

PLANNING APPLICATION REPORT

Case Officer: Adam Williams

Parish: Ivybridge **Ward:** Ivybridge East

Application No: 3354/19/FUL

Agent/Applicant:

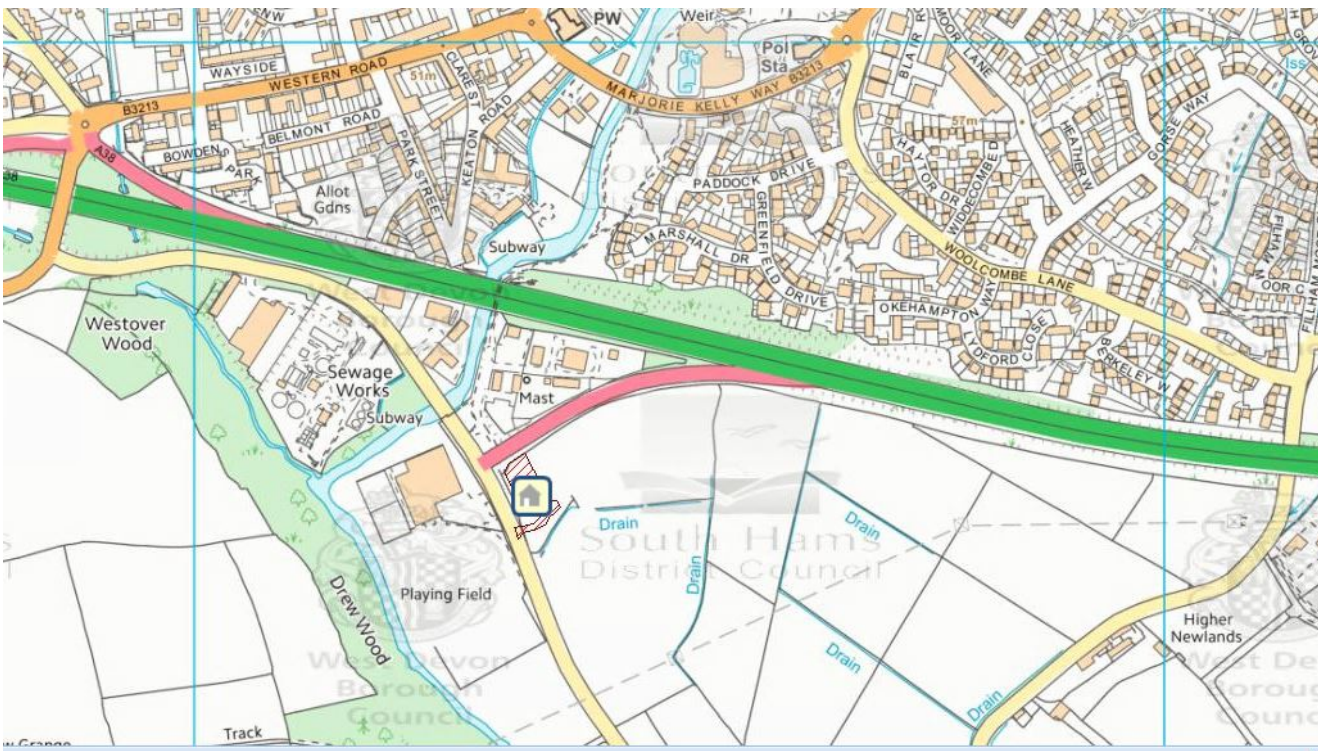
Mr B Lewis - Renplan Ltd
Renplan Ltd
Office 207, The Hive
6 Beaufighter Road, Weston-Sup
BS24 8EE

Applicant:

Conrad Energy (Developments) Ltd
C/O Agent

Site Address: Land at Ermington Road, Ivybridge, PL21 9ES

Development: Proposed installation of a Peaking Gas Generation Plant with associated development to include vehicular access and security fencing



Reason item is being put before Committee

Cllr Brazil – the proposal is of District wide significance and should be determined by DM committee

(Ward member Cllr Abbott also agree, as do adjoining ward members Cllr Holway and Cllr May)

Recommendation: Refusal

Reasons for refusal

1. The proposals, by virtue of their reliance on fossil fuels, are not considered to support of a Plan Area target to halve 2005 levels of carbon emissions by 2034 and therefore are considered to be contrary to policies SPT1, DEV32 and DEV33 of the Plymouth and South West Devon Joint Local Plan.
2. The proposals, by virtue of the proposed vent stacks and the scale and massing of the structures, the proposals will create further industrialisation and contribute to further erosion of Landscape Character, the proposals do not conserve or enhance landscape character and are therefore contrary to policy DEV23 of the Plymouth and South West Devon Joint Local Plan

Key issues for consideration:

Principle – is the location acceptable for development and is the development proposal compliant with the strategic direction of the Joint Local Plan.

