

## **Committee Report**

**Item No: 9B**

**Reference: DC/23/01494**

**Case Officer: Bron Curtis**

**Ward: Palgrave**

**Ward Member/s: Cllr Tim Weller**

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## **RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS**

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### **Description of Development**

Application under Section 73 of The Town and Country Planning Act 1990 – Variation of Condition 2 (Approved Plans and Documents) of Planning Permission DC/22/04021 dated: 20/02/2023 – Construction and operation of Synchronous Condensers with ancillary infrastructure, and associated works including access and landscaping.

### **Location**

Land At The Leys And Ivy Farm , Mellis Road, Yaxley, Suffolk IP21 4BT

**Expiry Date: 27/06/2023**

**Application Type: FUW – Full App Without Compliance of Condition**

**Development Type: Major Small Scale – All Other**

**Applicant: Conrad Energy (Developments) Ltd**

**Agent: Lichfields**

**Parish: Yaxley**

**Site Area: 5.10ha**

**Details of Previous Committee / Resolutions and any member site visit:** Members of the Planning Committee resolved to grant permission for application DC/22/04021 at their meeting on 15<sup>th</sup> Feb 2023

**Has a Committee Call In request been received from a Council Member: No**

**Has the application been subject to Pre-Application Advice: No**

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason/s:

In accordance with the Mid Suffolk scheme of delegation as the proposal is for a renewable energy associated development as defined by government guidance.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

NPPF – National Planning Policy Framework  
NPPG-National Planning Policy Guidance

CS01 – Settlement Hierarchy  
CS02 – Development in the Countryside & Countryside Villages  
CS03 – Reduce Contributions to Climate Change  
CS05 – Mid Suffolk’s Environment  
FC01 – Presumption In Favour Of Sustainable Development  
FC01\_1 – Mid Suffolk Approach To Delivering Sustainable Development  
CL03 – Major utility installations and power lines in countryside  
CL08 – Protecting wildlife habitats  
CL11 – Retaining high quality agricultural land  
HB01 – Protection of historic buildings  
HB14 – Ensuring archaeological remains are not destroyed  
H16 – Protecting existing residential amenity  
RT12 – Footpaths and Bridleways  
T10 – Highway Considerations in Development

SP03 – The sustainable location of new development  
SP09 – Enhancement and Management of the Environment  
LP15 – Environmental Protection and Conservation  
LP16 – Biodiversity & Geodiversity  
LP17 – Landscape  
LP19 – The Historic Environment  
LP24 – Design and Residential Amenity  
LP25 – Energy Sources, Storage and Distribution  
LP27 – Flood risk and vulnerability

### **Neighbourhood Plan Status**

This application site is not within a Neighbourhood Plan Area.

### **Consultations and Representations**

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

[Click here to view consultee comments online](#)

#### **A: Summary of Consultations**

##### **Town/Parish Council(s) (Appendix 3)**

Yaxley Parish Council: Objection

- The landscape planting must include a maintenance plan
- Noise monitoring system must be installed
- Noise assessment of impacts on wildlife required
- Noise assessment must be carried out at different times of day and different seasons

*Further comments on additional information*

- Have not received LEMP
- Phone number for noise monitoring contact will be required
- Concern regarding noise impact on wildlife remains
- Concern regarding adequacy of noise assessment remains

Thrandeston Parish Council: No response received

Mellis Parish Council: No response received

Eye Town Council: No comments

**National Consultees (Appendix 4)**

British Horse Society: No response received

Historic England: Comments

- Seek the views of your specialist conservation and archaeological advisers.

Ministry of Defence: No objection

Natural England: No response received

Suffolk Preservation Society: Comments

- We call for schemes to be located on preferentially brownfield land
- Developments such as this are better suited to an industrial setting and therefore SPS would expect that sites on Eye Airfield to be assessed for this scheme.
- Effective mitigation should be sought, in the first instance through careful site selection to reduce the impact on, in this case, the landscape and the local community.

Internal Drainage Board: No comment

**County Council Responses (Appendix 5)**

Archaeology: Comments

- Investigation work has been carried out but reporting still outstanding
- Condition recommended to secure reporting.

