

**ITEM NUMBER: 10**

**PLANNING COMMITTEE 25 May 2022  
DATE:**

**REFERENCE NUMBER: UTT/21/3626/FUL**

**LOCATION: LAND EAST OF CHELMSFORD ROAD, DUNMOW**

**SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 10 May 2022

**PROPOSAL:** Installation and operational of a standby gas generation plant and ancillary infrastructure to provide backup generation to National Grid.

**APPLICANT:** Biogas Technology Ltd

**AGENT:** Clive Fagg

**EXPIRY DATE:** 01 March 2022

**EOT Expiry Date** 03 June 2022

**CASE OFFICER:** Madeleine Jones

**NOTATION:** Outside Development Limits. Within Flood Plain Zones, 2 and 3, Contaminated land, Archaeological Site.

**REASON THIS APPLICATION IS ON THE AGENDA:** Called in by Cllr. Jones  
Policy ENV8 (UDC Local Plan 2005) - specifically the near locality of the river Chelmer (river corridor).  
Policy ENV11 - Noise Generators.  
Policy S7 - Countryside  
Policy Gen2 - specifically 'minimisation of the environmental impact on neighbouring properties by appropriate mitigating measures'.  
Policy Gen7 - 'Development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation.' Specifically, the River Chelmer corridor and Chelmer Valley Wildlife Corridor (GDNP)

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## **1. EXECUTIVE SUMMARY**

**1.1** The application is for the installation and operational of a standby gas generation plant and ancillary infrastructure to provide backup generation to National Grid via the local distribution network. The scale and design of the proposal is considered on balance to be appropriate on this site.

**1.2** The Proposed Development would be located outside the Great Dunmow settlement boundary but located between an existing sewage works and land that has permission for a refuse lorry depot. The proposal is considered acceptable in terms of highway safety

- 1.3 There would not be any adverse impacts on biodiversity, subject to implementation of identified mitigation
- 1.4 The proposal is compliant with the Uttlesford Councils adopted Interim Climate Change document

2. **RECOMMENDATION**

That the Interim Director of Planning and Building Control be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

- a) Conditions

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The site, 0.14 hectares, is located to the east of B1256 in Great Dunmow.
- 3.2 To the south of the site is an electricity substation and beyond that is a sewage works.
- 3.3 There is an extant planning permission UTT/19/1219/FUL for refuse lorry depot, classic car storage and restoration business, flexible office space, enhanced public open space, cycle and pedestrian uses and associated development on adjacent land to the northeast. The application site overlaps the southwestern corner of that approved application. The area closest to the application site was designated for five parking spaces, three portacabins, a washdown area, and a proposed emergency access road from the roundabout
- 3.4 Access to the site is via an existing access approximately 200m north of the B1256 roundabout at Great Dunmow.
- 3.5 There are residential properties opposite the side to the west of the B1256 and to the north of the B1256. (Including Listed properties)

4. **PROPOSAL**

- 4.1 Installation and operational of a standby gas generation plant and ancillary infrastructure to provide backup generation to National Grid via the local distribution network.
- 4.2 The proposal would comprise 3 containerised engines on site with exhaust flues and cooling radiators. The metal containers are soundproofed and each one would measure approximately 14.6m x 3.4m x 3.6m and would be finished in matt dark green.

- 4.3** Each container would include a bank of radiators located on the roof, approximately 1.8 m high, to assist in cooling the generators, together with an exhaust stack of 7.4m from ground level or 1.2m from the radiator top, to allow for safe dispersion of exhaust gases.
- 4.4** The ancillary infrastructure would consist of a switch room, control room and transformers.
- 4.5** The site office would provide ancillary facilities for the field service engineer and any other visitors when on site as well as storage for consumables. It would provide welfare (4.4m x 2.4m x 3.2m) and storage (6.4m x 2.4m x 3.2m) facilities. The finish of this building would be matt fern green
- 4.6** The switch room building would contain the electrical switchgear equipment to connect the generators to the electricity substation. It would be 9.6m x 2.4m x 3.0m and sited on 1.6m stilts to allow easy cable routing. The finish of this building would be matt fern green
- 4.7** The gas reception kiosk would consist of a GRP container and would be finished in a matt fern green colour. The container would be approximately 6.1m x 3.0m x 3.0m. the building would be used to meter gas use. The gas fuel supply for generation would connect from the local gas distribution network adjacent to the site by underground pipework. There would be no bulk storage of gas on the site.
- 4.8** The electricity substation and metering station houses point of connection for the export of electricity to the grid and the metering equipment to measure the amount of electricity generated on the site. The design and appearance are specified by the Distribution Network Operator and is required to be a Glass Reinforced Plastic (GRP) construction. The building would be approximately 3.6m x 3.6m x 3.0m and would be coloured matt fern green,
- 4.9** Security lighting and CCTV cameras would be positioned at strategic locations to ensure safe working and security.
- 4.10** The site would be enclosed by 2.4m high, palisade style fencing and would be finished in matt darg green.
- 4.11** The application is supported by:  
Planning Statement  
Tree Survey  
Noise Impact Assessment  
Heritage Statement  
Ecology Report  
Construction Traffic and Environment  
Air Quality Assessment  
Flood Risk Assessment