Climate Change – do the proposals represent best use of land in terms of balancing capability to decarbonise, provide for renewable energy and provide for energy resilience.

Landscape – are the proposals compatible with the surroundings, do they present demonstrable landscape harm.

Public Health – are the noise and air quality impacts acceptable

1. Site Description:

The site is located to the south of Ivybridge town centre with access taken from the slip road from A38 and Ermington Road.

2. The Proposal:

Three Gas Peaking Plants, the proposals will comprise the following equipment

- 3 generators, approximately 2MW capacity each, with 8.87m high vent stacks
- Each generator will have its own external transformer
- Each generator will have its own radiator fan unit and flue on the roof
- 1 x DNO building
- 1 x amenity cabinet
- 1 x gas kiosk
- 1 x oil storage
- 3 x CCTV unit
- 2.5m Palisade fence

3. Consultations:

- County Highways Authority – *Standing Advice*
- Environmental Health Section - *recommend acoustic screening*

- Town/Parish Council - *The site is located on the entrance to Ivybridge bordering open countryside. The Plant has an industrial appearance featuring 3 chimneys approximately 10m high, highly visible on the Erme Plym Trail, part of Devon's Coast to Coast route, and Members considered this to be inappropriate development and not in-keeping with the area. The neighbouring recycling centre was subject to major groundworks and landscaping in order to provide screening to protect the beauty of the surrounding countryside. In June 2019 the Town Council signed up to the Devon Climate Declaration, in conjunction with Devon County Council and South Hams District in order to meet the challenges of the declaration and tackle the climate emergency. This application would go against the Town Council's plan to reduce carbon emissions, and the Devon Climate Declaration to facilitate the reduction of Devon's production and consumption emissions to meet IPCC recommendations, and is therefore recommended for refusal.*
- SHDC Drainage – *standing advice*
- DCC archaeologist – *No comments to make*
- Natural England – *No objection*
- SHDC Landscape Officer - *Objection*

4. Representations:

4.1 The Petition

A petition with 907 signatories, the Petition was started by South Dartmoor Community Energy and the petition, to which members of the public counter signed, stated as follows

Conrad Energy have submitted a planning application to SHDC to build a gas peaking power station in Ivybridge. A gas peaking power station is one that can start up quickly to deal with the surges in electricity demand that happen at peak times, such as the evening when everyone is home watching TV, cooking, showering etc. They say we need it to cope with the intermittency of more renewable energy like wind and solar on the grid.

We oppose the construction of a new gas peaking plant because:

- *This will increase carbon emissions and SHDC and Devon County Council have declared a Climate Emergency.*
- *Nowhere in the documents supporting the planning application is there any mention of how much CO2 these gas engines produce.*
- *Also there is no mention of any benefit to the local community, no mention of any contribution to a community fund which is usual for schemes like this!*
- *We do NOT need a new power station, when there is a surge in electricity use, Western Power Distribution is already able to turn down demand by working with large businesses who are paid to switch off machines.*
- *It will not be used very often, so it is a waste of resources to build it.*
- *Alternatively, a better mix of renewables, including more wind generation, combined with smart storage technology and householders using less electricity at peak times would also avoid supply shortages at peak times. This would be cheaper and reduce carbon emissions.*

SDCE believe it completely inappropriate to build a gas-fired power station in this location. Low-carbon solutions are out there, this is not one of them!

