in this location.
- 6.39 No planting is proposed between the woodland and the development and there would be direct views into the site from the footpath in this location as detailed below (arrows indicate views from PROW towards the proposed site). A further belt of screening is proposed to the south of the development, which would eventually help screen views of

the development as users walk along the PROW westwards, but until then a harmful impact would occur.



- 6.40 The proposal would involve external lighting, however subject to conditions it is considered that external lighting could be used appropriately without a harmful impact.
- 6.41 Paragraph 4.5.1 of Overarching National Policy Statement for Energy (2011) states *"The visual appearance of a building is sometimes considered to be the most important factor in good design. But high quality and inclusive design goes far beyond aesthetic considerations. The functionality of an object — be it a building or other type of infrastructure — including fitness for purpose and sustainability, is equally important. Applying "good design" to energy projects should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. It is acknowledged, however that the nature of much energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area."*
- 6.42 Paragraph 4.5.3 continues *"In so doing, the IPC should satisfy itself that the applicant has taken into account both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located) as far as possible. Whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation."*

6.43 The proposed apparatus along with fencing and associated development will have an overall harmful impact to the character and appearance of the immediate countryside and is considered to have a major adverse impact to users of the PROW and to a lesser extent, from views across Sheephurst Lane. Whilst the proposed mitigation in the form of the 5m wide tree belts will in time provide a degree of screening to the site compound, this will not be for a considerable period of time and will not entirely provide screening to the users of the PROW. Due to the constraints of the site it is not possible to more effectively screen the development. The Landscape and visual harm therefore weighs against the proposal.

**Wildlife**

6.44 Paragraph 6.20 of the Maidstone Borough Local Plan states: "*Maidstone is a biodiverse district endowed with a variety of habitats including heathlands and chalk downlands, orchards and ancient woodland, river valleys and ponds, wildflower meadows and parklands...*"

6.45 Paragraph 6.21 continues "*The broad range of habitats forms an extensive network across rural and urban areas, including previously developed. Many sites are important for their nature conservation and geological interest, and are designated for their protection...*"

6.46 Finally, Paragraph 6.23 states "*Development proposals will be expected to be supported by an initial survey of on-site assets. Surveys must be undertaken at the appropriate time of year for the relevant habitats, species, flora and fauna. Where harm to protected species or habitats is unavoidable, developers must ensure suitable mitigation measures are implemented to enhance or recreate the features, either on or off-site, and bring sites into positive conservation management. Sufficient information to assess the direct and indirect effects of development on protected sites, species, biodiversity or geology, and any proposed prevention, mitigation or compensation measures must be provided. Proposals should particularly seek to avoid damaging and fragmenting existing habitats. Opportunities to contribute towards the UK priority habitats and species in Maidstone and any additional Maidstone LBAP habitats and species should be maximised.*"

6.47 Paragraph 2 of policy DM3 states the following: "*Where appropriate, development proposals will be expected to appraise the value of the borough's natural environment through the provision of the following:*

- i. An ecological evaluation of development sites and any additional land put forward for mitigation purposes to take full account of the biodiversity present, including the potential for the retention and provision of native plant species;*
- ii. Arboricultural assessments to take full account of any natural assets connected with the development and associated sites; and*
- iii. A landscape and visual impact assessment to take full account of the significance of, and potential effects of change on, the landscape as an environmental resource together with views and visual amenity."*