## Visual Assessment

### **5. ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1** The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 5.2** Due to its relatively small scale the Proposed Development is not considered that the development would trigger a requirement for Environmental Impact Assessment.
- 5.3** The Proposed Development does not fall within the scope of any description set out under Schedule 1 of the 2017 Regulations.
- 5.4** Where development may constitute Schedule 2 development under the 2011 Regulations, it is necessary to consider whether EIA is required with reference to the criteria at Schedule 3. These include the size, resource demand, waste production, emissions and safety implications of the scheme. They also include the location (e.g. in reference to sensitive areas) and characteristics of impacts including the extent of the impact, its magnitude and complexity, probability, duration, frequency and reversibility.
- 5.5** Section 3 to Schedule 2 sets out energy industry related developments which may require EIA. It includes "industrial installations for the production of electricity." The threshold for classifying such a development as Schedule 2 development is an area exceeding 0.5 ha.
- 5.6** The site area threshold has not been exceeded and the Proposed Development Site is not within a Schedule 3 sensitive area

### **6. RELEVANT SITE HISTORY**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/19/1219/FUL	Full application for Refuse Lorry Depot, Classic Car storage and restoration business, flexible office space, enhanced public open space, cycle and pedestrian uses and associated development.	Approved subject to s106

### **7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

- 7.1** None

## **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

### **8.1 Highway Authority - No Objection**

8.1.1 Proposal is acceptable subject to conditions.

### **8.2 Environment Agency - No Objection**

8.2.1 No objection.

8.2.2 The site is mainly in flood zones 1 and 2, whilst there is some flood zone 3 nearby this does not encroach into the red line boundary area. The site does contain a main river– tributary of the River Chelmer – and thus the applicant will require a permit to undertake their work. There appears to be no other constraints that would fall into our remit at this site.

8.2.3 The applicant may require an environmental permit to undertake their work

## **9 Town Council comments**

9.1 No comment

## **10 CONSULTEE RESPONSES**

### **10.1 UDC Environmental Health - No Objection**

10.1.1 No objection, subject to conditions in relation to noise and air quality.

### **10.2 UDC Landscape Officer**

10.2.1 The proposed development would detrimentally visually impact on this part of the valley. Whilst the backdrop of existing trees would to some extent ameliorate the prominence of the facility in views taken from the north, the structures would be prominent in the rural landscape. The applicant proposes a planting belt of 5m on this basis I have no objection to the proposal,

### **10.3 Aerodrome Safeguarding - No Objection**

10.3.1 No objection.

### **10.4 Place Services (Ecology) - No Objection**

10.4.1 No objection subject to securing biodiversity mitigation and enhancement measures

### **10.5 Climate Change Project Officer - No Objection**

**10.5.1** There is no objection to the principle of the use of gas for energy generation. However, I would like to draw the applicant's attention to the possible future changes to Government policy on Carbon Capture Readiness. The call for evidence recently closed. While neither the detail of the changes nor the timelines are finalised, the Government's Net Zero Strategy (Chapter 3 paragraph 13) states that the Government aims to implement the updated requirements by 2023.

**References:**

Decarbonisation Readiness Joint call for evidence on the expansion of the 2009 Carbon Capture Readiness requirements, July 2021. Available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1001949/decarbonisation-readiness-call-for-evidence.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001949/decarbonisation-readiness-call-for-evidence.pdf) (Accessed February 2022)

Net Zero Strategy: Build Back Greener, October 2021. Available at: <https://www.gov.uk/government/publications/net-zero-strategy> (Accessed February 2022)

**11. REPRESENTATIONS**

**11.1** 27 notifications letters were sent to nearby properties.

**11.2 Object**

Air pollution/quality

Affect house prices

Impact on health

Noise Pollution (Inadequate assessment)

Hours of operation should be limited.

