

**Application Number** 21/01007/FUL

**Proposal** Flexible energy facility (FEF) and associated equipment.

**Site** Tame Power, Land on the north east side of Tame Street, Stalybridge

**Applicant** Mr Ben Wallace, AMP Energy Services Ltd

**Recommendation** Members resolve to grant planning permission.

**Reason for Report** A Speakers Panel decision is required because the application has been 'called in' by Councillor Pearce.

## **1. APPLICATION DESCRIPTION**

- 1.1 The application seeks planning permission for the construction and operation of an urban reserve 2.5MW and 2MW gas fired power plant comprising of various equipment within a fenced compound.
- 1.2 The physical development on the site would consist of new palisade fencing (2.4m) on the south west, east and north eastern boundaries, with the existing chain link fence on the north western boundary forming an enclosed compound, and a new double gated access on the north eastern boundary.
- 1.3 The fenced compound would contain 1 x 2.5MW generator and 1 x 2MW generator in '40ft' steel containers (approximately 12.2m long and 2.44m wide), with an exhaust stack (7m high from ground level) and ventilation/cooling equipment mounted on the roof.
- 1.4 A Distribution Network Operator's substation, a customer substation, a combined oil storage tank, and a gas kiosk would all be contained within the compound, alongside a transformer and neutral earthing resistor. Two CCTV cameras would also be provided.
- 1.5 The use is identified as an 'urban reserve' project which is intended to generate electricity close to and in urban areas where demand for electricity is high. The applicant states that generating electricity locally reduces the energy lost when transporting electricity around the country and ensures that local networks are secured and protected against shortages. Renewables like wind and solar generate electricity intermittently and cannot be generated when the weather conditions are not favourable. Urban reserve projects can fill a gap in supply by generating electricity when renewables cannot, supporting the local network and by doing so provide security of supply.
- 1.6 The application is supported with the following documents:
  - Design & Access Statement;
  - Planning Statement;
  - Noise Impact Assessment;
  - Air Quality Assessment; and
  - Coal Mining Risk Assessment.

## **2. SITE AND SURROUNDINGS**

- 2.1 The site measures approximately 0.93ha and is approximately rectangular in shape. The site is made up of hardstanding and currently houses storage of shipping containers.

- 2.2 The surrounding area is characterised by employment uses. Directly adjacent to the site is an area used for motorhome storage, and the Tame Street Council depot is situated to the southeast.
- 2.3 The Huddersfield Narrow Canal and its towpath borders the site to the rear, to the northeast.

### **3. PLANNING HISTORY**

- 3.1 None of relevance.

### **4. RELEVANT PLANNING POLICIES**

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 Planning Practice Guidance (PPG)
- 4.3 **Tameside Unitary Development Plan (UDP) Allocation:**  
Established Employment Area (E3).
- 4.4 **Part 1 Policies**
  - 1.1: Capturing Quality Jobs for Tameside People
  - 1.3: Creating a Cleaner and Greener Environment
  - 1.5: Following the Principles of Sustainable Development
  - 1.6: Securing Urban Regeneration
  - 1.10: Protecting and Enhancing the Natural Environment
  - 1.12: Ensuring an Accessible, Safe and Healthy Environment
  - 1.13: Meeting Obligations on Minerals, Waste and Energy
- 4.5 **Part 2 Policies**
  - E3: Established Employment Areas
  - E6: Detailed Design of Employment Developments
  - T1: Highway Improvement and Traffic Management
  - T7: Cycling
  - T10: Parking
  - C1: Townscape and Urban Form
  - N1b: National Nature Conservation Sites
  - N7: Protected Species
  - MW11: Contaminated Land
  - MW12: Control of Pollution
  - MW14: Air Quality
  - U3: Water Services for Developments
  - U4: Flood Prevention
- 4.6 **Other Policies**
  - Employment Land Supplementary Planning Document adopted January 2009
- 4.7 **National Planning Policy Framework (NPPF)**
  - Section 2: Achieving sustainable development
  - Section 6: Building a strong, competitive economy
  - Section 8: Promoting healthy and safe communities
  - Section 11: Making effective use of land
  - Section 12: Achieving well-designed places
  - Section 14: Meeting the challenge of climate change, flooding and coastal change
  - Section 15: Conserving and enhancing the natural environment

#### 4.8 **Planning Practice Guidance (PPG)**

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

### 5. **PUBLICITY CARRIED OUT**

5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement, the application has been advertised as follows:

- Neighbour notification letters to 17 premises
- Display of site notice

### 6. **RESPONSES FROM CONSULTEES**

6.1 Canal and River Trust – Recommend condition requiring Construction Environmental Management Plan, in order to ensure no damage to SSSI. Queries regarding site layout and fencing, and ecological impact upon SSSI.