4.2 Individual Letters of Representation

56 letters of objection were received, a summary of the issues raised are as follows

- SHDC have declared a climate emergency, Natural gas burning will increase carbon emissions
- very close to Green space, football playing field and local amenities.
- There renewable solutions that would be more suitable in this location.
- No mention of how much CO2 they produce
- not in keeping with the surrounding area
- within meters of housing in Marshall Drive and Leland Grove and new housing at Filham
- not necessary as there is a peak lopping gas fired station at Langage.
- add to the difficult traffic movements in that congested area
- design and appearance of the proposed facility unacceptable and out of place in this location.
- Other methods available
- makes no attempt to identify or compare alternative ways of addressing the need for peak power
- contrary to policies SPT1, DEV32 & DEV33, benefits do not outweigh the impacts

4.3 A letter of support was received from Western Power Distribution (WPD)

The letter details that peaking generation will mostly be required in May and June within the South Hams/Plymouth Constraint Management Zone (CMZ). WPD is expected future load growth in the area which will trigger major reinforcement across the wider area, WPD is looking to procure flexibility services to reduce loading on the South Coast interconnected network cable which runs from Ernesettle to Milehouse in Plymouth, they expect peak loads to exceed capacity up to 54 MW by 2021

5. Relevant Planning History

1050/18/FUL READVERTISEMENT (Revised Plans Received) Change of use to allow storage (Use Class B8), laying of compacted hard surface and erection of 2.4 metre perimeter fence Conditional Approval Land at SX633555 Ermington Road Ivybridge 10 April 2018

ANALYSIS

6. Principle of Development

6.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.2. Policy SPT1 sets the framework for sustainable development for the Joint Local Plan, development and change across the three plan areas will be planned for and managed in accordance with the principles of sustainable development. Policy SPT1 has application to these proposals, it requires the *effective use of land is made for development through optimising reuse of previously developed sites, therefore*

reducing the need for greenfield development, protecting natural assets and creating opportunities for viable low carbon energy schemes. Development where A low carbon economy is promoted and development where Demand for energy is reduced and opportunities for the use of renewable energy increased.

- 6.3. Whilst the Joint Local Plan has no policies which differentiate between types of power generation, the Joint Local Plan is clear its desire to reduce carbon emissions across the plan area by 2034 and transition towards a renewable means of energy supply. Policy DEV32 relates to delivering low carbon development and policy DEV33 relates specifically to Low Carbon and Renewable Energy, as such officers do not consider the plan is silent on matters relevant to the development proposal and it is considered that Paragraph 11(d) of the Framework is not engaged.
- 6.4. The site is previously developed land which was consented for storage use (use class B8) approved under planning reference 1050/18/FUL, the proposals do not seek to replace this permission, only to site the structures on part of the site that is currently unused. The site is located outside Ivybridge, a Main Town listed in policy TTV1, it's adjacent to Ermington Industrial Estate and between Ivybridge Recycling Centre and a Recreational Facility with countryside expanding to the east.

7. Proposal Explanation

- 7.1. The proposals seek permission for 3 Gas Peaker Plants to provide 6MW of electricity, Gas Peaker Plants are used to 'fill the gap' between high energy demand and low energy generation, an issue brought about by a transition to more renewable energy. In the UK this has predominantly been new Solar and Wind Farms, examples of these assets are found in the district, however the site will be connected to a National Grid gas main. Both prevalent renewable technologies are however 'weather dependant' and are not 'dispatchable'. This means they cannot be 'turned on' at any time, and only operate when the weather permits. Natural Gas is seen to have significantly lower carbon intensity than coal and is dispatchable but this is still a natural resource with a carbon cost and considered to be a fossil fuel.
- 7.2. According to the Department for Business, Energy and Industrial Strategy UK Energy Statistics, in 2018 a record 52.8% of electricity was generated from renewable resources. This however means that the UK is still heavily reliant on old inefficient and carbon intensive forms of electricity generation such as Coal Power and larger Gas Power Stations. Larger power stations are predominantly located in the Midlands and North of England, typically, electricity generated from these stations has to be transported long distances at high voltages to provide power to areas further away and its often argued that moving electricity is inefficient and increases the carbon intensity of grid supplied power and therefore decentralising energy generation is seen as more efficient. The Plan area does have a large scale Gas power plant which is located at Langage on the outskirts of Plymouth though.
- 7.3. Ivybridge and surrounding areas are connected to a mains supply and a modern 900MW Gas power station is located to the west on the outside of Plymouth at Langage which provides electricity, a peaking plant recently permitted within the same industrial estate in 2018 by Plymouth City Council before the adoption of the Joint Local Plan, Langage Power Station represents the southernmost point on the network.