6.48 Paragraph 170. of the NPPF (2019) as amended states; "*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;"*

- 6.49 Policy SP17 states that development proposals in the countryside will not be permitted unless they accord with other policies in this plan.
- 6.50 The applicant has indicated that the development will not result in any loss of any bat habitats given the fact that no trees or other potential bat roosts will be removed or affected from the proposed development. The proposed mitigation planting will have the potential to create additional suitable bat foraging areas and therefore have the potential to improve the current situation for bats. The proposals will result in the loss of a large area of semi-improved neutral grassland and tall ruderals. This has been considered to be of negligible habitat value and the proposals seek to improve the remaining habitat by introducing a native species wildflower seed mix to the application site area upon completion of the works. This will help to provide a more diverse habitat for insect species and increase overall biodiversity on site.
- 6.51 Ecology consultees request conditions regarding, outdoor lighting, ecological enhancements, as well as an informative regarding breeding birds. It is considered that the justifications put forward by the agent and the conditions requested by consultees are both an accurate assessment of the development and its impacts and suitable to mitigate these impacts. Subject to conditions the development would not have a detrimental impact upon the wildlife in the area. Paragraph 175 of the NPPF encourages opportunities to incorporate biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity. The proposals seek to realise this.
- 6.52 Whilst measurable net gains have not been justified as part of the current proposals and indeed are not a policy requirement at this time, the proposals do offer an opportunity to incorporate biodiversity improvements by the incorporation of new hedgerow planting and more native species to the semi-improved grassland.

### **Highways**

- 6.53 Paragraph 1.i of policy DM 21, states that development proposals must "*Demonstrate that the impacts of trips generated to and from the development are accommodated, remedied or mitigated to prevent severe residual impacts, including where necessary an exploration of delivering mitigation measures ahead of the development being occupied.*"
- 6.54 Highways consultees have requested additional information, regarding the proposed visibility splays and how often the site would be accessed. In response the applicant has submitted the following.
- 6.55 "*The quoted visibility splay of 35 metres is as per the existing arrangement. The access to the site will only be used once per month by a Ford Transit sized motor vehicle for maintenance visits only. The Highway Authority acknowledges that the site has an existing access, we consider that due to the infrequent use of the access that there will be no harm to the safety of the users of the public highway network.*"
- 6.56 These comments have been put to highways consultees who have expressed some confusion by the applicant's comment that the site will only be accessed on a monthly basis by a ford type transit van vehicle. The site layout plans submitted as part of the application clearly show 11 car parking spaces, turning head for larger vehicles and a plant/mess room. This is at odds with the further information provided by the applicant, as the presence of the facilities indicates a higher degree of trip generation than once a month by a transit van attending the site for maintenance purposes.



- 6.57 Highways consultees continue *"In respect of the sight lines and the applicant's contention that they are acceptable because they mirror those at the existing access, KCC Highways disagree with this conclusion. As I understand it a new access to the site is being proposed, which will access onto Sheephurst Lane. Sheephurst Lane is a road that is subject to a speed limit of 50 mph; visibility sight lines of 35 meters are considerably below what is required for a speed limit of 50mph. It is therefore for the applicant to evidence the acceptability of the sight lines in relation to the roads posted speed limit, or observed speeds as demonstrated by an acceptable speed survey."*
- 6.58 In response the applicant has stated that the car park area for a maximum of 11 vehicles is shown as to provide sufficient turning space for any maintenance vehicles and restates the works will only entail at the very maximum one vehicle movement per month. With regards to the sight lines the applicant again reiterates that the site, has an existing access that will be utilised.
- 6.59 In this instance, I am inclined to agree with the applicant. It is noted that there is perhaps an inconsistency stating that the site will be visited once a month yet the development houses a mess room and does have 11 parking spaces. However it is likely that this site will need to be maintained and possibly upgraded during its lifetime at which point larger vehicles will need to visit it, not to mention if there was ever an emergency situation on site or elsewhere that required additional visitors to the site. It is also acknowledged that the access point utilises an existing access point (albeit upgraded) for the current proposals.
- 6.60 On the basis of the above it is considered that the number of parking spaces here is acceptable and would allow the site to be operated over its life time more conveniently. However it is felt that during the construction phase, the site access would be substandard and as such it is appropriate to require the applicant to submit a construction management plan detailing how vehicles will be managed when entering and leaving the site, particularly in light of the concerns raised by highways consultees. During normal operations and due to the minimal number of traffic movements associated with normal operational use, the substandard sight lines are considered acceptable.

