

Stafford Borough Council responses to questions asked by the Examining Authority

Planning and legislative context (PLC)

Question PLC 1

Please provide a commentary on how the proposal should be assessed in the context of the National Planning Policy Framework Part 9: Protecting Green Belt land and Policy E5 of the Local Plan for Stafford Borough – June 1914: Major developed sites in the Green Belt, in particular the requirement that partial or complete redevelopment should not have a greater impact on the openness of the green belt and the purpose of including land within it.

Response by Stafford Borough Council

Paragraph 89 of the National Planning Policy Framework allows for the complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), providing this would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The Meaford Energy Centre (MEC) proposal is located substantially within the wider Meaford Business Park (MBP) site which is identified as a major developed site within the North Staffordshire Green Belt under Policy E5 in the Plan for Stafford Borough (PSB).

Policy E5 allows for the complete redevelopment of major developed sites where this is supported for employment purposes providing this is consistent with Spatial Principle SP7 and which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The MEC proposal is located within an area populated with overhead lines therefore leaving less constrained areas available for employment development within the MBP site. In itself, the MEC proposal would also generate employment opportunities through both the construction and operational stages of the development. On this basis the MEC proposal is considered to accord with Policy E5 in terms of supporting employment purposes.

When assessing the impact of the proposal on the openness of the North Staffordshire Green Belt consideration needs to be given to all buildings proposed within both the MEC and the wider MBP site in relation to previous buildings which formed the former Meaford power station.

In the consideration of outline application 98/35897/OUT for the MBP site the planning officer's report states that when the site first became available for redevelopment in 1990 the power station buildings included five cooling towers, a

high chimney and power station hall amounting to 51,000 square metres of footprint area. Also, a number of buildings remained on the site comprising 3,746 square metres of footprint. Paragraph 2.64 in the submitted Design and Access Statement states that the five cooling towers were 76m high and the chimneys were up to a height of 124m. (Comparably, the highest components of the MEC proposal would be the 50m high flue stack(s) and 35m high heat recovery steam generator building(s)). In turn, the planning officer's report to 98/35897/OUT acknowledged that the proposals were much lower and as a consequence would be less visually intrusive in the green belt than the former buildings.

The officer's report to 98/35897/OUT further notes that the proposal would not significantly encroach onto 'non-brownfield' areas of the site and by virtue of being lower they would have a less visual impact on the landscape. It is also stated that space would be provided to supplement the existing structural landscaping of the site which would screen the site from outside views and break up the site by developing the existing landscaping which divides the three levels within the site. The report concludes that while the building footprint would be larger than that which previously existed, the proposals would have less impact on the green belt by virtue of being lower and capable of being well screened.

In the consideration of the subsequent extension of time application, 10/13609/EXT, the same national and local development plan policies were relevant. However, in assessing the further extension of time application, 14/21379/EXTO, consideration was then given to provisions within the NPPF and relevant policies in the PSB which replaced Planning Policy Guidance 2 - Green Belts and the Stafford Borough Local Plan 2001 respectively.

In assessing 14/21379/EXTO it was concluded that the principle of development remained acceptable in terms of national green belt policy, as set out in the NPPF, and the site also being defined as a Major Developed Site under Policy E5. In terms of the proposal not having a greater impact on the openness of the green belt it was considered that the previous condition limiting the extent to which the site could be developed secured this. However, in view of the MEC proposal pending at that time it was also considered necessary to consider developments on both the MBP and MEC sites as a whole which was secured under a Unilateral Undertaking.

In view of the previous built form on this former power site in terms of footprint, massing and the height of structures both the MBP and MEC proposals are considered, in principle, not to have a greater impact on the openness of the Green Belt.

Further consideration should also be given to Chapter 3 in the Environmental Statement (ES) as this explains that in addition to site requirements and operational factors the southern option for site selection was chosen because many of the consultees preferred this for reasons including it is better screened by terrain and woodland, and it occupies a similar position to the former Meaford 'B' power station. Paragraph 3.21 also refers to the Landscape Visual Impact Assessment in Chapter 10

of the ES and explains that Meaford Energy Limited concluded that the southern option would be the most suitable because, amongst other things, it takes advantage of existing tree cover on rising ground to the south of the MBP site for visual containment.