6.2 Natural England – Recommend condition requiring Construction Environmental Management Plan, in order to ensure no damage to SSSI.

6.3 Contaminated Land – Insufficient information to rule out risk from ground gasses and vapours, and potential explosive risks. Recommends conditions requiring further Preliminary Risk Assessment, Site Investigation Strategy, and if necessary a Remediation Strategy and Verification Plan. A further recommendation is that the works from these reports should be implemented.

6.4 Environmental Health Officer – No objections. Recommends condition controlling construction hours.

6.5 Greater Manchester Ecology Unit – Recommends precautions are taken to avoid damage to site of special scientific interest (SSSI).

6.6 Highway Authority – No objections.

6.7 United Utilities – Recommends a surface water drainage scheme be submitted, to be controlled via condition.

6.8 Coal Authority – No objections.

### 7. **SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

7.1 There have been two letters of objection received. The main issues raised are summarised as follows:

- Supporting information incorrectly lists current use as motorhome storage, but it is utilised for container storage. The removal of these containers will cause disruption for those who utilise them;
- The development will negatively impact upon wildlife and ecology;
- The site includes contaminated land which is a risk;
- The development will cause harmful diesel fumes, affecting the clean air aspirations of the borough and of Manchester.

## **8.0 ANALYSIS**

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 The current position is that the Development Plan consists of the policies and proposals maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.

8.3 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision making this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted.

## **9. PRINCIPLE OF DEVELOPMENT**

9.1 Section 14 of the NPPF is entitled “Meeting the challenge of climate change, flooding and coastal change”. Paragraph 153 highlights the need to support energy development that contributes to security and stability of supply:

“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”.

9.2 Paragraph 157 of the NPPF states that “when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) 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
- b) 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”.

9.3 The site has a longstanding established employment allocation, adjacent to the Ashton Canal.

9.4 Policy E3 relates specifically to employment sites and is applicable to the proposals. It states that, in established employment areas, the Council will permit development for employment purposes both on vacant sites and through the redevelopment of sites already in use. The supporting text to the policy states that “employment purposes” are defined to include light industry, research and development, and offices, general industry, and storage and distribution plus “sui generis” commercial uses which have similar characteristics to industry or storage.

- 9.5 As outlined above, storage and distribution (Use Class B8) uses are typically considered to be appropriate within established employment areas. It is considered by officers that the word “storage” is not qualified by reference to goods, or in any other way, and it is considered that the energy storage facility would fall within Use Class B8.
- 9.6 Although it is noted that the proposed use itself would not represent a conventional employment use as no staff would be based on site on a permanent basis, with engineers visiting the site only for maintenance/repairs and on an ad-hoc basis, the development is considered to represent infrastructure which would be complementary to the existing uses within the vicinity of the site. Commercial uses are significant consumers of electricity and the proposed development would benefit existing and future businesses within the local area, in addition to nearby residents, by providing valuable electricity generating capacity and security/resilience of supply for the local distribution network.
- 9.7 The application site is considered to be a suitable location for the proposed development as the proposals would be located in an area with existing industrial and commercial units of a similar large scale to the proposed development. Given the details, the proposed development is considered to be acceptable in principle in this location, in accordance with the provisions of the adopted development plan and NPPF.