### **Flooding**

- 6.61 The application site is within flood zones 2 and 3. Paragraph 155 of the NPPF (2019) states *"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."*
- 6.62 Paragraph 2.4.1 of National Policy Statement for Electricity Networks Infrastructure (EN-5) states *"As climate change is likely to increase risks to the resilience of some of this infrastructure, from flooding for example, or in situations where it is located near the coast or an estuary or is underground, applicants should in particular set out to what extent the proposed development is expected to be vulnerable, and, as appropriate, how it would be resilient to:*
- *flooding, particularly for substations that are vital for the electricity transmission and distribution network;"*
- 6.63 The NPPF requires applications for *"Essential Infrastructure"* located within zone 3 to pass the exception test. *"The Exception Test, as set out in paragraph 160 of the Framework, is a method to demonstrate and help ensure that flood risk to people and*



*property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available."*

- 6.64 The 2 parts to the Test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.
- 6.65 In this instance, as detailed above the applicant has explored other sites and no other location for the development is acceptable. The development would provide wider sustainability benefits to the community by way of aiding the transition to a low carbon future and by improving the resilience of the energy grid. This outweighs the risk of flooding.
- 6.66 In terms of ensuring the development will be safe for its lifetime and would not increase flood risk elsewhere. Concerns were initially raised by the Environment Agency regarding the development but following revised details being submitted these have been removed. KCC Flood and Water Management have issued a holding objection on the grounds of the submitted details not including information on the impermeable areas proposed and surface drainage. They have confirmed however that such concerns can be addressed by the imposition of conditions if the Council are minded to grant consent.

#### **Neighbouring Impact**

- 6.67 Five representations were received in objection to the development. The material concerns raised are generally related to the design of the development and its impact upon the character of the wider area. They are best summarised by the parish council whose response is included in the above consultee section, although the need for the development is questioned, that the development is located in an area that suffers from flooding and the impacts from EM Interference are all raised. These matters are addressed in the relevant sections of this report.
- 6.68 The LVA submitted with the application also considers the visual effects of the proposals on nearby residential properties. It concludes that the principle properties that will be impacted by the development are; Ridgings, located some 36m to the west of the site, where the proposals would be "*a noticeable element in the view but would not be a new element in the landscape*" and where the level of effect is considered to be moderate adverse and Mill Cottages, located approximately 60m to the west, where the level of effect is considered to be minor adverse (from the upper floors only).
- 6.69 Other properties around Shephurst Farm, located some 150m to the south of the site would have a level of effect considered to be minor adverse but views of the main site would be blocked by intervening vegetation.
- 6.70 I take the view that the impact arising on these residential properties is an accurate assessment experienced by the occupants of these properties and adds to the overall adverse landscape and visual impact experienced by residents living in the immediate proximity of the site. Outside the immediate area, there are considered to be no adverse impacts to the occupants of other residential properties.
- 6.71 DM1 details how development must respect the amenity of neighbouring properties and ensure that development does not result in excessive noise, vehicular movements and other detrimental activity that could result from the use of a development. As is detailed above there would be an impact to the visual amenity of the residential

properties listed above which can be mitigated to a degree, but will still result in a negative impact for the few properties.

- 6.72 Representations have also been received from the 'Marden Walking Group', whilst these are not in objection to the development they do request that the PROW adjacent to the development be open and walkable and that it is essential to maintain this PROW footpath.
- 6.73 In terms of external lighting that could impact upon neighbouring properties. MBC Environmental Health officers have not raised any objections to the proposal on these grounds and requested conditions requiring additional information to be submitted to the Local Planning Authority. It is considered that a suitably worded condition requiring the application to submit external lighting details to the LPA prior to the first use of the development would be an acceptable way to address the issue.
- 6.74 In terms of Electromagnetic interference MBC's Environmental Health Officer have not raised this as an issue and on the basis of expert advice received it is not considered that this would be grounds to refuse the application on. Informatives will be included to ensure that the applicant is aware that electromagnetic emissions need to be monitored.
- 6.75 With regards to noise impacts this has not been raised as an issue with the application by the MBC Environmental Health Officer. Should permission be forthcoming conditions are suggested in line with consultee recommendations
- 6.76 In terms of non-material planning considerations raised, issues of the developments impact that could be considered as a 'right to a view' is not a material planning consideration. However, a distinction clearly needs to be made with regards to a right to a view and an impact arising due to a change of view which may dominate in landscape terms a particular view experienced by an occupier of a dwelling house. This clearly is a material planning consideration. A detailed submission was also received following the consultation period that appears to raise issues regarding access to land and past activity from infrastructure operators in the area. It is considered that this is not a material planning consideration.
- 6.75 Whilst the proposals will not result in neighbouring impacts outside the immediate area, the moderate adverse impacts on the occupants of Ridgings and the minor adverse impacts on Mill Cottages and to a less extent on the properties around Sheehurst Farm weight against the proposals.