Also, the draft Development Consent Order (DCO) refers to the design objectives in chapter 2 of the Design and Access Statement with respect to securing detailed design. In particular, these include the power station layout being as compact as practicable in vertical terms to avoid landscape and visual intrusion, and it having a neat and ordered design to avoid visual clutter.

Transport and Traffic (T&T)

Question T&T 1

Chapter 7 of the ES states that standard guidelines have been followed in undertaking the assessment of environmental effects for this topic. The use of professional judgement has been referred to a number of times throughout Chapter 7 including paragraphs 7.51, 7.55, 7.56, 7.61, 7.84, &.128, &.175 and Table 7.3. Please confirm that you are satisfied with the judgements made for any of the areas of the assessment that rely wholly or partly on professional judgment.

Response by Stafford Borough Council

Stafford Borough Council is satisfied with this matter on the basis of the response provided by Staffordshire County Council.

Question T&T 2

Standard significance of effect criteria are presented in Table 7.1 of the ES. The assessment involves a degree of professional judgement. Where professional judgement is relied on to determine the importance/sensitivity of the identified receptors and the magnitude of change relating to road traffic, please confirm that you are satisfied with the assumptions that have been made.

Response by Stafford Borough Council

Stafford Borough Council is satisfied with this matter on the basis of the response provided by Staffordshire County Council.

Question T&T 3

Table 7.16 of the ES indicates that none of the residual effects of the scheme are predicted to be significant. The only slight adverse effects impacts predicted are for pedestrian delay and amenity, accidents and safety and residential amenity, which are all temporary and relate to the construction period. Please confirm that you are satisfied with the ES assessment of residual effects.

Response by Stafford Borough Council

Stafford Borough Council is satisfied with this matter on the basis of the response provided by Staffordshire County Council.

Question T&T 4

Areas of uncertainty are identified in paragraphs 7.84 – 7.85 of Chapter 7 of the ES, particularly in respect of the detailed design and construction programme. Estimated volumes of traffic have had to be used in the assessment and the level of staff required to be on site during the construction phase has also been estimated. Please confirm that you are satisfied with the estimated volumes of construction traffic used in the assessment, and that it represents a worst case scenario.

Response by Stafford Borough Council

Stafford Borough Council is satisfied with this matter on the basis of the response provided by Staffordshire County Council.

Question T&T 5

Cumulative impacts are described in paragraphs 7.70 – 7.74 of Chapter 7 of the ES. The cumulative assessment for T&T has considered Scenario C4 as a likely worst case scenario.

The developments that have been included in scenario C4 include:

- Staffordshire County Council (SCC) highway upgrades in operation
- 30,000m² Meaford Business Park Operational
- 10,000m² Meaford Business Park under construction

It is predicted that cumulatively there would be a slight adverse impact on topics including pedestrian amenity and fear and intimidation, accidents and safety residential amenity, all construction related impacts will be temporary. No significant cumulative impacts are predicted for transport and traffic.

Please confirm that you are satisfied that the developments which have been included within the cumulative assessment for T&T are an appropriate basis for the assessment of cumulative impact, and that no others should have been included.

Response by Stafford Borough Council

Stafford Borough Council is satisfied with this matter on the basis of the response provided by Staffordshire County Council.

Air Quality (AQ)

Question AQ 1

Defra mapped backgrounds are included in Table 8.14. This data was used to inform both the ecological and the traffic impact assessments. Monitored data from Stoke on Trent Automated Urban and Rural Network (AURN) site shows higher concentrations than the Defra mapped backgrounds. It is noted that the AURN data has been used to inform the assessment of the stack emissions as this will result in a more conservative assessment.

Please provide further clarification to explain why the more conservative AURN data was not used to inform the background concentrations in either the ecological or the traffic impact assessments. The EA is asked to confirm that they are satisfied with this approach to the assessment of potential impacts.

Response by Stafford Borough Council

The stack emissions are the priority concern, they are both permanent and have the potential to have a wider impact, a conservative background is appropriate because of the proximity of the Stoke on Trent air quality management area. Traffic emissions are transitory and impact upon only the immediate road network, it is not considered necessary to use the same conservative urban background concentration as for the power station emissions profile.