Fumes

Impact on wildlife.

Climate Change

The increase emissions will impact a children's play area

Impact on the eco systems of the River Chelmer.

Disruption caused by construction traffic.

**12. MATERIAL CONSIDERATIONS**



**12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

**12.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

(a) The provisions of the development plan, so far as material to the application,;

(a) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

**12.3** Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area – Delete or keep this paragraph when it is relevant i.e

## **12.4 The Development Plan**

**12.5** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)

## **13.0 POLICY**

### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2021)

## **13.2 Uttlesford District Plan 2005**

S7 – The countryside Policy  
GEN1- Access Policy  
GEN2 – Design Policy  
GEN3 -Flood Protection Policy  
GEN4 - Good Neighbourliness Policy  
GEN6 - Infrastructure Provision Policy  
GEN7 - Nature Conservation Policy  
GEN8 - Vehicle Parking Standards Policy  
ENV2 - Development affecting Listed Buildings Policy  
ENV3 - Open Space and Trees, Policy  
ENV5 - Protection of Agricultural Land Policy  
ENV10 -Noise Sensitive Development, Policy  
ENV13 - Exposure to Poor Air Quality Policy  
ENV11- Noise Generators  
ENV15- Renewable Energy

## **13.3 Great Dunmow Neighbourhood Plan**

DS1: TDA: town Development Area  
LSC1: Landscape, setting and Character  
LSC3: The Chelmer Valley

## **13.4 Supplementary Planning Document or Guidance**

Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document- Accessible homes and play space  
homes Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)

## **14. CONSIDERATIONS AND ASSESSMENT**

**14.1** The issues to consider in the determination of this application are:

- 14.2**
- A) Principle of development**
  - B) Design and amenity, pollution**
  - C) Flood risk and water resource protection**
  - D) Impact on biodiversity**
  - E) Access and parking provision**
  - F) Impacts on heritage assets**

### **14.3 A) Principle of development**

**14.3.1** The application site is outside of the development limits and in the countryside (ULP Policy S7). Development in this location will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are

special reasons why the development in the form proposed needs to be there.

Policy S7, sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7.

**14.3.2** This is consistent with paragraph 174(b) of the NPPF which seeks to recognise the intrinsic character and beauty of the countryside

**14.3.3** The NPPF sets out a clear presumption in favour of sustainable development. Paragraph 8 of the NPPF sets out a series of overarching objectives that should underpin both plan-making and decision-taking:

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

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

an environmental objective –to protect and enhance our natural, built, and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

**14.3.4** Paragraph 82 of the NPPF states that planning policies should:

Set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration.

Set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period.

Seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and

Be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work

accommodation), and to enable a rapid response to changes in economic circumstances

**14.3.5** Paragraph 152 of the NPPF states the planning system should support the transition to a low carbon future in a changing climate. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, encourage the reuse of existing resources, and support renewable and low carbon energy and associated infrastructure.

**14.3.6** Paragraph 155 of the NPPF states Local Planning Authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources and in doing so:

Provide a positive strategy for energy from these sources, which maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts).

Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

Identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for collocating potential heat customers and suppliers.

**14.3.7** Paragraph 157 of the NPPF states that Local Planning Authorities should:

Not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

Approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

**14.3.8** The Energy white Paper (December 2020) states: “While we are not planning for any specific technology solution, we can discern some key characteristics of the future generation mix. A low-cost, net zero consistent system is likely to be composed predominantly of wind and solar. But ensuring the system is also reliable, means intermittent renewables need to be complemented by technologies which provide power, or reduce demand, when the wind is not blowing, or the sun does not shine. Today this includes nuclear, gas with carbon capture and storage and flexibility provided by batteries, demand side response,

interconnectors and short-term dispatchable generation providing peaking capacity, which can be flexed as required”

The proposed development would provide electricity to the National grid as part of its Balancing Services Programme which provides a boost to the network when either demand increases or supply falls. The plant is not intended to provide a long-term baseload generation and that the benefit of this plant is that it allows for the deployment of more renewable and low carbon energy as there is a back-up should the wind stop or sun not shine, rather than reliance on traditional, centralised energy generation such as coal.

