

Report of the Director of Planning and Regeneration Service

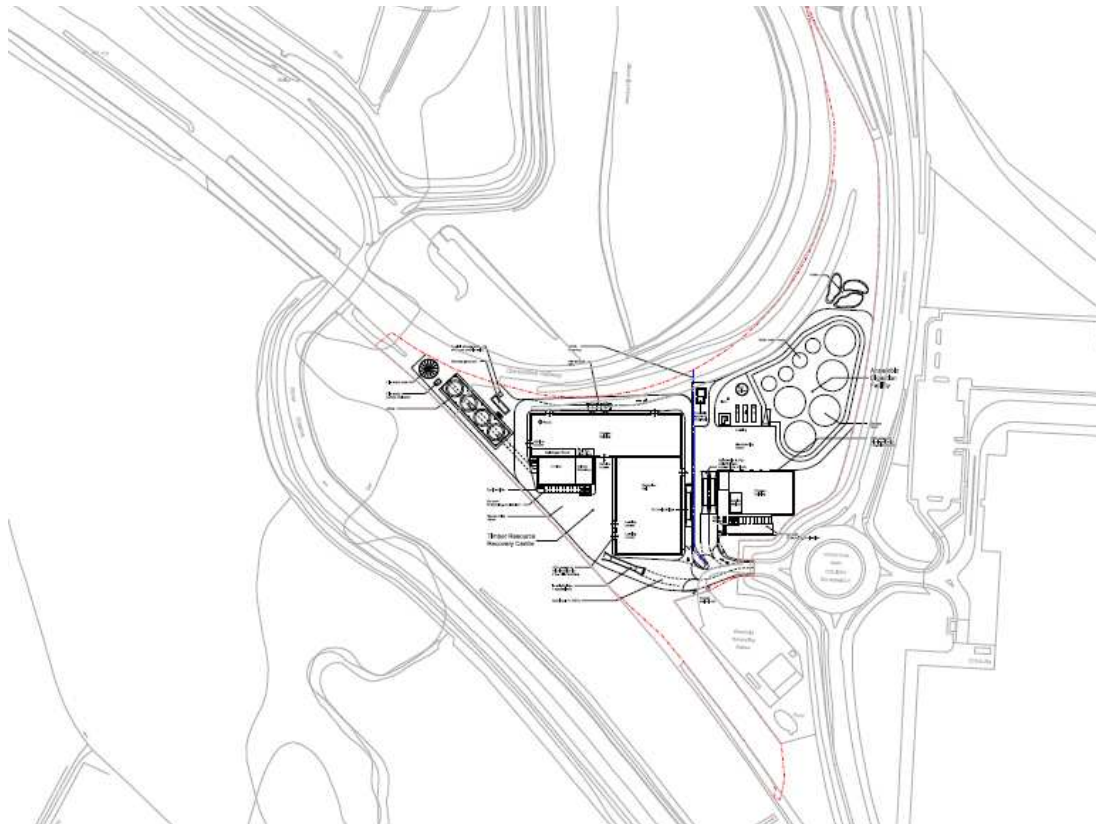
ITEM NO. SUBJECT

1 Ref: RB2014/0785

Erection of a Renewable Energy Park comprising of a Timber
Resource Recovery Centre and Anaerobic Digestion facility at
Land off Houghton Main Colliery Roundabout, Park Spring Road,
Barnsley.

2 DCLG Technical Consultation on Planning - response

Item 1	Ref: RB2014/0785
Proposal and Location	Erection of a Renewable Energy Park comprising of a Timber Resource Recovery Centre and Anaerobic Digestion facility at Land off Houghton Main Colliery Roundabout, Park Spring Road, Barnsley.
Recommendation	No objections



Site Description & Location

The application site lies on Park Spring Road near Great Houghton within Barnsley Borough, approximately 3.2km to the north of the Rotherham Boundary.

The application site covers approximately 4.4ha and comprises of a vacant reclaimed site to the south of Park Spring Road. The River Dearne lies to the west of the site and a curved flood defence bund to the north and west follows the alignment of a disused railway line. There are existing industrial/commercial premises to the north and further along Park Spring Road.

The site is relatively remote from any residential properties with the closest being a few scattered farms within Barnsley Borough. The closest settlement within Rotherham is Brampton which lies approximately 3km to the south.

Background

RMBC has been consulted on the above planning application submitted to Barnsley MBC. This is a 'courtesy consultation' as required due to the close proximity of Rotherham Borough to the application site which is across the boundary in Barnsley. RMBC are invited to provide Barnsley MBC with comments on the application and the impact of the proposal on Rotherham in terms of such planning related issues as the environment, flooding, ecology and traffic within Rotherham.