Question AQ 2

Tables 8.7, 8.15, 8.27 and 8.28 of ES Chapter 8 contain the relevant figures used in the assessment of acid and nitrogen deposition at sites of ecological interest. None of these tables refer to the Midland Meres and Mosses Phase 1 Ramsar and the West Midland Mosses SAC. Tables C2 and C3 which present equivalent information in Appendix C of the NSER do refer to these sites. Can the Applicant explain the discrepancy? Can they confirm that the nitrogen and acid deposition has been modelled in the same way for all the European sites? If this is not the case, how were the figures for the Midland Meres and Mosses Phase 1 Ramsar and the West Midlands Mosses SAC calculated?

Response by Stafford Borough Council

Comments here are restricted to the Stafford Borough Council area. There are no significant impacts of emissions demonstrated upon the local areas of ecological interest.

Question AQ 3

The methodology behind the assessment is described in paragraphs 8.43 to 8.142 of Chapter 8 of the ES (Volume 2) (Doc 6.2.8). Standard guidelines have been followed in carrying out the assessment. The applicant has adhered to guidance in the 2010 update of the Environmental Protection UK Development Control: Planning for Air Quality guidance.

A further update was issued in May 2015: Land-Use Planning and Development Control: Planning for Air Quality guidance produced by Environmental Protection UK and the Institute of Air Quality Management. The descriptors of significance have altered in this revision of the guidance, though the applicant would not have been able to take this into account in their assessment as it was completed in March 2015.

Please provide an assessment of whether consideration of the new guidance would have changed the conclusions of the assessment.

Response by Stafford Borough Council

The update (May 2015) alters the assessment parameters for traffic flows, effectively halving the number of vehicles requiring an assessment. This may have driven a need to reassess the model, however the cumulative traffic assessment (for the entire development not just construction) still shows that the total traffic impact is negligible.

Question AQ 4

Reference is made within Chapter 8 of the ES to the use of professional judgement in carrying out the dust assessment in paragraph 8.47 and in paragraph 8.131.

Please confirm that you are satisfied with the approach taken in those parts of the assessment where professional judgement has been applied.

Response by Stafford Borough Council

The reference made within Chapter 8 (8.47) of the ES to the use of professional judgement to categorise the potential magnitude of construction dust impact of the site into (large, medium or small) according to the level of risk determined by the scale and nature of the proposed works. The Council is satisfied with the approach taken in the part of the assessment where professional judgement has been applied to categorise the scale and nature and therefore likely impact of the proposed works as 'large'.

In paragraph 8.131 professional judgement is again referred to in the assignation of 'significance' taking into account the scale and nature of the site, the sensitivity of local receptors and with suitable agreed mitigation in place. The Council is satisfied with the approach taken.

The Council confirms that it is satisfied with the approach taken in those parts of the assessment where professional judgement has been applied.

Question AQ5

Key stakeholder concerns alluded to within the ES air quality chapter include those raised about the necessity to consider particulate pollution in the air quality assessment. Particulates have not been considered in the stack emissions assessment as the applicant has indicated particulate emissions from a natural gas power station would be negligible.

Please confirm that you are satisfied that the applicant's position on particulate emissions from a natural gas power station is reasonable and justified by available evidence.

Please confirm that you have no other outstanding concerns regarding the air quality assessment.

Response by Stafford Borough Council

The Council is satisfied that the applicants consideration that particulate emissions from a natural gas power station would be negligible is reasonable and is justified by available evidence.

Question AQ 6

Cumulative impacts are considered in paragraphs 8.252 to 8.262 of Chapter 8 of the ES.

For the air quality cumulative assessment the C4 construction scenario has been used and for the operational phase the O4 scenario has been used, these are the scenarios the applicant has deemed to represent the worst-case scenario in terms of emissions. Please explain why it was necessary to consider different combinations of development in the cumulative assessments for the different topics.

It is indicated in Chapter 5 that the scope of the cumulative assessment has been agreed with Staffordshire County Council. Please provide evidence in support of this assertion, for example letters confirming the detail of this agreement.

Response by Stafford Borough Council

It is appropriate for different scenarios to be applied to different aspects of the development because each aspect is best reflected by a different conservative (or worst case) scenario.