Fire and Rescue: No response received

Flood and Water: Comments

- Approve subject to conditions

Highways: Conditions

- Happy for revised documents to be cited in conditions previously imposed.
- Additional conditions relating to access of Leys Lane recommended

Rights of Way: No response received

Travel Plan Officer: No comment

### **Internal Consultee Responses (Appendix 6)**

Ecology: No objection

- Same design for biodiversity as previous scheme
- Will still deliver considerable biodiversity net gain
- Amendment to landscape mitigation recommended

Economic Development: No response received

Environmental Health Air Quality: No response received

Environmental Health Land Contamination: No comments

Environmental Health Noise, Odour, Light, Smoke: Condition

- Condition for a noise assessment as before

Environmental Health Sustainability: No response received

Heritage: Conditions

- The reduced scheme and increased landscaping would have result in no greater harm to designated heritage assets and may result in a reduction of harm.
- Previously advised that the development would have between no and a very low level of less than substantial harm to various nearby designated heritage assets.
- Condition for details of external lighting to be agreed.
- Condition to secure proposed landscaping scheme.

Landscape: No objection

- An appropriate LVIA has been carried out.
- Viewpoint 1 impact has been reduced from high to medium
- No change to landscape character impact from previous scheme
- Further planting is welcomed, detail to be secured by condition as on previous permission.
- Whilst there will be adverse impacts these are acceptable

Public Realm: No response received

Waste: No comment

### **B: Representations**

At the time of writing this report at least 3 letters/emails/online comments have been received. It is the officer opinion that this represents 3 objections, 0 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- Noise and visual impact will be dangerous for horse riders using the PROW Bridleway
- Concern about noise impact on local residents and wildlife
- Development is ugly, will affect resident's outlook and the experience of the landscape for PROW users
- Planting should be installed and maintained appropriately
- Site notice for original application was not displayed correctly
- Additional traffic on Leys Lane unacceptable
- Concern regarding Leys Lane / Mellis Road junction
- Impact on wildlife

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

### **PLANNING HISTORY**

**REF:** The Progress Gas fired powered station NSIP **DECISION:** Consented  
Power (Gas Fired Power Station) Order 2015

**REF:** DC/19/02267 Planning Application - Creation of a temporary access road between the A140 and Leys Lane, Yaxley for use during the construction of the Progress Power Limited Power Station **DECISION:** GTD 06.12.2019

**REF:** DC/22/04021 Full Planning Application - Construction and operation of Synchronous Condensers with ancillary infrastructure, and associated works including access and landscaping. **DECISION:** GTD 20.02.2023

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1. The site is an area of grade 3 agricultural land located adjacent to Leys Lane highway, a single track road and designated public right of way, in the countryside close to the village of Yaxley. The surrounding area is relatively open, elevated plateau land without significant planted or built screening and with public views available from the adjoining highway / right of way and the wider highway and rights of way network, including the A140. There are residential dwellings to the north-west of the site but otherwise the site is set away from residential and other buildings located on Mellis Road, comprising the main area of Yaxley village.
- 1.2. It is relevant to note that the site adjoins the site of the proposed National Grid Yaxley substation, which is yet to be constructed, and that the site includes the land to be used for a temporary construction access from the A140 highway to Leys Lane. Both are associated with the Progress Power development which is under construction.

- 1.3. There are not considered to be any material changes to the circumstances of the application site and surrounding area since the determination of the last application that are relevant to the assessment of this application.

## **2. The Proposal**

- 2.1. This application seeks permission for the development of a synchronous condensers with ancillary works including access, parking, landscaping and grid connection as an alternative scheme to that previously permitted.
- 2.2. A synchronous condenser is a form of electricity grid stability infrastructure. They enable inertia (storage) and consistency of electricity supply during periods of no or low generation that are features of energy generated by renewable sources (known as 'dunkelflaute' - low wind or sunlight conditions), thereby supporting ongoing reliability of electricity supply for users. As the UK energy generation mix moves towards zero-carbon with increased reliance on renewable sources, including a significant commitment to offshore wind development in the eastern region, there is a need to ensure stability of energy supply to the transmission network. National Grid's Pathfinder project identifies such stability service provision as essential to meeting the needs of the energy supply system.
- 2.3. This proposal includes the following elements:
  - Use of the temporary access serving the Yaxley substation site for construction.
  - Construction of hard surfaced accessways within and serving the site from Leys Lane
  - Installation of synchronous condenser and associated electrical transmission / control equipment
  - Erection of boundary fencing
- 2.4. The difference between the granted scheme and that proposed by this application are as follows:
  - Reduction of the number of condensers from 2 to 1
  - Reduction of the number of transformers from 2 to 1
  - Reduced compound area to 0.9ha
  - Revised site layout
  - Increased landscape planting