Proposal

The application proposes to develop a renewable energy park comprising of a 150,000 tonnes per annum Timber Resource Recovery Centre and a 60,000 tonnes per annum Anaerobic Digestion Facility. The development of the site will create two distinct but compatible energy generation facilities with the potential to generate 23 megawatts of electricity and to provide direct heat and/or electricity to appropriate off takers in the local area.

The Anaerobic Digestion Facility will be located on the northern and eastern part of the site and will receive 60,000 tonnes per annum of material (from commercial and municipal food waste) to generate an estimated 3mw of electrical energy. The biomethane fuel will be derived via anaerobic digestion.

The Timber Resource Recovery Centre will be sited on the southern and western portion of the site and will receive 150,000 tonnes per annum of biomass which may include waste timber derived primarily from the commercial and industrial sectors and will subject it to a process that recovers clean ferrous and non-ferrous material for recycling and generates approximately 20mw of renewable electrical power.

The constituent individual buildings and their sizes are listed below:

	Length (m)	Width (m)	Height (m)
TRRC			
Reception Hall	65	45	11.4
Process Bldg	102	30	30
Stack	2.5 diameter		45
Turbine Hall	25.7	18	17.9
Offices/workshop	12.3	18	17.9
Condensers	53.7	13.4	23
Ash Storage Silos	6.6 diameter		14.8
Fire Water Tank	13 diameter		7.0
Fuel Oil Storage Tank	3	2.4	2.5
Standby Generator	13.2	3.2	2
Fire Water Pumps Enclosure	4	3	2.5
AD			
Process Bldg	42	28	12.5
Admin/Welfare	n/a (within process building)		
Filters	12.2	7.2	5
Storage Tanks	21.1 diameter		15.7

Buffer Tanks	10.1 diameter		16
Gas Holder	8 diameter		7.8
CHP Engines	12.2	2.5	3
Oil Store	12.2	2.5	3
Flare	1 diameter		9
Weighbridge Kiosk	1.8	1.2	2.5

The hours of operation of the facility are 24 hours with deliveries between 07.00 and 19.00 hours Monday to Friday and 07.00 and 13.00 hours on Saturdays with no deliveries on Sundays and Bank Holidays.

The facilities will be accessed via an existing spur off the Houghton Main Colliery Roundabout, Park Spring Road with daily Traffic Movements summarised as follows:

	AD Heavy Vehicle Traffic		
	IN	OUT	TOTAL
AM (Peak)	4	3	7
PM (Peak)	0	2	2
Daily	35	35	71
	TRRC Heavy Vehicle Traffic		
	IN	OUT	TOTAL
AM (Peak)	3	3	6
PM (Peak)	1	1	2
Daily	30	30	60

The total number of employees at the site will be 30 with an estimated 200 jobs during the peak of construction activities.

Consultations

Streetpride (Highways and Transportation) do not envisage any traffic impact within Rotherham.

Streetpride (Ecologist) does not anticipate any significant ecological impact will result on sites/species in Rotherham but notes that the site is within the Dearne Valley Nature Improvement Area which also covers some of RMBC and DMBC.

Appraisal

The main issues with the proposal in terms of impacts on Rotherham would include the impact on traffic levels within the Borough and the impact on the general environment and its residents.

The nearest residential properties within the administrative boundary of Rotherham are over 3km from the application site to the south. It is unlikely given the distance to the local authority boundary and intervening natural/landscape features it is unlikely that the site and the buildings in question would be highly visible from Rotherham.

In respect of the proposed developments impact on Rotherham's highways it is noted that there are three roundabouts between the site and the Rotherham boundary (all of which lie within Barnsley). It is therefore considered that the proposed development, given the traffic movements quoted and distance to Rotherham, is unlikely to have a material adverse impact on the Borough's roads.

In addition to the above there are no ecological constraints in respect of this application and it is not considered that the development will have a negative impact on ecologically important sites and features in Rotherham. Nevertheless it is considered that a comment should be included that the site is within the Dearne Valley Nature Improvement Area which also covers some of RMBC and DMBC.

Conclusion

Having regard to the above, it is considered that the impact of the proposed development on Rotherham will be minimal given the location of the site, land levels and the distance from residential properties within Rotherham. As such it is considered that RMBC should raise no objections to the proposals.

Recommendation

That Barnsley MBC be informed that the Council has no objections to the proposals subject to a comment that the proposed development lies within the Dearne Valley Nature Improvement Area which also covers some of Rotherham MBC and Doncaster MBC.