Question AQ 7

Other developments in the locality are identified within the chapter but these were not included in the cumulative assessment. Five consented or pending residential

developments were identified between 1.7 and 5km from the proposed scheme, the largest included the provision of 500 dwellings 2.5 km from the site.

Paragraph 5.66 of Chapter 5 of the ES (Volume 2) (Doc 6.2.5) states that 'these other local developments will not be considered as part of the cumulative assessment of the MEC because they are considered to be too distant for effects to combine cumulatively on any shared receptors, to any measurable degree during either operation or construction. The schemes are of a different type to the MEC and associated traffic would not use the same haul or operation route (Meaford Road) as the MEC.'

Please provide further explanation of the basis on which these nearby developments were scoped out of the cumulative assessment.

Response by Stafford Borough Council

For the purposes of traffic pollution impacts the 'other developments' will not affect the same road network as for the application. It is understandable that only developments which will use the same road networks be scoped in, as traffic pollutants will be very localised.

Noise and Vibration (N&V)

Question N&V 1

Chapter 9 of the ES describes how the baseline noise levels for the area around the site were measured (paragraphs 9.102 – 9.108).

Please confirm that you are satisfied with the number and location of sampling points, and that these may be taken as representative of conditions at other properties within 1 km of the order boundaries.

Please confirm that you are satisfied with the method of estimating night-time background noise levels.

Response by Stafford Borough Council

The noise sampling points are shown in Figure 9.2 of Chapter 9 "Noise and Vibration". SBC would expect the applicant to take noise readings from or near to identified noise sensitive receptors (NSRs), as shown in Figure 9.1 of Chapter 9 "Noise and Vibration". This is reasoned from BS 4142:2014 where Paragraph 8.1.2, states that:

"Where possible, measure the background sound level at the assessment location(s). If this is not possible measure at an alternative location where the residual sound is comparable to the assessment location(s). A detailed justification for considering this should be reported."

The sampling point locations appear to have been chosen out of safety and convenience and that of three of the sample location points are not helpful in assessing the background sound levels at NSRs. Further, background noise levels at NSR's (L_{A90}) have been calculated from logged data measured at the proposed development site, rather than at or close to the assessment (NSR) locations, which are preferred.

SBC proposes that the applicant submits a noise monitoring action plan which covers both the construction and operational phases of the project which should include agreed monitoring positions, trigger-levels, etc. (see response to N&V 20).

Question N&V 2

Chapter 9 of the ES provides a broad description of the methodology used to assess noise and vibration from construction, during operation and from increased traffic levels during construction and operation. However, no information is presented in the ES to explain exactly what plant has been included in the generic assessment. In addition there is no detailed explanation or examples of how the methodology in BS 5228 has been applied.

Please explain what plant has been included in the generic assessment?

Please provide a detailed explanation or examples of the way the methodology in BS 5228 has been applied?

Are SBC satisfied with the applicant's approach to assessing construction noise effects?

Response by Stafford Borough Council

SBC are satisfied with the general approach to assessing construction noise effects whoever, as mentioned above, would benefit from being supplemented by a noise management action plan. In terms of traffic and transport, SBC supports the recommended access routes (figures 7.3 ad 7.4 in Chapter 7 "Traffic and Transport") which will confine most construction traffic to the southern access to the proposed site, off Meaford Road. However, in order to restrict the disturbance to the residential properties located in this area, SBC would also recommend that the working hours of the construction phase are amended in the draft Order to be as follows:

Construction work for the authorised development must not take place outside the hours of

(a) 07:00 to 18:00 on Monday to Friday, excluding public holidays; and,

(b) 07:00 to 13:00 on Saturdays

except with the prior written approval of the relevant planning authority.

Question N&V 3

The methodology for assessing operational effects is described briefly in ES Chapter 9 paragraphs 9.58 – 9.61. It is based on the methodology contained in BS 4142:1997. BS 4142:1997 has now been replaced by BS 4142:2014.

If the assessment had been carried out based on BS 4142:2014 rather than BS 4142:1997 could the applicant explain what would the conclusions be?

Response by Stafford Borough Council

BS4142:2014 represents some significant updates and changes to the 1997 standard. Some of the main changes are highlighted in Figure 1 below.