The need for the proposed development is to enable the increased provision of electricity from low carbon sources, which are less reliable and more intermittent. Flexible, standby services are required to balance wind farms and solar farms by equalising electricity peaks and troughs.

- 14.3.9** The plant would be managed under a generation licence to National Grid and would be unmanned but remotely monitored by the operator, but operation would be upon demand by National Grid.
- 14.3.10** At the full council meeting on Tuesday 30<sup>th</sup> July Uttlesford District Council declared a climate emergency. On February 2021 Uttlesford District Council approved as non – statutory development management guidance an Interim climate change Planning Policy. This policy aims to ensure that development contributes to climate change mitigation and adaptation.
- 14.3.11** Interim Policy 1: Developers should demonstrate the path that their proposals take towards achieving net-zero carbon by 2030, and all the ways their proposals are working towards this in response to planning law, and also to the guidance set out in the NPPF and Planning Policy Guidance. This should include: i) locating the development where the associated climate change impacts and carbon emissions, including those derived from transport associated with the intended use of the development can be minimised, and ii) promoting development which minimises carbon emissions and greenhouse gas emissions and maximises the use of renewable or low carbon energy generation.
- 14.3.12** Interim Policy 2: Developers should demonstrate how site surroundings and heritage have influenced their choices over climate change mitigation and adaptation proposals.
- 14.3.13** It is widely recognised that the UK Government has set a target to reduce greenhouse gas emissions across the economy to reach net zero by 2050. This has been recently reiterated in the Net Zero Strategy: Build Back Greener published in October 2021 in pursuant to Section 14 of the Climate Change Act 2008. This Proposed Development supports this transition. the Proposed Development will facilitate for the acceleration of low-cost renewable energy generation deployment by ensuring a continuity of supply in an affordable and efficient manner. Thus enabling,

as seen, a move away from reliance on centralised and inefficient large power stations.

**14.3.14** The Proposed Development benefits from a National Grid generation licence which last for 20 years from the completion of the development. The Net Zero Strategy includes a target to achieve a decarbonised power system by 2035 which, it proposes, will come from low carbon sources, subject to security of supply, bringing forward the government's commitment to a fully decarbonised power system by 15 years. The proposed plant has been designed to be capable of being fuelled by hydrogen by 2035 if a viable supply network is developed. The agent has stated " Whilst we support the net-zero objectives we feel that the Country as a whole is currently a long way off having a viable hydrogen network. For there to be a sufficient amount of Green Hydrogen in the UK gas mix to support power generation (Green Hydrogen is defined as hydrogen produced by splitting water into hydrogen and oxygen using renewable electricity) then there will also need to be a massive growth in renewables to produce it, and that can only be achieved if there is a similar growth in flexible generation, which is the purpose of the proposed development."

**14.3.15** The council's Climate change project officer states that they have no objection to the principle of the use of gas for energy generation.

**14.3.16** Gas generated electricity is in line with Government policy because it is planned that gas firing plants will do carbon capture and storage and in due course convert to hydrogen firing, and therefore in fact play a meaningful part in the production of electricity on a net zero scenario.

**14.3.17** On planning balance, the benefits of the proposed development within the wider context of the government's objective of mitigating and adapting to climate change, including moving to a low carbon economy outweigh the adverse impacts on the local visual amenity. The principle of the proposal is considered to be acceptable.

#### **14.4 B) Design and amenity**

**14.4.1** Policy GEN2 sets out the design criteria for new development. In addition, section 12 of the NPPF sets out the national policy for achieving well-designed places and the need to achieve good design

**14.4.2** Policy GEN4 states that development and uses, whether they involve the installation of plant or machinery or not, will not be permitted where.

- a) Noise or vibrations generated, or
- b) Smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants.

Would cause material disturbance or nuisance to occupiers of surrounding properties.

**14.4.3** Policy ENV11 states that noise generating development will not be permitted if it would be liable to affect adversely the reasonable

occupation of existing or proposed noise sensitive development nearby, unless the need for the development outweighs the degree of noise generated.

**14.4.4** Paragraph 154 of the NPPF states that new developments should be planned for in ways that:

- a) Avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including the planning of green infrastructure; and
- b) Can help to reduce greenhouse gas emissions, such as through its location, orientation and design.