## **10. DESIGN & LAYOUT**

- 10.1 Policy E6 ‘Detailed Design of Employment Developments’ sets out a number of design based criteria to be applied in the consideration of new employment development. Although public views are provided into the site, it already houses an established industrial and employment use and this character is clearly established. The proximity of the site to the Huddersfield Narrow Canal and its potential impacts are an important consideration.
- 10.2 The appearance of the proposed energy facility would be understandably utilitarian. It is noted that in this respect the development would not be out of character when considered against the backdrop of the adjacent industrial and employment uses situated directly and adjacent to the site, and within the local area.
- 10.3 The site is proposed to be bounded by a palisade fence, similar in appearance to those used elsewhere within the site and adjacent, fronting Tame Street. Whilst the fence would be of a significant height (up to 2.4m), it is noted that this would be viewed within the context of the generators and their exhaust stacks, and is deemed necessary in order to ensure security of the site given that it would be largely unmanned. It is considered that the fencing is appropriate in this industrial location.
- 10.4 Given the location of the site, directly adjacent to the Huddersfield Narrow Canal, it is crucial that the setting of the canal is carefully considered and protected. The Canal and River Trust noted that the structural integrity of the canal infrastructure would not be impacted upon by the proposals, but questioned whether it would be possible to reconfigure the layout to move the generators away from the canal corridor. The applicant has stated that this would not be possible due to the access and servicing requirements of the layout, and it is noted that palisade fencing would be installed at the back edge of the canal towpath, which would help to screen the site and its operations to some degree. The Trust raised the issue that this fencing would be better replaced with V-mesh style fencing, but notwithstanding acknowledged that the site would need to remain safe and secure given its internal equipment, and it is considered that the proposed fencing is thereby acceptable given these circumstances. In order to soften the impact of the fencing upon the setting of the canal, it is recommended that it be colour treated green, to be controlled by means of a condition.
- 10.5 The design is considered acceptable meeting the criteria of policy E6. The structures are of a functional, industrial appearance similar to the character of other buildings situated close

by. The impact of the development upon the canal is considered to be acceptable, subject to colour treatment of the boundary fence in order to soften the impact upon the canal setting. The appearance of the scheme is thereby considered to be acceptable.

## **11. RESIDENTIAL AMENITY AND AIR QUALITY**

- 11.1 The site is not bounded immediately by any residential properties and is located within an established employment area.
- 11.2 The main source of disturbance from the facility would be noise. The nearest residential properties are those to the north on Stamford Drive, and those to the south on Park Road and Sandy Lane. A Noise Impact Assessment has been submitted in support of the application. All such properties are situated a considerable distance – over 200m – from the site, and are screened in-between by other industrial and commercial developments. It is considered that any noise from the facility would not cause disturbance to sensitive surrounding uses. Environmental Health officers have raised no objections in this regard, but have recommended that demolition works and construction works take place during daytime hours. Such a condition is not considered necessary, however, given the distance of the site from surrounding sensitive uses.
- 11.3 Concerns have been raised by those making representations that the proposed development may unduly impact upon air quality, and may result in diesel fumes causing disturbance to surrounding uses. Environmental Health officers clarify that the development would be gas, rather than diesel powered; and they note that an Air Quality Impact Assessment was carried out, concluding no significant impact upon air quality. Environmental Health officers thereby raise no objections in this regard. They note that, as a further safeguard, the operation would also require a permit to be obtained from the Environment Agency, and this permit would include conditions on emissions. An informative is recommended which would remind the applicant of their responsibilities to obtain such a permit prior to operations commencing.
- 11.4 Collectively having regard to the above, it is considered that the relationship to nearby residential properties would be acceptable with their amenity not being unduly prejudiced, and the impact of the development upon air quality would not be detrimental.

## **12. HIGHWAY SAFETY & ACCESSIBILITY**

- 12.1. Aside from the construction, installation and commissioning phases of the development, the site would be generally unattended. Therefore, vehicle movements during the operational phase of the development are expected to be minimal.
- 12.2 There would be available parking within the compound for vehicles at the front of the site, and therefore servicing of the facility could take place off-street. The Local Highway Authority does not object to the proposals.
- 12.3 Having full consideration to the merits of the proposals, the development provides a safe, secure and convenient access for all road users in accordance with UDP policy T1.

## **13. GROUND CONDITIONS**

- 13.1 The Council's Environmental Protection Officer (EPO) initially noted that the submitted information contained only limited information with regards to the history of the site, and that some of this included errors. It was thereafter requested that the applicant submit a phase 1 contamination report, which has been carried out and reviewed by the EPO.