### **Conclusion/Balancing exercise**

- 6.77 The application is one where national and local planning policies push and pull in different directions. There are Local Plan policies (as well as significant national policies) that support infrastructure development such as SS1 & ID1 and policies seeking to protect the character of the countryside and the amenity of residents like SP17 and DM1.
- 6.78 The development would have a significant impact on the immediate local area, but it should be recognised that this will be a very local impact, principally to within 500-1000m of the immediate area and the mitigation proposed will to an extent help to reduce this impact in the medium term (15 years). Users of the PROW will experience in my view, a major adverse impact reducing to moderate adverse impact following maturity of the hedgerow planting and there will be a moderate adverse impact on the property know as Ridgings and a minor adverse impact on Mill Cottages and properties

around Sheephurst Farm. This harm weights against the development proposals. However, this must be balanced against the significant national policy support for this type of development, which carries significant weight in the determination of this application, policy support that accepts that this type of development can have a detrimental impact and the support for infrastructure schemes which meet the needs of the area. The development, whilst harmful to immediate landscape character, is functional in its design and has to be effectively secured. As such the applicant would be limited in terms of materials and design that can be used and it is considered that it contributes to the area "as far as it possibly can" by way of establishing new hedgerows to attempt to screen it. It should also be recognised that the applicant has investigated alternative sites which have been found to be unacceptable and this is the only site available which meet the needs of the applicant and the wider infrastructure electricity network to secure the flexibility and resilience to ensure the power reaches the customers without significant outages.

- 6.79 Following the submission of revised and additional drawings by the applicant and subject to conditions, it is not considered that the development would present a flood risk nor would it have a detrimental impact upon the ecology of the area nor would it have an impact upon the amenity of the surrounding area in terms of light and noise pollution.
- 6.80 There are limited design alternatives to reduce the impact of the proposals on the landscape character and the applicants have sought to mitigate the impacts of the proposals as much as can be accommodated on the small site area. Taking all the matters into consideration including the need for the development, the alternative locations considered and discounted and the very localised impact, limited to the immediate area and balancing those factors that weight against and those in favour of the proposals, on balance, it considered that the regional/national need to secure a more resilient and effective electricity network in the area as well as forming a safer network for maintenance staff to operate on outweighs the landscape harm to the immediate local area, to users of the PROW and to the dwellings known as Ridgings and to a lesser extent, Mill Cottages and properties around Sheephurst Farm. It is therefore recommended that planning permission be granted subject to conditions.

### **RECOMMENDATION**

GRANT PLANNING PERMISSION subject to planning conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions 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:

Application for planning permission  
TR/9974/21/003 Rev M Proposed Switch Station Layout  
TR/9974/21/010 Rev D Proposed Switch Station Elevations (24 June 2020)  
TR/9974/21/011 Rev C Proposed Switch House Elevations (24 June 2020)  
TR/9974/21/012 Rev A Proposed Layout  
Arboricultural Report

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Ecological Appraisal  
Flood Risk Assessment  
Design and Access Statement  
Existing Site Photos  
Historic Environment Desk Based Assessment  
Landscape and Visual Appraisal  
Site Topography

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

3. The materials to be used in the development hereby approved shall be as indicated on the approved plans unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development

4. Prior to development commencing on the infrastructure works a "lighting design strategy for biodiversity" for the site boundaries and within the site shall be submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of protecting wildlife and the amenity of neighbouring properties and the wider area from detrimental light intrusion.