BS4142: 1997	BS4142: 2014
Scope involves describing noise from a source and the background and comparing the two	Scope extended to include mobile plant and the investigation of complaints (except nuisances)
Background noise taken to be “worst case”	Background sound “typical background”
Basic weather to be reported	In depth weather information needed
Acoustic Feature Correction Subjective	Acoustic Feature Correction Subjective or Objective
Acoustic Feature Correction either 0dB or 5dB	Acoustic Feature Correction range 0dB – 18dB
Assessment Complaints/Unlikely	Assessment Adverse or Significant Adverse Impacts
Relative assessment	Relative and absolute assessment (esp. at night)
Rating minus background	Rating minus background + context
Assessment range (-10dB to +10dB)	Assessment range (0dB to +10dB)

Figure 1, Main differences between BS4142:1997 to BS4142:2014 (from Gwyn Mapp, 2015)

It is noted that Chapter 9 was completed in March 2015, after the publication to the update of the new version of the standard. It is recommended that all BS4142 measurements and assessments are updated to take account of the 2014 standard. SBC recognises that this may require a re-assessment but would support this to underpin the existing methodology assessment.

Question N&V 6

The criteria for establishing the significance of operational noise effects are listed in Table 9.10 and appear to be drawn directly from BS 4142. The ES also states though that the BS 4142 approach is not suitable for assessing noise measured inside buildings or when the background and rating noise levels are both very low. In these cases the Applicant has agreed with the SBC Environmental Health Officer to use the guidance contained in BS 8233 (ES Chapter 9, paragraphs 9.87). Although the ES states that this has been agreed with the Environmental Health Officer for SBC, the correspondence between the Applicant and SBC in ES Appendix 9.1 (Doc 6.4.4) does not refer to the use of BS 8233.

Please confirm SBC's agreement with the approach used to determining the significance of operational noise.

Do SBC agree with the Applicant's approach to the assessment of noise effects? Do SBC agree with the conclusions of the Applicant's assessment?

Response by Stafford Borough Council

The timing of any initial monitoring periods is likely to have crossed between the boundary of 4142 standards (BS4142:2014 being published in October 2014). It is accepted that the use of BS4142:2014 would require some significant updating to the Noise report and because of this, would recommend that further monitoring be undertaken to include BS4142:2014 criteria. Additional matters that SBC would like to see included in the noise and vibration assessment include:

- a) An explanation of the used of L_{A90} (Background data) from the proposal site rather than at or close to noise sensitive receptors (NSRs)
- b) An explanation of typical calculations and assumptions used to derive results e.g. background, specific and rating levels, using examples
- c) Consideration of other similar projects in the UK where actual noise readings have been taken and could be used to inform the noise models and assumptions, particularly to identify any unique character, tone, intermittenencies of sound(s).
- d) Weather data, such as wind direction as well as speed, for all measurements.
- e) Consideration of potential "on –off" (i.e. intermittent) nature of the proposed site (e.g. see paragraphs 11 to 13 of the Needs Case Technical Note, see <http://www.meaford-energy.com/downloads/Need-case-technote.pdf>)
- f) Calibration records for equipment showing valid calibration certificate for SLM(s), calibrator(s) and weather station(s) (if used).

SBC is not aware that it has previously agreed to using BS8233:2014 however the applicant should include an assessment under this standard to help meet the protections afforded by it.

Notwithstanding, in general terms, SBC agree with the approach used by the Applicant to identify the conclusions. Should the applicant not be able to fulfil the above criteria, consideration of a re-assessment or equivalent should be taken.

Question N&V 7

The study area of the assessment is 1km from the edge of the Order Limits. The ES states that this area was chosen because of the 'decrease in accuracy of acoustic prediction methodologies over distances greater than this' and refers to guidance within the Design Manual for Roads and Bridges and BS 5228 (ES Chapter 9, paragraphs 9.67 – 9.68).

Please confirm SBC's agreement with the approach to defining the study area.

Response by Stafford Borough Council

SBC agree with the applicants approach to defining the study area however it would have been preferable to match the study area to the 2-2.5km study areas used in other parts of the Environmental Statement.

Question N&V 15

Other projects and developments were identified within a 5 km radius of the project site but the ES concludes that all they are all too distant for effects to operate cumulatively on shared receptors (ES Chapter 5, paragraphs 5.64 – 5.68).

Do SBC and Staffordshire County Council agree with this conclusion? Are there any other proposed developments or projects that should be taken into consideration?