## **3. The Principle Of Development**

- 3.1. The principle of development on the site has been established by the grant of permission DC/22/04021. As a section 73 submission the assessment of this application therefore focusses on the impacts of the differences between the permitted scheme and the proposed amended scheme, any changes in the circumstances of the site and any changes to policy context. The impacts of the development are considered in the topic specific sections below. Now follows a summary of the changed policy context.
- 3.2. Since the determination of the previous application the emerging Babergh and Mid Suffolk Joint Local Plan (JLP) has advanced to a Proposed Modifications Consultation in March 2023. Once adopted the JLP will replace the current Development Plan and as the plan moves towards adoption the proposed policies gain greater material weight in decision making.
- 3.3. In respect of the principle of this development the JLP includes proposed policy LP25 – 'Energy sources, storage and distribution' which seeks to encourage the development of renewable energy in line with national policy. There are other relevant policies listed above and in the topic-

specific sections below. These policies are a material consideration of limited weight at this time. A verbal update on the status of the JLP will be given at the meeting.

- 3.4 Also published since the determination of the last application is Powering Up Britain (PUB), including the Powering Up Britain: Energy Security Plan and Powering Up Britain: Net Zero Growth Plan which form the government's strategy for enhancing energy security and achieving net zero. These documents are relevant in general terms in setting out the governments overarching objectives in decarbonisation, to which the development is considered to contribute. The PUB includes mention of the need to:

*“ensure the safety and stability of the energy system is maintained”*

- 3.14. The principle of development has been established by the previous grant of permission. The altered policy context since this decision continues to support appropriate development of grid stability infrastructure to enable the transition to renewable energy generation and decarbonisation.

#### **4. Siting and loss of agricultural land**

- 4.1. The application site is an area of Grade 3 agricultural land, part of an existing wider agricultural operation. There is no information submitted to confirm whether the land is 3a or 3b and, as such, this assessment is based on the worst case scenario assumption of the land being Grade 3a and therefore considered to be best and most versatile agricultural land.
- 4.2 Members' previous decision accepted that the loss of BMV resulting from the development was not considered to be such as would warrant refusal of the application. A condition to secure the reinstatement of the land in the event the installation ceases to operate was imposed. All such relevant conditions of the original permission would be imposed on the permission for this application should Members be minded to grant.
- 4.3 Whilst there is a reduction in the area of the built compound the overall site area is the same as the previous application and, as such, there is no materially different impact on BMV arising from the proposed changes to the scheme that would warrant a different decision in this respect.

#### **5. Site Access, Parking And Highway Safety Considerations**

- 5.1. The access arrangements for both the construction and operational phases are unchanged from the previously granted permission.
- 5.2. The SCC highways officer has raised no objection to the proposed changes subject to the same conditions as previously imposed, although SCC have requested two additional conditions to control the layout of the operational access from Leys Lane.
- 5.3 There is no materially different access, parking or highway safety impacts arising from the proposed changes to the scheme that would warrant a different decision in this respect.

#### **6. Landscape and visual impacts**

- 6.1. The revised scheme sees a reduction in the overall size of the built elements of the development and an increase in the landscape planting mitigation within the site.

- 6.2 Your landscape officer advises that the submitted documents are sufficient to determine landscape impacts of the revised scheme and demonstrate the visual impact from one viewpoint has been reduced from high to medium. Otherwise, there is no change to landscape character impact from the previous scheme and that whilst there will be adverse impacts these are acceptable.
- 6.3 The revised scheme reduces the built elements of the development and increases the landscape planting, to be controlled by condition, such that the visual impact of the development is not materially different such as would warrant a different decision in this respect.

## **7. Ecology**

- 7.1. The application site is an area of existing agricultural land within a wider area comprising mixed vegetation and bodies of water which have the potential to support protected species.
- 7.2. The application documents include an ecology report which sets out the likely impacts of the development on protected species and habitats and recommends mitigation of these impacts to enable the proposal to accord with policy requirements.
- 7.3 Your ecology adviser is satisfied that the information provided is sufficient to enable the authority to determine the application and to discharge the statutory duty in respect of protected species. They have also confirmed that the proposal is acceptable subject to conditions to secure the mitigation recommendations set out in the ecological assessment, species details in the landscaping scheme and wildlife sensitive lighting.
- 7.4 There is no material change in the impact of the development on ecology from the previous scheme that warrants a different decision. The application is therefore acceptable in this respect.