7.4. The application has not provided any information to explain why Langage Power Station fails to meet the energy needs of the District or identified the risks to supplying energy in connection with renewables which the application will address. Western Power Distribution, a local district network operator (DNO), have awarded a contract to Conrad Energy for the delivery of the project, WPD detail that peaking generation will mostly be required in May and June within the South Hams/Plymouth Constraint Management Zone (CMZ). WPD expect that future load growth in the area which will trigger major reinforcement across the wider area, WPD is looking to procure flexibility services to reduce loading on the South Coast interconnected network cable which runs from Ernesettle to Milehouse in Plymouth, they expect peak loads to exceed capacity up to 54 MW by 2021. District Network Operators (DNOs) are technology agnostic however and it's for the Planning System to determine whether the development is appropriate against the policy context and other material considerations.

8. National and Local Policy Context

8.1. National Planning Policy Statement for energy EN-1 (NNPS) reinforces the Government's commitment, as set out in the Climate Change Act 2008, to cut greenhouse gas emissions (GHG) by 80% by 2050, compared to 1990 levels. Whilst noting that EN-1 relates to major energy infrastructure, it nevertheless serves to demonstrate that energy and long been vital to economic prosperity and social well-being and that it is important to ensure that the UK has secure and affordable energy. The NNPS was published in 2011 acknowledges fluctuating energy demands associated with renewable energy at paragraph 3.3.11 in stating *'some renewable sources (such as wind, solar and tidal) are intermittent and cannot be adjusted to meet demand. As a result, the more renewable generating capacity we have the more generation capacity we will require overall, to provide back-up at times when the availability of intermittent renewable sources is low. If fossil fuel plant remains the most cost-effective means of providing such back-up, particularly at short notice, it is possible that even when the UK's electricity supply is almost entirely decarbonised we may still need fossil fuel power'* This paragraph does acknowledge fossil fuel use will likely form a part of primarily decarbonised energy infrastructure. It further goes on to say at paragraph 3.3.12 that *'The Government does not therefore consider it prudent to solely rely on these technologies to meet demand without the additional back-up capacity'*

8.2. The National Policy Statement for Energy (EN-1) was written in 2011 when the UK was legally bound to the requirements of the 2008 EU directive which committed the government to "cut greenhouse gas emissions by at least 80% by 2050, compared to 1990 levels."

8.3. Since then, in 2019, The Climate Change Act 2008 (2050 Target Amendment) Order 2019 (S.I. 2019/1056), changed the required UK carbon reduction target to 100% from the 1990 baseline. Also in 2019, the Plymouth & South West Devon Joint Local Plan was adopted, and this development plan document bound each of the component local authorities to a minimum 50% carbon reduction from 2005 levels within the life of the Plan.

8.4. The RTPi published a report on smart energy in 2019 (<https://www.rtpi.org.uk/knowledge/better-planning/better-planning-climate-change/planning-for-a-smart-energy-future/>) it highlights the challenges associated

with meeting 2050 decarbonisation objectives, whilst not policy, the report indicates some challenges going forward regarding energy security and looks towards a future where nothing should be planned without having successfully demonstrated it is fit to take its place in a net-zero emissions future. South Hams District Council have declared a climate emergency and will be working with partner authorities to work towards developing an action plan to reflect IPCC advice to reduce carbon emissions by 45% by 2030 and reach 'net zero' by 2050. The RTPI report recognises, as does the NNPS, that energy storage capacity is integral to provide flexibility in the energy system. The report recognises the lack of policy direction related to storage projects and debate over whether storage projects should be considered as low carbon infrastructure, particularly Gas Peaking Plants.

- 8.5. The National Planning Policy Framework requires Local Planning Authorities to plan for Climate Change, paragraph 149 states *Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.* Policies DEV32 and DEV33 are consistent with this and provide the local policy requirements for energy supply.
- 8.6. Since the publication of the NNPS technology has changed and there is more public support (and from community energy providers/NGO's) for alternative means for dispatchable energy such as Biogas Peaker plants and battery storage to reflect a changing national direction in the urgency to reduce carbon emissions, as is reflected in the update Climate Change Act and locally, the Plymouth and South West Devon Joint Local Plan.