- 13.2 The EPO notes that the phase 1 report provides details of previous investigations, and gives an insight into the site history. Notwithstanding, there is insufficient information provided to rule out at this stage risk from ground gasses and vapours, and any potential explosive risks, due to the presence of any hydrocarbon and ground gasses. In order that this is properly investigated, the EPO recommends that a further complete Preliminary Risk Assessment be carried out and submitted, followed by a further detailed Site Investigation Strategy, and if necessary a Remediation Strategy and Verification Plan be submitted. A further recommendation is that the works from these reports should be implemented. Such a condition is considered necessary to ensure the safety of future development upon the advice of the EPO, and is recommended to be imposed.
- 13.3 The site lies within the Coal Mining Development High Risk Area, and appropriately the application has been supported with a Coal Mining Risk Assessment. The Coal Authority considers that the coal mining risks to the proposed development are classed as low risk, and therefore raises no objections. Notwithstanding, they do wish to draw the applicant's attention to any unrecorded coal mining related hazards, and therefore recommend an informative be included to inform the applicant of this.
- 13.4 Subject to the recommended condition, it could be ensured any unacceptable risks posed by contamination are appropriately addressed, and the site is suitable for the proposed use. The coal mining risks to the development are low. The application is thereby considered acceptable in this regard.

#### **14. DRAINAGE**

- 14.1 The majority of the site lies within Flood Zone 1. A small proportion of the site adjacent to the north eastern boundary lies within Flood Zone 2, close to the canal towpath, however no development aside from the fencing is proposed within this area.
- 14.2 Consultation has taken place with United Utilities, who have recommended that a surface water drainage scheme be submitted, in order to secure proper drainage and to manage the risk of flooding. They also state that foul and surface water should be drained on separate systems. Such a condition is considered to be appropriate in order to manage surface water drainage and reduce flooding, and is recommended to be imposed.
- 14.3 Subject to the aforementioned condition, it is considered that it could be ensured future surface water and flood risk could be adequately managed. The application is thereby considered acceptable in this regard.

#### **15. ECOLOGY**

- 15.1 As noted earlier, the site lies adjacent to the Huddersfield Narrow Canal, sharing the north eastern boundary of the site. The canal is a Site of Special Scientific Interest (SSSI).
- 15.2 Greater Manchester Ecology Unit (GMEU) has reviewed the application, and considers that providing appropriate precautions are taken to avoid pollution of the canal during the operation of the facility, the proposal would not cause direct harm to the special nature conservation value of the canal. They recommend that oil storage tanks are appropriately sited and bounded to prevent any possibility of causing pollution, and spill kits should be made available for emergency use.
- 15.3 Natural England consider that without appropriate mitigation, the proposed development could lead to damage of the SSSI. They recommend that a Construction Environmental Management Plan (CEMP) be submitted, to cover the construction and operational phases of development, specifically to manage potential environmental effects, such as dust, surface

water runoff, waste and pollution control. The Canal and River Trust raise similar concerns to Natural England and recommend a CEMP be submitted, and therefore one condition would satisfy the concerns of both bodies, and it is considered that the issues raised by GMEU would also be addressed through this condition. Such a condition is thereby recommended.

- 15.4 The Canal and River Trust initially raised concerns regarding the potential impact upon the SSSI, and were concerned that the critical loads/levels of the nitrogen oxide (NOx) as a result of the development would be exceeded. They recommended further consultation with qualified bodies to ensure these concerns were appeased. As noted above, the Council has consulted both GMEU and Natural England, who have raised no concerns in this regard.
- 15.5 In light of the above, subject to imposition of the recommended condition, it is considered that the impact of the development upon ecology and the SSSI is acceptable.

## **16. CONCLUSION**

- 16.1 The proposal complies with local and national planning policy in that it would support valuable and essential energy development on an established employment site. Although not representing a conventional employment use, the development represents infrastructure which is complementary to existing uses within the vicinity of the site. The facility would help to meet the energy demands of nearby commercial and residential premises, by providing energy generating capacity and security/resilience of supply for the local distribution network.
- 16.2 The application has adequately demonstrated that the site is of an appropriate size to accommodate the scale of the employment development proposed given the location within an established employment area.
- 16.3 The design of the development would be of a sufficient quality which reflects the industrial and employment use of the site. The scale and choice of material, and position of the development, would not detract from the setting of the adjacent Huddersfield Narrow Canal, with a fencing boundary treatment colour treated to reduce the impact of the development upon this area.
- 16.4 The proposal therefore complies with relevant development plan policies as well as those contained within the NPPF and is considered acceptable when taking into account other material planning considerations.

## **RECOMMENDATION:**

Grant planning permission, subject to the following conditions:

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

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.