## **8. Public health and safety**

- 8.1 The applicant has previously confirmed that the amount of EMF produced by the development would be negligible, akin to a large generator. It is also confirmed that all equipment is designed in accordance with the UK Health Security Agency's recommended exposure guidelines. Your Environmental Health officers have been consulted on this application and have raised no concerns in regard to EMF.
- 8.2 The applicant has previously submitted a Phase 1 contamination report which assesses the risks of the use of the site as low. Your Environmental Health officer has raised no objection to the development in respect of contamination.
- 8.3 Synchronous condenser installations are a relatively new addition to energy generation / transmission infrastructure. Such installations are usually unmanned and operated remotely as is the case with the proposed development. This feature of operation together with reports of fire incidents at battery storage sites in the UK and elsewhere has resulted in an understandable concern for such relatively new technology. It should also be noted that the equipment must be installed in accordance with existing electrical installation regulations and standards.
- 8.4 In response to the concerns raised the applicant submitted a fire safety note setting out measures to ensure safe installation, operation and maintenance. The applicant has also offered to provide details of an emergency response plan, to be secured by condition. SCC Fire service officers advised that they have no concerns with the development and that no conditions are necessary.

Having regard to this advice and the relevant tests for planning conditions no condition is recommended.

- 8.6 On the basis of the above there is not considered to be any health and safety impact that warrants refusal of the application.

### **9. Residential amenity**

- 9.1 The site is relatively isolated from residential properties, the nearest being a small cluster of properties at Leys Farm, approximately 215m to the north-west and Meadow Barn 235m to the north. There are also dwellings on Mellis Road located approximately 500m to the south.
- 9.2 The site is sufficiently distanced from residential properties such that there will not be any impact on privacy, overshadowing or overlooking arising from the development.
- 9.3 There will be increased traffic movements during the period of construction, however, it is proposed to access the site from the A140, across agricultural land for the construction period, making use of a temporary accessway used to enable the delivery of the Yaxley substation on land adjacent to the site. Once the development is operational it will be unmanned so there will minimal disturbance impact from the occasional vehicle movements to the site for inspection / maintenance, all of which will access the site via Leys Lane. There are not considered to be any unacceptable impacts of disturbance arising from traffic movements associated with the development.
- 9.4 The proposed development includes electrical / mechanical equipment that will produce noise when operational which has the potential to be heard at nearby residential properties, affecting the level of amenity enjoyed by occupants. Yaxley Parish Council have raised concerns regarding the adequacy of the information submitted in relation to noise impacts.
- 9.5 Revised documents have been submitted to assess the noise impact of the reduced scheme which concludes that the noise generated by the development would not exceed the level of existing background noise resulting in a 'low impact' rating in accordance with the relevant British Standard. The assessment concludes that the cumulative noise impact arising from the operation of the development together with the Yaxley substation would be graded as 'no observed adverse effect'.
- 9.6 Your Environmental Health officer raises no concerns with the adequacy of the assessment, which has been carried out in accordance with the relevant appropriate professional industry standards. Further, your officer accepts the conclusions and recommends a condition to ensure the operational noise level of the development, once the equipment is installed, accords with the predictions in the assessment. On the basis of this advice there is not considered to be any unacceptable noise impact arising from the development.
- 9.7 There are no details of any proposed external lighting on the development although it is reasonable to expect there may need to be some safety / security personnel lighting to enable inspection and maintenance visits. As detailed above, it is necessary to control external lighting in the interests of safeguarding protected species, as per the condition on the original permission. This condition would also ensure there was no unacceptable light spill into dark skies or such as would impact residential amenity. There would be no unacceptable impact arising from the development in this respect.

- 9.8 Overall, there are not considered to be any unacceptable impacts on residential amenity arising from the proposed development.