Item 2

Title:	DCLG Technical Consultation on Planning - response
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Recommendation

That members consider the proposed response to DCLG consultation "Technical Consultation on Planning"

Proposals and Details

The Department of Communities and Local Government (DCLG) has published an extensive consultation document covering numerous aspects of the planning system which was received by the Authority for comment in August 2104. The consultation document recommends further deregulation within the planning system and some of the proposals are intended to make permanent a number of temporary arrangements which were introduced in May 2013. The deadline for comments to be received by the DCLG is 26 September 2014 and due to this deadline and the timing of meetings it has not been possible to report this document via the Improving Places Board.

The consultation document covers six different subject areas in 98 pages. Therefore, this report provides only a brief summary of the main elements and an initial assessment of their implications. The six elements in the consultation are:-

- Speeding up Neighbourhood Planning.
- Expansion of permitted development rights.
- Improvements to the use of planning conditions.
- Improved engagement with statutory consultees.
- Raising the screening thresholds for environmental impact assessments.
- Widening the range of consents within the Development Consent Orders which nationally significant infrastructure works are enabled.

Section 1: Neighbourhood Planning

This section of the consultation is about proposed regulatory changes to the neighbourhood planning system which were introduced via the Localism Act 2011. The most significant aspect is a proposal to introduce a 70 day time limit within which local planning authorities must take decisions on neighbourhood plans. It also seeks views on changes to the pre-submission consultation and publicity process for neighbourhood plans and neighbourhood development orders, and the documentation that must accompany a neighbourhood plan when submitted to a local planning authority.

Response:

Although Rotherham has not yet received an application to designate a neighbourhood plan the timescale for decision making would be difficult to comply with, if it is to involve a meaningful period of public consultation. Whilst we recognise the need for a speedy and responsive planning system, this should not be at the expense of due process in such important matters.

Section 2: Reducing Planning Regulations

The temporary permitted development rights, allowing offices to be converted to homes and householders to build larger extensions without the need for planning permission, is to be made permanent.

There are also proposals to allow more changes on our high street without having to go through the planning process and specific proposals which include the widening of permitted development rights to allow change of use from B1 light industrial units, B8 warehouses and storage units, offices and some other uses into residential to increase the housing supply.

A further proposal involves a requirement for premises to be used as a betting shop or by a pay day loans company to secure planning permission for such a change of use. Currently premises with an A2 Use Class can become a betting shop or pay day loan shop without the need for planning permission.

Response:

The proposal which is likely to have most implications locally is to make currently time-limited permitted development (PD) rights for the extension and alteration of most residential premises permanent. Members will be aware that in May 2013 temporary increased limits were introduced to allow for single storey rear extensions on dwelling houses via a neighbour notification process rather than a planning application. Previous comments on the temporary introduction of this should be reiterated i.e. that a core principle of the NPPF is to ensure good design and a good standard of amenity and that allowing larger home extensions allows home owners to pass these requirements.

We commented that many modern housing estates are built on small plots often very close to or on the boundary with the neighbouring property and therefore an 8m extension would have a huge impact on the neighbour's amenity. In terraced properties where residents either side could take advantage of the PD the impact on the middle resident would be significant, effectively creating a tunneling effect. Changes in ground levels (with the neighbour at a lower level) would exacerbate the problem further cause disamenity, loss of light and loss of privacy.

Our experience so far is that if we have been notified of a larger home extension and then the neighbour has objected we have refused the extension if it is felt that it would cause problems of overshadowing or over development of the property however this has not yet been tested at appeal to ascertain if the Planning Inspectorate would support our view.

The changes to the PD for larger home extensions is therefore unnecessary – the majority of householder applications are approved but this is following the neighbours right to comment, consideration of the issues, any necessary mitigation or amendments made to result in an acceptable development.

We cannot see that the changes proposed will have a significant impact on the economy as relaxing planning rules will not improve the affordability of extending homes – an owner is not going to decide not to extend his property purely because of the requirement for planning permission, it is more likely because he/she cannot afford to build the extension in the first place.

Should the changes be introduced then it is essential, that the Local Planning Authority is notified and evidence of compliance submitted.

Members have reiterated the issue in relation to the transparent process of a planning application which includes the ability of neighbours to lodge concerns and for these to be mitigated through the process and that taking away this process goes against localism and locally made decisions.

Councils still need to determine these prior notifications, in many instances with no fee and with reduced timescales for decision making.

We have had 152 of these types of applications and if we assume that they would have all been submitted as planning applications, the fee alone would have been £26,144 notwithstanding the officer time that it has taken to deal with these prior notifications.