Site Location Plan. Drawing no. TAM-01.

Proposed Site Layout. Drawing no. TAM-02.

Customer Substation – Plan. Drawing no. TAM-03A.

Customer Substation – Elevations. Drawing no. TAM-03B.

DNO Substation Plan. Drawing no. TAM-04A.

DNO Substation Elevations. Drawing no. TAM-04B.

Gas Kiosk – Plan and Elevations. Drawing no. TAM-05.  
Transformer – Plan and Elevations. Drawing no. TAM-06.  
Neutral Earthing Resistor – Plan and Elevation. Drawing no. TAM-07.  
Engine Elevations. Drawing no. TAM-08.  
Combined Oil Storage Tank – Plan and Elevations. Drawing no. TAM-09.  
2.4M High Palisade Fence. Drawing no. TAM-10.1.

Reason: for the avoidance of doubt.

- 3) Prior to the commencement of any development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall cover both construction and operational phases of the development, and shall include:
1. A plan showing the areas of storage of plant and materials used in constructing the development;
  2. Steps to be taken to prevent the discharge of silt-laden run-off, surface water run-off, construction site drainage, materials or dust, waste or any accidental spillages entering the waterway;
  3. Details of the environmental pollution incident emergency response;
  4. Include measures to locate, clear, remediate and permanently seal any existing drains or culverts within the application site that may discharge to the canal; and
  5. Details specifying how the waterway corridor and its users would be protected during the works and include any details of proposed protective fencing/netting to be erected to safeguard the waterway infrastructure during site clearance/construction.

The development shall be carried out in accordance with the approved CEMP throughout both the construction, and operational phases in perpetuity.

Reason: To ensure adequate protection of the adjacent SSSI, in accordance with UDP Policy N1b and the National Planning Policy Framework.

- 4) No development, other than site clearance and site compound set up, shall commence until a remediation strategy, detailing the works and measures required to address any unacceptable risks posed by contamination at the site to human health, buildings and the environment has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and verified as approved and shall include all of the following components:
- a. A Preliminary Risk Assessment which has identified:
    - All previous and current uses of the site and surrounding area;
    - All potential contaminants associated with those uses;
    - A conceptual site model identifying all potential sources, pathways, receptors and pollutant linkages;
  - b. A site investigation strategy, based on the Preliminary Risk Assessment in (1) detailing all investigations including sampling, analysis and monitoring that will be undertaken at the site in order to enable the nature and extent of any contamination to be determined and a detailed assessment of the risks posed to be carried out. The strategy shall be approved in writing by the local planning authority prior to any investigation works commencing at the site;
  - c. The findings of the site investigation and detailed risk assessment referred to in point (2) including all relevant soil / water analysis and ground gas / groundwater monitoring data;
  - d. Based on the site investigation and detailed risk assessment referred to in point (3) an options appraisal and remediation strategy setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented;
  - e. A verification plan detailing the information that will be obtained in order to demonstrate the works and measures set out in the remediation strategy in (4) have been fully implemented including any requirements for long term monitoring and maintenance.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with UDP Policy MW11 and the National Planning Policy Framework.

- 5) Prior to the first use of the development hereby approved, a verification / completion report demonstrating all remedial works and measures required to address all unacceptable risks posed by contamination and ground gas have been fully implemented in accordance with the approved remediation strategy shall be submitted to and approved in writing by the local planning authority.

If during development, contamination not previously identified is encountered, then no further development, shall be undertaken until a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be fully implemented and verified as approved.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with UDP Policy MW11 and the National Planning Policy Framework.

- 6) Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The strategy shall demonstrate that foul water and surface water shall be drained from the site via separate mechanisms and shall detail existing and proposed surface water run-off rates. The strategy shall also include details of on-going management and maintenance arrangements. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure proper drainage of the area, in accordance with UDP Policy U3 and the National Planning Policy Framework.

- 7) The palisade fence hereby approved as detailed on drawing numbers: '2.4M High Palisade Fence' (TAM-10.1) and 'Proposed Site Layout' (TAM-02) shall be painted or colour treated Moss Green RAL 6005 prior to its installation and thereafter maintained as such.

Reason: In the interests of the street scene to improve the visual appearance and to protect the appearance and setting of the Huddersfield Narrow Canal in accordance with UDP Policies C1 and N1b and the National Planning Policy Framework.