**14.4.5** Paragraph 185 of the NPPF states that decisions should aim to:

Mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

**14.4.6** Paragraph 174 of the NPPF states the planning system should contribute to and enhance the natural and local environment by:

‘Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

**14.4.7** The Proposed Development would comprise siting of containerised engines on site with exhaust flues and cooling radiators. There would be ancillary infrastructure including a switch room, control room and transformers on site.

**14.4.8** The Site is relatively close to residential properties which are located to the western side of the B1256 and also to the north of the B1256. Additionally, there is an extant permission on the neighbouring adjacent site for a refuse, lorry depot, Classic Car storage and restoration business, flexible office space, enhanced public open space, cycle and pedestrian uses and associated development. (UTT/19/1219/FUL) therefore the proposal has potential environmental implications particularly with regards to noise and air pollution.

**14.4.9** Interim Policy 5: Developers should demonstrate how their proposals would not lead to any material decrease in air quality or to significant

adverse effects on the environment or amenity and, where relevant, how they would comply with the Saffron Walden Air Quality Action Plan to minimise effects on local air quality and reduce CO<sup>2</sup> emissions.

- 14.4.10** Numerous comments of objections have been received especially in respect to air/fumes and noise pollution and the impact on human and wildlife health.
- 14.4.11** Assessments have been submitted in respect of noise and air quality and specialist environmental health officers consulted.
- 14.4.12** The submitted Air Quality assessment by Isopleth, Report Ref: 01.0214.002 v1 dated November 2021 concludes that the air quality objectives will not be breached at all relevant locations with a 'negligible' annual impact when the engines operate for a maximum of 3000 hours per year.
- 14.4.13** Following initial concerns relating to noise especially to concerns over the potential impact on noise in the early morning if the gas powered engines are in use, and also additional information in relation to tonality, further information has been submitted to overcome these and Environmental Health officers have no objections subject to conditions relating to noise which would require:

“Before the development hereby approved is brought into use, a manned measured noise survey must be carried out and a report of the findings submitted to and approved in writing by the Local Planning Authority. The noise survey must include reference to measured background noise level at monitoring locations, times and conditions agreed by the Local Planning Authority.

The total noise emitted must be measured at 1.0m from the facade of the nearest residential premises to demonstrate that the noise emitted by the combined operation of all plant hereby permitted does not exceed 5db below background noise level at any time when the plant is operating. In accordance with Uttlesford’s Noise Assessment Technical Guidance 2017.

Measurement parameters must include the LA90, LAeq, LA Max and 1:1 frequency analysis, and appropriate corrections shall apply in accordance with BS4142:2019.

Should the plant fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply”

A further condition is recommended that if in future the standby electricity generation facility changes in any way or operates for more than the stated maximum of 3000hrs/year, a new Air Quality Assessment should be undertaken to demonstrate that the pollution levels remain acceptable.



**14.4.14** The Proposed Development Site is located within the River Chelmer valley which runs north/south. Policy LSC3 of the Great Dunmow Plan relates to the Chelmer Valley. The extant development to the north and west of this site approved under UTT/19/1219/FUL which if built would obscure views. Views to the site are also obscured by the presence of mature trees which line the adjacent roads and obscure long-distance views. Even if the proposed depot is not built then it is likely that some form of commercial development would still occur on the adjacent site.

**14.4.15** A visual assessment report supports the application and specialist Landscape advice sought.

He advised that the development would detrimentally visually impact on this part of the valley. Whilst the backdrop of existing trees would to some extent ameliorate the prominence of the facility in views taken from the north, the structures would be prominent in the rural landscape. Following specialist landscape advice, a 5m screening is proposed and the landscape officer has no objections to the proposal.

**14.4.16** Subject to conditions the proposal would comply with policies GEN4, GEN2, GEN5, ENV11, ENV11)

#### **14.5 C) Flood risk and water resource protection**

**14.5.1** Paragraph 188 of the NPPF clarifies the role of the planning system which is the focus of planning policies and decisions should be on whether the Proposed Development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes).

**14.5.2** Policy GEN3 seeks to protect sites from flooding and to ensure that development proposals do not lead to flooding elsewhere. This policy is partly consistent with the NPPF, although the current national policy and guidance are the appropriate basis for determining applications. As such, this policy has limited weight.

**14.5.3** The site falls within three categories of flood risk – Zones 1, 2. Zone 3 is at the greatest risk of flooding, followed by Zone 2. Zone 1 is classified as having a low risk of flooding. The site does contain a main river tributary of the River Chelmer and therefore an environmental permit to undertake the works will be required.