9. Evaluation

- 9.1. There is some disagreement as to how to classify Gas Peaker Plants, as they seek to 'fill a gap' brought about by a transition to a fully renewable energy future. In considering an appeal between Allerdale Borough Council and Rydberg Development Company Limited (APP/G0908/W/17/3189773) the inspector echoed another appeal for a similar development stating *'Combined carbon emissions from these peaking assets, along with renewable sites, can provide very low carbon power. In this respect, I agree with the conclusions drawn by the Inspector in the submitted appeal decision that the proposed plant could reasonably be described as low carbon energy 'associated infrastructure' as supported by paragraph 93 of the Framework.'*
- 9.2. Policy DEV33 seeks to increase the use and production of renewable energy to contribute to national targets. The criteria of the policy is only applicable to renewable energy, it states *'renewable energy development will be supported where.....'* it is therefore considered the spirit of the policy is to support fully renewable energy such as wind, hydroelectric and solar. Paragraph 6.133 of policy DEV33 does acknowledge a need for energy security by stating *The establishment of a clean, secure supply of energy has been recognised by successive governments as playing a key part in ensuring long-term economic prosperity, with a clear role identified for renewable energy and energy storage as part of the required energy mix.* This paragraph does make reference to energy storage, which this proposals is not. For instance, energy storage could relate to batteries to provide peaking energy demand and co-located with renewable energy which would be consistent with the objectives of the Joint Local Plan to reduce fossil fuel use. A report by Regen (who contributed to the RTPI report on smart energy) identify market viability for battery storage as being strong, for

instance, when co-located with existing renewable energy infrastructure
<https://www.regen.co.uk/publications/energy-storage-the-next-wave/>.

9.3. Furthermore, as of December 2019, RenewableUK published research which has shown that that *the total cumulative capacity of battery storage planning applications has soared from nearly 6,900 megawatts (MW) a year ago to over 10,500MW today – enough to fully charge over a million electric vehicles. The market has developed extremely rapidly - in 2012, applications stood at just 2MW. The number of UK companies involved in the sector has grown over the past 12 months from 300 to more than 450 and the average battery project size has increased slightly from 27MW to 28MW.*

<https://www.renewableuk.com/news/news.asp?id=479977&hhSearchTerms=%22storage%22>

9.4. It is in the view of the Local Planning Authority that Gas Peaker Plants are inconsistent with Joint Local Plan policy objectives and will seek to undermine the Authorities commitments to reduce carbon emissions. Officers consider that alternatives do exist which both will secure long term energy security and meet Joint Local Plan objectives to halve 2005 levels of carbon emissions by 2034. Apart from seeking to bridge a gap between demand and generation, Gas Peaker Plants are often described as a decentralised means of providing local energy supplies. The plant would be connected to the Local Distribution Network and may improve the viability of the industrial estate by providing greater security of supply. It is understood that in the Ivybridge area, WPD are looking for 46MW of capacity to provide services starting in 2020 but have only secured 17MW so far.

9.5. On principle grounds, it is considered that the proposals do not comply with policies DEV32 or DEV33. Whilst it is acknowledged that the proposed plant would be a low utilisation peaking asset, which would not be in continuous operation, policy DEV32 establishes a need to deliver a low carbon future together with a Plan Area target to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised renewable energy. The proposals would diminish the Authorities target to reduce carbon emissions within the Plan Area, this is considered to weigh heavily in the planning balance. The proposals are for decentralised energy, however the policy is clear in that development should identify opportunities to minimise the use of natural resources, which this proposal does not.

9.6. As with policy DEV33, policy DEV32 is silent on specific energy technology but officers consider that any technology/development that doesn't bring with it carbon savings can be resisted on the basis of not doing what the policy requires. Although it is understood that the number of hours that the plant may need to run under the WPD contract is likely to be very small, the cumulative impact can be great if more are proposed elsewhere around the district. Whilst precedent is rarely a material planning consideration, the Courts have recognised that where a Local Planning Authority can demonstrate that approval of an application is likely to make it difficult for it to refuse similar applications, precedent is a material planning consideration. Nationally, of the 4,442MW flexible assets uploaded to the grid by the 12th June 2019, generators contributed the most, with 3429MW (or 77%) comprising the total capacity, although the type of generator isn't classified its thought to mostly be gas power (Pico, Flexibility and Visibility, 2019). The determination of one peaking asset within the district could compromise the ability to resist further development of this type in

principle (notwithstanding other material considerations). The proposals for Gas Peaking energy do not reflect a changing environment around sustainable energy supply and a more pressing need to reduce carbon emission. Simply put, principally, Joint Local Plan Policy provides a carbon emission target in the plan area and numerous decentralised gas power assets would compromise the three authorities to achieve this.