Response by Stafford Borough Council

The only other developments SBC are aware of are associated with the Meaford Business Park, together with planning permission 13/19114/FUL for 25 affordable dwellings at Manor Rise, Walton Stone, approved on 15 August 2014.

Question N&V 19

Operational noise from Meaford Business Park has not been included in the cumulative impact assessment because the approved application for the business park does not include any information on noise impacts from the proposed development (ES Chapter 9, paragraph 9.173).

Please provide information on the assessment of noise impacts in relation to the consent for Meaford Business Park. Is it expected that cumulative noise impacts will be included in the assessment of reserved matters for Meaford Business Park?

Response by Stafford Borough Council

SBC is not currently aware of any cumulative noise effects from Meaford Business Park.

Question N&V 20

The ES states that consideration should be given to monitoring noise complaints throughout the life of the scheme (ES Chapter 9, paragraph 9.145). Requirement 5 of the draft DCO specifies that the Construction and Environmental Management Plan (CEMP) should include nuisance management measures for construction effects, including noise. There is no other commitment in the draft DCO to monitoring noise during the construction or operational phase. It is also unclear why the Applicant feels that monitoring should be considered since they conclude that there would not be any significant impacts. In addition, the Applicant has not suggested any actions that would be triggered by the results of any monitoring during operation.

Is the Applicant willing to undertake noise monitoring as suggested in paragraph 9.145 of the ES? How would this monitoring be secured? What is its purpose? How would noise complaints be dealt with? Does SBC feel that noise monitoring should be undertaken during construction, operation or decommissioning?

Response by Stafford Borough Council

SBC supports the use of BS5228 for measuring and defining the effects of construction noise. It would be beneficial to see a monitoring plan for the site, preferably at or close to NSRs, particularly during the 36-month construction period and at least on an annual basis to ensure conformity to agreed standards. Consideration of live noise, dust and vibration data with pre-triggers alerts 24/7 and self-restricted working hours for noisy activities.

Landscape and Visual (LVE)

Question LVE 1

Para 10.19 of the ES states that the assessment of LVE has been undertaken on the realistic worst case scenario of a 2 + 1 layout with two stacks. Para 4.39 of ES Chapter 4 refers to 'Gas Turbine Building(s) – which contains up to two gas turbines' and 'Up to two Heat Recovery Steam Generators and Stacks'. What are the implications for the design and appearance of the scheme of these different operational scenarios?

Response by Stafford Borough Council

The principle implication of the differing operational scenarios to the design and appearance of the proposals would be the extent of visual impact that they would exert on both near and far visual receptor locations. A single Stack and Heat Recovery Steam Generator building would inherently have a lesser visual impact than a twin set up which could have implications on the level of mitigation required and/or the detailed design of the external envelope of the various buildings and structures.

The maximum parameters set out in the DCO provide enough spatial flexibility to facilitate either the 2+1 arrangement or the 1+1 arrangement. Ultimately, if it is the smaller of the two arrangements that is selected as the preferred development option, what mechanism is there to reduce the scale parameters of the authorised development to suit the reduced spatial requirements of the smaller arrangement and thereby reducing the potential visual impact of the development. What is to stop the applicant building the larger buildings under the DCO, but only accommodating the smaller internal arrangement of turbines/generators etc, to effectively future-proof the potential of the facility to expand its generating capacity at some later date?

Question LVE 2

Paragraph 10.21 of the ES states that ‘a more sympathetic finish will be considered as secondary mitigation during the detailed design process’? Paragraph 10.160 states that ‘the secondary measures are not incorporated into the scheme design at present and would be based on rendering the built form of the Power station Complex to aid in perceptually reducing the mass and scale of the buildings and integrating them within existing views of the vegetation. Design principles and alternative coloured finishes are included within the Design and Access Statement to inform the requirement of the Order.’ How will these measures be secured through the DCO to achieve the objective of good design?

Response by Stafford Borough Council

Paragraph 10.21 of the ES states that:

“the built form facades of the Power Station Complex will have a standard and generic grey finish - a more sympathetic finish will be considered as secondary mitigation during the detailed design process”.