5. Prior to development commencing on the infrastructure works a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) will have been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a [10] year management plan. [The landscape scheme shall specifically refer to the submitted Preliminary Ecological Appraisal (received 17 February 2020), Figure 8: Landscape strategy found within the submitted Site Topography document (received 08 April 2020) and address the need to provide tree planting to screen the development from the surrounding area including the adjacent Public Right of Way (KM254)]

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

6. Prior to development commencing on the infrastructure works details of a scheme for the enhancement of biodiversity, including bat and bird boxes, native planting in landscaping and incorporation of features beneficial to wildlife wherever possible within and around the site, together with details of the timing/phasing of the respective elements forming the scheme. Reference will be made to the Maidstone Landscape Character Assessment, the submitted Preliminary Ecological Appraisal (received 17 February 2020) and propose management arrangements for the enhancements of at least 10 years. This shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be fully implemented prior to the use of the development and thereafter maintained.

7. A landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas for at least 10 years, shall be submitted to and approved in writing by the local planning authority prior to the first use of the development. Landscape and ecological management shall be carried out in accordance with the approved plan unless the local planning authority gives written consent to any variation.

Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

8. Prior to development commencing on the infrastructure works a detailed sustainable surface water drainage scheme for the site shall be submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- i) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- ii) appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the

proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

9. Prior to first use of the development hereby permitted, a full noise survey shall be submitted to and approved by the Local Planning Authority. The survey shall set out appropriate mitigation to be implemented based upon the results of the survey and such mitigation shall in place prior to the first use of the switching station and retained in use at all times whilst the switching remains operational. The noise survey should address:
  - a) Standard Industrial Noise based on the rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be low as can be possible. In general this is expected to be no greater than 0dB above the existing measured background noise level LA90, T.
  - b) The issue of low frequency noise and vibration assessment to determine the level of the low frequency noise. The assessment should be conducted to assess the impact inside peoples homes so the low frequency noise would not exceed the Low frequency criterion curve for the 10Hz to 160Hz third octave bands as described in the DEFRA procedure for the assessment of low frequency noise complaints 2011 (NANR45). The survey will involve external measurements and calculations to give predicted internal noise levels to ensure that these levels would not be exceeded by the plant.
  - c) Any other noises such as arcing associated with the plant is addressed so that they are avoided or appropriately mitigated.

Once installed the plant and equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report whenever it is operating. After installation of the approved plant no new plant shall be used without the written consent of the local planning authority.

Reason: In the interests of safeguarding neighbouring amenity from detrimental noise impacts.

10. If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

11. Prior to development commencing on the infrastructure works a method statement for the construction of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The construction works shall be carried out in accordance with the approved method statement. The method statement shall include details of, the provision of parking facilities for contractors during the construction of the development and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials and detail how construction and other vehicles will safely enter and exit the site.

Reason: To ensure the construction of development does not result in a loss of highway safety.

12. All works detailed upon page 27 of the submitted Flood Risk Assessment (received 13 May 2020) shall be carried out in prior to the use of the development hereby permitted.

Reason: In the interests of safeguarding the development and wider area from flooding.

The following informatives are also recommended

1. The applicant is advised that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
  - The applicant pays for the administration costs
  - The duration of the closure is kept to a minimum
  - Alternative routes will be provided for the duration of the closure.
  - A minimum of six weeks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

2. Facilities to measure electro magnetic field readings to monitor emissions to ensure they fall within guidelines published by the Health Protection Agency will need to be in place.
3. Your attention is drawn to the following working practices which should be met in carrying out the development:
  - Your attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of

construction and demolition: if necessary you should contact the Council's environmental health department regarding noise control requirements.

- Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Council's environmental health department.

- Plant and machinery used for demolition and construction should only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

- Vehicles in connection with the construction of the development should only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

- The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work.

- Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

- It is recommended that the developer produces a Site Waste Management Plan in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.

- Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

If relevant, the applicant must consult the Environmental Health Manager regarding an Environmental Permit under the Environmental Protection Act 1990.

Case officer: William Fletcher



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