9.7. Policy DEV32.3 provides a hierarchy to consider, Development proposals are considered in relation to the 'energy hierarchy' set out below:

i. Reducing the energy load of the development.

The proposal will generate energy through non-renewable means

ii. Maximising the energy efficiency of fabric.

This is not relevant to this proposal

iii. Delivering on-site low carbon or renewable energy systems.

The proposal will provide energy through the use of Gas

iv. Delivering carbon reductions through off-site measures.

There are no proposals for this

9.8. Paragraph 6.127 of DEV32 reinforces this hierarchy in stating *Development should minimise energy demand, maximise energy efficiency and integrate the use of renewable and low carbon energy*

9.9. Paragraph 153 of the National Planning Policy Framework states that *Local Authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable;* no information has been submitted as to why renewable energy with energy storage is not feasible or viable nor why and existing 900MW power plant is not sufficient, or at risk.

9.10. Battery energy storage is becoming to fall in cost compared to gas peakers and becoming more efficient, particularly as batteries can respond much quicker than combustion turbines. Additionally, Hydrogenated Vegetable Oils (HVO) or alternative biofuels can be used to generate energy by gas turbine. Officers consider that renewable energy located alongside supporting battery storage would represent a policy compliant means of energy delivery and resilience. Although the Local Planning Authority must consider the proposal before it, the comparisons between alternatives are worth explaining and the NPPF and Policy DEV32 make it clear that development proposals must comply with the development plan unless alternative types can be discounted

9.11. The UK is moving to lower carbon sources, which is in line with the policy objectives in the Joint Local Plan and NPS EN-1 requiring transition to a low carbon economy over time. Whilst EN-1 does identify a potential need to meet the demands of peak gas demand, there is no support for the use of natural gas, a fossil fuel, to be converted into electricity to meet the peak demand for electricity. Although WPD have issued a contract for the procurement of a Gas Peaking Plant, DNOs, following the rules set by the energy regulator Ofgem, are to remain 'technology agnostic' and act as a neutral market facilitator. It's for the Local Planning Authority to determine the acceptability of the proposed development in line with local planning policy and other material sources such as the NNPS, NPPF, planning and energy act and Climate Change Act.

- 9.12. The transition to more renewable electricity storage facilities is referenced in paragraph 6.133 of the JLP. The applicant claims government and National Grid support for peaking power plants, but nowhere is there any specific up to date support for gas being used to generate electricity, simply an in principle recognition that unrestrained energy demand may not always be met through renewable energy generation alone. The policies of the JLP and the demands of the 2008 Planning & Energy Act could be met through the increased deployment of low-carbon peaking technology such biomass or energy from waste, or through enhanced storage technology aligned to existing renewable energy infrastructure. Even in 2011 EN-1 acknowledged that low-carbon energy sources such as biomass or energy from waste offer adequate response to peak load demand. There is no overt or explicit national policy support for the use of gas as an appropriate peaking fuel, but there is local and national policy conflict with using a fossil fuel in this manner and it's this matter that weighs negatively in the planning balance.
- 9.13. Peaking Plants are proposed on the basis that they fill a gap between demand and how much renewable energy is available. Given national and local direction to a transition to a low carbon economy, it follows that requirements from decentralised energy, storage and resilience, must too continually change with time, to reflect the transitioning energy market and the ability to insist on more carbon neutral means of energy delivery. The need for the proposed development must be assessed on the basis of the individual contribution of the proposed development to meeting the overarching policy objectives of security of supply and decarbonisation if it is submitted on that basis and justification sought on that basis.
- 9.14. It is not considered that the creation of a gas-fuelled power plant would aid the transition towards a greater proportion of energy being created by renewable means, regardless of its timed activation or use. Instead, by proposing to meet peak demand through fossil fuel generated energy (reliant on pipeline supply of hundreds of miles and subject to price and supply volatility) this proposal would further dissociate consumers from any understanding of where their energy comes from, and hamper the transition towards what is a fundamental requirement of future energy strategy – managing consumer demand so that it better matches the energy generation patterns from renewable technologies, as expressed in policy STP1.2(v). The installation of gas peakers also absorb valuable grid capacity that could be used to facilitate more renewable energy, effectively blocking the installation of clean energy generators until such time that the national grid is upgraded with more capacity
- 9.15. Officers consider that in light of available alternatives that have not been assessed nor discounted, together with the impacts the development will have on the council's ability to meet its carbon reduction targets and the continued reliance on fossil fuels, the proposals are considered contrary to policies SPT1, DEV32 and DEV33.