Paragraph 10.160 also states that

“the secondary measures are not incorporated into the scheme design at present and would be based on rendering the built form of the Power Station Complex... alternative coloured finishes are included within the Design and Access Statement to inform the requirement of the Order.”

In terms of securing these measures through the Order to achieve the objective of good design, Requirement 3, (3) of the DCO requires that the works are designed substantially in accordance with the Design Objectives Statement (Summary of Design Objectives in chapter 2 of the Design and Access Statement).

However, the relevant design objective only states that:

“all buildings and structures within the Power Station Complex should avoid bright, prominent or reflective materials”.

The intention of paragraphs 10.21 and 10.160 appear to only inform the design process as Requirement 3,4 (a) of the DCO requires the submission and approval of details for the siting, design, external appearance, dimensions and floor levels, and the colour, materials and surface finishes of the pipeline and all permanent buildings and structures.

Notwithstanding the issue of securing the secondary measures SBC questions whether a generic grey finish will be the most appropriate manner to deal with the external design of the buildings and structures to mitigate against the development's visual impact.

The applicant has explained that all the ES does, in the absence of detailed design information that Requirement 3 requires, is to provide a generic colour scheme for the purpose of the landscape and visual impact.

The applicant also proposes to amend the wording in the Design Objectives Statement to the following:-

“given the green belt location and proximity to conservation areas, all buildings and structures should be of high-quality design, employing a palette of appropriately-graded colouring, and avoiding bright, prominent or reflective materials;”

On this basis SBC is satisfied that Requirement 3 in the DCO provides adequate measures for SBC to influence the design aspects of the proposal and which are now reinforced by the amended wording to the Design Objectives Statement.

Additionally, there are several ways in which the design of the external envelope of the building could act to reduce the visual perception of the scale and massing of the various buildings and structures; two possible examples are included below:-

- 1) The colour of external cladding be vertically graded so that darker shades are utilised at lower levels, with the hue and saturation of the same colour diminishing with the height of the building.



- 2) Or alternatively, an approach that more overtly attempts to “fragment” the overall massing by applying cladding with an almost camouflage approach.



SBC also notes that the “stepped” approach to massing and building heights stated in Section 3.18 of the Design & Access Statement is not included within the Design Objectives Statement.

Question LVE 3

Paragraph 10.143 of the ES acknowledges that the sky glow would increase due to permanent lighting being introduced, into an unlit area. What measures are proposed to minimise the effects of ambient lighting, glare and sky glow? How can they be secured?

Response by Stafford Borough Council

Very limited details are provided as to the proposed controls to prevent problems associated artificial light. The applicant should submit a scheme to show how any lighting associated with the development would interfere with the area. Particular care and reference should be made to protecting the existing light character of Barlaston Downs (located directly to the East) and any nearby residential and commercial properties. Reference should be made to appropriate guidance, such as the Institute of lighting professionals (ILP) “Guidance Notes for the Reduction of Obtrusive Light” (see <https://www.theilp.org.uk/documents/obtrusive-light/>). Consideration should be given to zonal curfew of any security lighting used and minimisation of lighting between 23:00 and 07:00 hours.

Question LVE 4

MOD (additional submission published 20 August 2015) requests the installation of aircraft warning lights on the stacks. Would the inclusion of such lighting alter the conclusions of the Landscape and Visual Impact Assessment? Is it appropriate to include a Requirement in the DCO to address the issue?

Response by Stafford Borough Council

One implication of the addition of aircraft warning lights on the stacks would be that these would be a relatively prominent feature within the visual impressions of the night time vistas of the site from the visual receptor points. Without these lights, it is

unlikely that the buildings and structures of the MEC would be a perceived element within the wider landscape when viewed from the mid and distant visual receptor locations during hours of darkness.

Cultural and Heritage (CH)

Question CH2

The methodology used in the assessment of cultural heritage impacts is described in ES Chapter 12, paragraphs 12.36 – 12.38. Paragraphs 12.27 – 12.38 also refer to English Heritage's (now Historic England (HE)) guidance on the setting of heritage assets.

The ES states that the methodology has been agreed with Staffordshire County Council, Staffordshire Borough Council (SBC) and English Heritage (now Historic England) no evidence in the form of correspondence or meetings minutes have been provided. No relevant representations have been received from the County Council, SBC or HE so it is not clear whether they agree with the applicant's approach to the assessment.