Conversion of industrial / office premises to residential

Introducing new rights to allow homes to be created in buildings currently used for light industry, warehousing, launderettes, casinos, nightclubs and amusement arcades would result in the loss of valuable space for businesses and employment and could lead to the creation of poor quality housing.

Suitable locations for locally assessed need for residential and employment land have been established through the local plan process and this proposed change would undermine this work which has been subject to many stages of public consultation and will therefore remove any form of control. Issues in relation to the location of residential units in employment areas may cause problems of substandard housing, issues for the residents of noise and traffic, parking for adjacent industrial plots and issues for any expansion of industrial premises in the locality. It could stymie further industrial development.

As the value of residential land is higher than industrial land, landowner decisions are likely to be made on financial grounds rather than best use of land which is historically the Local Planning Authority's role and is at odds with plan lead system approach.

High Street

Broadening the definition of "shops" to include many uses currently classed as financial and professional services. This would allow shops to convert to such as estate agents without the need for a planning application.

Response:

This could lead to a permanent loss of valuable shops and businesses in our high streets and therefore have a further impact on the work to improve the viability and vitality of our town centre's.

Section 3: Improving the Use of Planning Conditions

The proposals in this suggest amendments to ensure that planning conditions are appropriate and do not act as barrier to achieving timely development.

Developers would be able to use a new 'deemed discharge' measure if councils do not respond to their requests to sign off planning conditions within a 'reasonable time', under measures put out for consultation and failure to do so will result in a deemed discharge.

The implications of these proposals need to be fully assessed. An initial view is that the proposals may be justified in certain circumstances, but fail to recognise that there is also a responsibility on the part of applicants to ensure that information also needs to be provided to the local planning authority in a timely manner to ensure that planning applications can be registered without delay and that subsequent discharge of conditions is also a two way process. For instance the consultation does not acknowledge that some pre-commencement conditions are imposed by planning authorities because the details have not been provided by the applicant or their agent.

In relation to resolving issues through the process rather than via condition, our Authority offers an accessible pre-application service to resolve issues and is in the top quartile for speed of determining planning applications. We have good working relationship with developers and only use pre-commencement conditions if absolutely necessary to control an issue where information cannot be provided up front by the developer. It should be recognised that often the use of conditions is directly related to lack of information provided by developers and often used as a way of getting an in principle agreement with further information to be provided. This can speed up the decision making process rather than hinder it.

This proposal is therefore viewed as a broad brush approach which is not required for planning authorities who provide an efficient service

Section 4: Planning Application Process Improvements

These proposals are aimed at streamlining the consultation process, particularly with statutory consultees, by changing the thresholds for such consultations and introducing a more proportionate approach. Changes are also suggested to the referral of heritage matters to the Secretary of State. Other proposals include a requirement for local planning authorities to ensure that railway infrastructure managers are notified of all planning applications where development is proposed near a railway.

Response:

The implications of these proposals locally are considered to be minimal.

Section 5: Environmental Impact Assessment (EIA) Thresholds

The consultation seeks views on proposals to raise thresholds for screening projects which may require an environmental impact assessment. The result of the changes will potentially reduce the number of projects which will need to be screened and in turn those which are likely to require an EIA.

Response:

The EIA process is something that has become quite onerous over the last few years with a significant number of applications needing to be screened but very few actually being classed as EIA development. We would welcome a raising of thresholds for screening and a more proportionate approach.

Section 6: Improving the Nationally Significant Infrastructure Regime

Through the Planning Act 2008, a new regime for allowing certain types of nationally significant infrastructure was established. These included major energy projects, railways, ports, major roads, airports, water and waste projects. The aim of the proposals is to simplify and speed up planning consent for such projects by reducing the number of separate applications and permits and enabling faster decisions while ensuring consultation with communities and other interested parties.

Response:

No local impact

Summary

The proposals to further undermine the planning process are unnecessary – the majority of householder applications are approved, we offer free pre-application advice to residents, and an application gives the opportunity for neighbours to raise comment, plans to be amended and for negotiation to result in the best scheme to be carried out. It does not require a neighbour to formally object before an assessment of the effect on the development on them and their property can be carried out. The removal of the role of the Local Planning Authority in this process may lead to tensions and concerns between residents, neighbours and communities.

As prior notifications still require checks to be carried out and neighbour notifications to be issued there is a no recoverable cost to the Council thereby further stretching already reduced resources and impacting on the Councils capacity to deliver an efficient planning service.

As the chair of Planning Board has been contacted by Sefton Council in relation to the consultation Boards consideration of the response is requested prior to submission.