## **10. Heritage Issues**

- 10.1 The duty imposed by s.66(1) of the Listed Buildings Act 1990 sets a presumption against the grant of planning permission which causes harm to a heritage asset. The assessment of heritage harm is the subject of policy set out in the NPPF and Local Plan policies seeks to safeguard against harm. A finding of harm, even less than substantial harm, to the setting of a listed building is a material consideration to which the decision-maker must give “considerable importance and weight”.
- 10.2 There are no heritage assets within the site itself and the site does not lie within a designated area. However, there are listed buildings within the surrounding area and, given the open plateau type landscape that the site occupies, it is necessary to assess whether the proposed development would have any impact on the setting of these buildings. Furthermore, SCC Archaeology advise that the site lies within an area of archaeological potential and recommend conditions to secure recording of below ground assets encountered during investigation works that have been undertaken pursuant to the original permission.
- 10.3 The application documents include a Zone of Theoretical Visibility (ZTV) which shows the nearest designated listed buildings, including Goswald Hall, White House Farm, Hawes Cottage, Red Roofs, Truss Farm House and Ivy Cottage, all Grade II listed and the designated Mellis Conservation Area. All these assets fall outside or on the outer edge of the ZTV. The existing setting of these assets is largely characterised by the rural landscape although the presence of development at Eye Airfield and the permitted Yaxley substation, currently under constructed, are relevant considerations in assessing the degree of any change and impact.
- 10.4 Historic England have not provided any specific comments on the proposal and defer to your specialist advisers. Your Heritage officer advised that the development would have either no, or a low level of less than substantial, harm on the setting of nearby heritage assets. In respect of this amended scheme your officer advises that the changes would not result in any increased level of harm to heritage assets and the reduced scale and increased landscape planting may in fact lessen the degree of any harm. Landscaping conditions are recommended to ensure appropriate mitigation of views.
- 10.6 As with the assessment of the original application in applying the precautionary principle, and giving great weight to the conservation of the heritage assets, and assuming a low level of less than substantial harm, it is necessary to have regard to the requirements of the NPPF and weigh this level of harm against any public benefits to be realised from the development. In this case, the development will contribute to the provision of infrastructure necessary to support the transition to renewable and low carbon energy generation as part of the Net Zero agenda. This outcome is considered to be a public benefit of a degree that outweighs the potential low level of less than substantial harm to the setting of nearby heritage assets that would arise from the development, in accordance with the requirements of paragraph 202 of the NPPF.
- 10.7 Subject to the conditions as recommended by SCC and BMSDC heritage advisers, the proposed amended development scheme is not considered to have any unacceptable impact in respect of heritage issues.

## **11. Flood Risk and Drainage**

- 11.1 The application site lies in flood zone 1 and there is no record of surface water incidents.
- 11.2 The proposed development will replace some of the undeveloped agricultural land with areas of hard surfacing for the siting of equipment and accessways, etc. This will change the drainage of the site.
- 11.3 The application documents include an illustrative flood risk assessment which the SCC Floods officer advised to be sufficient to determine the application and that, subject to appropriate conditions to control surface water drainage as imposed before, the proposal is acceptable. On the basis of this advice there are not considered to be any unacceptable flood risk or drainage impacts that warrant refusal of this application.

## **12. Parish Council Comments**

- 12.1 There has been ongoing communication between the Parish Councils, applicant / agent and case officer to respond to the issues raised by the Parish Councils on the previous and current applications. These matters have been covered in the above report.

It is acknowledged that the Parish Councils have ongoing concerns about the information provided. Your officers have summarised the advice of technical consultees in respect of each issue and are satisfied that Members have sufficient information to determine this application.

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## **PART FOUR – CONCLUSION**

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### **13. Planning Balance and Conclusion**

- 13.1. The principle of the proposed development has been established by the previous grant of permission. The development is considered to generally accord with the policies of the Development Plan and the principles of the NPPF. It will contribute to the wider objectives of enabling a move to more renewable energy generation and more consistent supply of power to the grid, a key element of the government's net zero, decarbonisation agenda.
- 13.2 The proposed amended scheme reduces the built extent of the development and thereby lessens the impacts of the scheme. There are not considered to be any unacceptable landscape, public safety, flood risk or drainage, ecology, heritage or residential amenity impacts that cannot be adequately mitigated such as would warrant refusal of the application.
- 13.3 The impacts of the development are either not unacceptable or can be mitigated to make them acceptable. The renewable energy and energy security benefits of the proposal are considered to weigh in favour of the proposal and, on balance, having regard to the assessment set out above, the proposed development is considered to be acceptable.

### **RECOMMENDATION**

That authority be delegated to the Chief Planning Officer to approve this application:-

**That the Chief Planning Officer be authorised to GRANT Planning Permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- Time limit to match original permission
- Landscaping scheme – subject to species recommendations of ecology officer
- Leys Lane access layout and visibility splays
- All other conditions as original permission or to reflect documents as approved pursuant to discharge of condition

**And the following informative notes as summarised and those as may be deemed necessary:**

- Pro active working statement
- SCC Highways notes