10. Ivybridge Neighbourhood Plan (INDP)

- 10.1. As an adopted neighbourhood plan, it forms part of the overall development plan for the area. The neighbourhood plan has no policies relating to energy and can be considered to be silent in this regard. The vision and objectives of the INDP seek to encourage business, support economic sustainability and environmental sustainability through travel management and care of natural resources. Whilst

energy security is important for ensuring continued successful business, the proposal will use natural resources to secure that energy supply and can be said to both support and conflict with the vision and objectives of the INDP

11. Design/Landscape:

- 11.1. The site is located on the periphery of a largely industrialised area south of the A38, the structures will appear as utilitarian, urbanised structures. It is noted however that the site is adjacent to some storage containers (approved under 1050/18/FUL) and Ivybridge Recycling Centre which undermines the rural character of the area to a degree and acts as an edge of settlement feature. To the south is a recreational facility and recreational grounds and further east is open countryside
- 11.2. The site does not have any landscape designation, policy DEV23 concerns landscape impact, it reads;
Development will conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts. Development proposals should:
- 1. Be located and designed to respect scenic quality and maintain an area's distinctive sense of place and reinforce local distinctiveness. Conserve and enhance the characteristics and views of the area along with valued attributes and existing site features such as trees, hedgerows and watercourses that contribute to the character and quality of the area*
 - 3. Be of high quality architectural and landscape design appropriate to its landscape context.*
 - 4. Be located and designed to prevent erosion of relative tranquility and intrinsically dark landscapes, and where possible use opportunities to enhance areas in which tranquility has been eroded.*
 - 5. Restore positive landscape characteristics and features that reinforce local landscape quality and distinctiveness.*
 - 6. Where necessary, be supported by Landscape and Visual Impact Assessments and landscaping schemes that enhance that proposed development.*
 - 7. Avoid, mitigate, and where appropriate compensate, for any residual adverse effects and take opportunities to secure landscape character and visual enhancements.*
- 11.3. The councils landscape officer commented on the proposals and raised an objection, he commented as follows
- 11.4. *The proposed development is located within the Erme valley, on the fringes of Ivybridge close to existing light industrial uses and the Erme tennis centre. The plot of land is immediately adjacent to the Ivybridge Recycling Centre (IRC) and Container storage units, below the A38 to the north. Part of the site boundary has been planted with new hedgerows as part of the IRC access, with the other sides screened by existing mature highways planting. Historically the land use was open pastoral farmland with some particularly important vernacular boundary walls. The IRC has seen the introduction of earth bunds and landscape planting which mitigate the main new use. Useful reference has been made by officers to the LVIA that accompanied the original DCC IRC application; this is still considered to be relevant. This LVIA notes the sensitivities of the Landscape Character Areas, and draws reasoned conclusions about potential impacts from the IRC. Whilst the proximity of the*

proposed storage containers and IRC provide a degree of low level industrial character, officers are of the view that there will be visual harm arising from the 10m high gas engine flues, and massing and scale of the overall plant. This would result in a moderate/significant change to the current character, including being seen more widely where the skyline will be affected, creating a much larger industrialised character. On this basis, the proposals fails to accord with current landscape policy, which would not be conserved and enhanced; therefore the proposed development cannot be supported.

- 11.5. Officers concur with the comments made by the landscape specialist and as such, by virtue of the proposed stacks, massing and scale of the structures, the proposals will create further industrialisation of this landscape and cannot therefore be said to conserve or enhance landscape character and contribute to a further erosion here contrary to policy DEV23 of the Plymouth and South West Devon Joint Local Plan