**14.5.4** The application is accompanied by a Flood Risk Assessment

**14.5.5** The proposals have been assessed by the Lead Local Flood Authority who raise no objections to the proposals subject to conditions securing the mitigation measures. As such, the proposals comply with Policy GEN3 and the policy set out in the NPPF

#### **14.6 D) Impact on biodiversity**

- 14.6.1** Policy GEN 7 and paragraph 118 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species.
- 14.6.2** The application is accompanied by a completed biodiversity checklist and an Ecological Appraisal (November 2021).
- 14.6.3** Specialist Ecology advice has been sought and they advise that the mitigation measures identified in the Ecological Appraisal (Cherryfield Ecology November 2021) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly nesting birds, amphibians and reptiles.
- 14.6.4** As the site is linked via a wet ditch to a main river, River Chelmer, there is a potential impact pathway for water quality that needs to be considered and the risk of impacting upon the River Chelmer needs to be managed. This can be achieved by a condition securing the Management and Maintenance Strategy set out in the Drainage Assessment (Appendix G of the Planning Statement), including the provision of a formal surface water management system, which incorporates on-site attenuation and water quality treatment. This will ensure that potential detrimental impacts to flood risk and water quality are suitably mitigated throughout the anticipated development lifetime.
- 14.6.5** A Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) should be secured by a condition of any consent to ensure that biodiversity features are protected during the construction phase.
- 14.6.6** Specialist ecologist advice also recommends that a Wildlife Sensitive Lighting Strategy should be delivered for this scheme to avoid impacts to foraging and commuting bats, especially on the southern and western boundaries. They support the biodiversity enhancements including the installation of a minimum of two bird and two bat boxes and one insect box, the planting of a hedgerow and creation of log and brush piles, which have been recommended to secure net gains for biodiversity
- 14.6.7** The proposal subject to conditions would comply with the aims of ULP policy GEN7.

## **14.7 E) Access and parking provision**

- 14.7.1** Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options. This is generally consistent with the NPPF and has moderate weight. Policy GEN8 seeks to ensure development proposals comply with adopted parking standards. The current standards relevant to the proposals are the Essex Parking Standards, adopted in 2009. These

relate to maximum parking standards for commercial development. The policy is generally consistent with the NPPF and has moderate weight.

- 14.7.2** GDNP Policy GA1 requires enhancements to the existing public right of way network. Policy GA2 requires developments to be well-integrated with the surrounding footpath and bridleway network. Policy GA3 requires developments to be integrated into the local bus network and appropriate infrastructure and support for services will be secured where appropriate. These policies are in line with the NPPF aims of promoting alternative means of transport and improving accessibility. These policies have full weight.
- 14.7.3** The proposals relate to one point of access via the B1256, south of the roundabout junction which is an existing vehicular access serving a sewage treatment plant. An emergency access to serve the depot application has been approved to the north of the application site. This application would not impact on that access.
- 14.7.4** The proposed facility is to be unmanned during its operation, with occasional visits from field engineers. Four car parking spaces and vehicle circulation spaces are to be provided.
- 14.7.5** The Highways Officer has considered the proposals and raise no objections to the proposals. As such they comply with Policies GEN8 and GEN1.

#### **14.8 F) Impacts on heritage assets**

- 14.8.1** Policy ENV2 seeks to protect the setting of listed buildings, in line with the statutory duty set out in s66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy ENV2 does not require the level of harm to be identified and this is an additional exercise but one that does not fundamentally alter the basic requirements of the policy. Once the level of harm under paragraph 199 of the Framework is identified, then the balancing exercise required by the Framework (here paragraph 202) must be carried out., Policy ENV2 is broadly consistent with the Framework, and should be given moderate weight.
- 14.8.2** Policy ENV2 seeks to protect the fabric, character and setting of listed buildings from development which would adversely affect them.
- 14.8.3** The following Grade II listed buildings are close to the site:
- Dunmow Park (approximately 240m north of the proposed development)  
Chelmsford House (approximately 400m west of the proposed development).
- The Close (Approximately 280 south west of the proposed development).
- Kicking Dickey (410m southwest of the proposed development).

The listed buildings are separated from the site by the B1256 and landscaping

- 14.8.4** In view of the distances of the listed buildings from the site and the recently approved application on the adjacent site (UTT/ 19/1219/FUL) the proposal would have limited impact on the character and settings of the nearby listed buildings and would therefore comply with ULP policy ENV2.