12. Neighbour Amenity:

- 12.1. There are no neighbouring dwellings in close proximity to the site. The proposals may have a noise impact and Air Quality impact to those using the recreational ground to the south
- 12.2. The councils Environmental Health team comments on the application as follows *We have no adverse comments to make regarding the Air Quality Assessment (ref; S2598-0209-0001EH) and I support its conclusions. It is worth noting the Air Quality Assessment (AQA) states that “the facility is intended to be run up to 2500 hours per year (equivalent to a little over an average of 8.6 days and nights per month) and goes on to use this as a conservative worst case scenario for assessing the level of impact. Noise*
With respect to the noise assessment (ref; 19 -133) we note it identifies in table 12 page 22 “A potentially adverse night-time impact of +5 dB upon NR2 (noise receptor 2) dependent upon context. The Noise report suggests the context to be applied is that use of this plant will be rare and only in the case of emergency, and this assumption therefore mitigates the potentially adverse night-time impact. This is not the conservative approach as adopted by the AQA. Recommendation; Our advice therefore would be to recommend inclusion of bunding and or acoustic screening in the site design that will mitigate and reduce to a minimum what would be a noticeable and intrusive impact of upon NR2 The details of acoustic screening is a matter that could be dealt with by condition
- 12.3. Given the comments provided, officers have no reason to conclude that the application would lead to a detrimental effect to amenity in terms of noise and air quality and accord with policies DEV1 and DEV2 of the Joint Local Plan

13. Highways/Access:

- 13.1. The site has an existing access and is not considered to generate a significant amount of traffic, officers do not have any concerns relating to Highway or Access matters

14. Planning Balance

- 14.1. The proposals are not considered to comply with policies DEV32 or DEV33. Whilst it is acknowledged that the proposed plant would be a low utilisation peaking asset, whilst it would not be in continuous operation, policy DEV32 establishes a need to deliver a low carbon future with a Plan Area target to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised energy. The proposals would diminish the Authorities target to reduce carbon emissions within the Plan Area and undermine this key objective, especially when alternatives are available.
- 14.2. The benefits of the development are identified and positioned by the applicant as providing energy security for a local geographic area. It has been described that the plant will provide energy as further transition to renewable energy takes place. However the some of the energy supplied to the locality comes from a large gas fired power plant rather than relying heavily on local renewable energy. A lack of evidence regarding alternatives has been provided which would justify the Local Authority making a determination which runs contrary to its policy and strategic objective in this instance, the benefits are therefore afforded little weight because of this
- 14.3. Whilst NPPF paragraph 154 seeks to ensure that LPA's support the need to facilitate renewable and low carbon energy as they contribute to cutting greenhouse gas emissions and although appeal decisions have classified Gas Peaker Plants as a 'low carbon' technology, the plant will emit GHG's and paragraph 154 of the NPPF refers to proposals that 'provide a valuable contribution to cutting greenhouse gas emissions'. The Framework focusses the attention of the planning authority to ensuring that developments which contribute to the reduction in greenhouse emissions are provided in the right place
- 14.4. The proposals, by virtue of the proposed 10m high stacks, massing and scale of the structures, the proposals will create further industrialisation of this landscape and cannot therefore be said to conserve or enhance landscape character and contribute to a further erosion here contrary to policy DEV23 of the Plymouth and South West Devon Joint Local Plan and this amounts to harm in the planning balance
- 14.5. The proposals are for decentralised energy, and the Local Plan, National Planning Policy Framework and National Planning Policy Statement for Energy encourage proposals for decentralised energy. Adopted Joint Local Plan the policies are clear in that development should identify opportunities to minimise the use of natural resources, Paragraph 6.127 of DEV32 reinforces this in stating Development should minimise energy demand, maximise energy efficiency and integrate the use of renewable and low carbon energy. The policy is clear in that any technology/development that doesn't bring with it carbon savings can be resisted on the basis of not doing what the policy requires and the Joint Local Plan has bound each of the component local authorities to a minimum 50% carbon reduction from 2005 levels, these matters are considered to weigh more heavily in the planning balance given that the proposals are specifically for energy provision.
- 14.6. The proposals do not accord with the adopted development plan policies, and the updated 2008 Planning and Energy Act which reflects in 2019 the urgent need to move away from fossil-fuel based energy sources. Policy DEV32 and DEV33 provides support for renewable and low-carbon energy infrastructure that contributes to meeting government targets for carbon reduction – which is considered to be a

more demanding target now than when the NPS EN-1 was written and adopted. The benefits of providing localised energy is not considered outweigh the harm associated with the use of fossil fuels and the ability for the authority to reduce carbon emissions from 2005 levels nor the contribution the structures will have on furthering the erosion of Landscape Character. The proposals are recommended for refusal.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

15.Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV20 Place shaping and the quality of the built environment

DEV23 Landscape character

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV27 Green and play spaces

DEV28 Trees, woodlands and hedgerows

DEV29 Specific provisions relating to transport

DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV34 Community energy

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Ivybridge Neighbourhood Plan

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.