## **15. ADDITIONAL DUTIES**

### **15.1 Public Sector Equalities Duties**

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

### **15.2 Human Rights**

- 15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application

## **16. CONCLUSION**

- 16.1** The application is on balance acceptable and recommended for approval subject to the following conditions.

## **17. CONDITIONS**

- 1** The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

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** Prior to commencement of the development, the vegetation within and/or overhanging the highway along the site frontage and either side of the vehicular access onto Chelmsford Road, shall be removed and maintained clear of the highway for the duration of the construction period.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

The above conditions are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 3** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Cherryfield Ecology, November 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 4** Prior to commencement a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021.

- 5** Prior to any works above slab level a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within Ecological Appraisal (Cherryfield Ecology, November 2021), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 6** Prior to beneficial use a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

REASON: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

- 7 Before the development hereby approved is brought into use, a manned measured noise survey must be carried out and a report of the findings submitted to and approved in writing by the Local Planning Authority. The noise survey must include reference to measured background noise level at monitoring locations, times and conditions agreed by the Local Planning Authority.

The total noise emitted must be measured at 1.0m from the facade of the nearest residential premises to demonstrate that the noise emitted by the combined operation of all plant hereby permitted does not exceed 5db below background noise level at any time when the plant is operating. In accordance with Uttlesford's Noise Assessment Technical Guidance 2017.

Measurement parameters must include the LA90, LAeq, LA Max and 1:1 frequency analysis, and appropriate corrections shall apply in accordance with BS4142:2019.

Should the plant fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply. The use of the equipment must not commence or re-commence until a fully detailed noise survey and report has been submitted to and approved in writing by the Local Planning Authority and approved mitigation measures such as acoustic screening or silencers have been implemented. The plant shall be serviced in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained at all times.

Should the plant and equipment fail to comply with this condition at any time, it shall be switched off and not used again until it is able to comply.

REASON: To prevent unacceptable noise disturbance, in accordance with Policy ENV10 of the Uttlesford Local Plan (adopted 2005).

- 8 If in future the standby electricity generation facility changes in any way or operates for more than the stated maximum of 3000hrs/year, a new Air Quality Assessment should be undertaken to demonstrate that the pollution levels remain acceptable.

REASON: To ensure the protection of residential amenity in accordance with Policy GEN4 of the Uttlesford Local Plan (adopted 2005).

- 9 Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-

- i. proposed finished levels or contours;
- ii. means of enclosure including the provision of a 5 metre planting belt,
- iii. car parking layouts;

- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant.
- viii. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2

- 10 All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005).



APPENDICES for UTT/21/3626/FUL

**Environment Agency**

Madeline Jones  
Uttlesford District Council  
Council Offices London Road  
Saffron Walden  
Essex  
CB11 4ER

**Our ref:** AE/2022/126998/01-L01  
**Your ref:** UTT/21/3626/FUL  
**Date:** 10 May 2022

Dear Ms. Jones

**INSTALLATION AND OPERATIONAL OF A STANDBY GAS GENERATION PLANT AND ANCILLARY INFRASTRUCTURE TO PROVIDE BACKUP GENERATION TO NATIONAL GRID LAND EAST OF CHELMSFORD ROAD DUNMOW**

Thank you for your consultation dated 24 April 2022. We have inspected the application as submitted and have no objection. The applicant may require an environmental permit to undertake their work, as detailed below.

**Environmental Permitting Regulations**

Flood Defence Consents now fall under the new Environmental Permitting (England and Wales) Regulations 2010 system (EPR). The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8m of the river and of any flood defence structure or culvert of the Tributary of the River Chelmer, designated a 'main river'. The EPR are a risk-based framework that enables us to focus regulatory effort towards activities with highest flood or environmental risk. Lower risk activities will be excluded or exempt and only higher risk activities will require a permit. Your proposed works may fall under an either one or more of the below:

- 'Exemption,
- 'Exclusion',
- 'Standard Risks Permit'
- 'Bespoke permit.

New forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.

Please contact our National Customer Contact Centre to assess which category your proposed works fall under. They will then be able to tell you the classification of your application, the fee associated with your application, and how to proceed forward. They can be contacted by email at: [floodriskactivity@environment-agency.gov.uk](mailto:floodriskactivity@environment-agency.gov.uk)

We trust this information is useful.

Yours Sincerely