Do Staffordshire County Council, SBC and HE agree with the applicant's approach?

Response by Stafford Borough Council

Paras 12.36-12.38 refer to the Data Sources. This is supported, though it is noted that Stafford Borough Council adopted a new 'Trent and Mersey Canal Conservation Area Appraisal' in August 2014, which post-dates the assessment of May 2014.

The Matrix approach used within Chapter 12 is considered a useful approach, particularly where multiple assets are being assessed. It is not clear that a full assessment of the significance of the setting of the heritage assets has been carried out in accordance with the "Setting of Heritage Assets" (English Heritage, 2011), (now superseded by "Good Practice Advice Note 3", 2015), including which of the various factors that contribute to setting have been assessed. However, it is not considered that this would lead to a significant re-evaluation of the impacts, other than in those cases highlighted below (CH 6).

Paragraph 12.45 in respect of the 'Significance of Effect Matrix' also raises some concerns stating that 'only moderate to very large adverse or beneficial effects are considered to be 'significant''. This appears to conflict with the NPPF (para 134) where it is clear that any 'harm' including 'less than substantial' needs to be given due consideration.

Question CH5

The ES states that previously unknown archaeological remains are unlikely to be found during construction or operation because of the previous level of disturbance to the site from the construction and demolition of the previous power stations and associated infrastructure (ES Chapter 12, paragraphs 12.76 – 12.78).

Please confirm whether you agree with this conclusion.

Response by Stafford Borough Council

Stafford Borough Council is satisfied with this matter on the basis of the response provided by Staffordshire County Council.

Question CH6

Table 12.8 describes the potential impacts on the setting of designated assets during operation. It gives the value of an asset and the magnitude of impact. It does not describe the significance of effects but this can be deduced from referring to the 'significance of effect' matrix in Table 12.3. Based on Table 12.3 the effects would either be neutral or slight adverse.

Table 12.9 describes operational effects on the setting of non-designated heritage assets. This table does include a column for significance of effect. All effects are considered to be neutral in significance. ES paragraph 12.82 states that a further 27 non-designated assets were identified in the study area. Their setting would not be affected by the development so effects from the development would be of neutral significance.

Please confirm whether you agree with the applicant's conclusions on the effects of the setting of designated and non-designated heritage assets.

Response by Stafford Borough Council

SBC agrees with the majority of conclusions regarding the impact of the MEC on designated and non-designated heritage assets, with the exception of:

Turnover Bridge (grade II): This is an attractive and distinctive roving bridge. Of red brick with elliptical arch, stone saddleback copings; its swept parapets and stone-setted ramps take the towpath from one side of the canal to the other. It is still very much in use by walkers and canal users, and the MEC site would lie about 200m to its west. Views of the MEC may be quite apparent on crossing the bridge east to west, as well as in close views of the bridge from the southeast. Subject to mitigation by screening it is considered that there would be a 'minor or moderate adverse' impact on its setting.

Meaford Hall (grade II):* Nursery House (grade II*), former Stables (grade II): The conclusion of 'No change' appears to be largely reliant on dense tree growth south of the application site, which is outside of the control of the applicant. It is also unclear

whether views of the Hall from within its grounds have been considered. The Hall faces west and the power station may be visible in the background to views of its front elevation. It is considered that there could be a 'minor adverse' impact on its setting.

Question CH9

Figure 4.6 of the ES (Visualisation of Canal Bridge 101 (Malkin's Bridge) during operation of the MEC) shows the upper surface of the gas supply pipeline slightly above the repaired bridge parapet. Are there any physical or engineering constraints that prevent the pipeline being lowered at this point to avoid any visual intrusion? If so, has consideration been given to alternative mitigation in this location?

Response by Stafford Borough Council

Malkins Bridge is not a listed structure, but appears to be of mid-19th century origins. Though it has been subject to some unfortunate repairs and damage over the years, it still contributes historic character to the Trent and Mersey Conservation Area (TMCA). The pipeline would slightly project above the parapet, leading to some visibility in long views. Any opportunity to slightly embed the pipeline in the structure to reduce its visibility would be welcomed. Alternatively, slightly raising the parapet height could be considered, given the structure has already been subject to multiple alterations, and modest alteration would not substantially alter its contribution to the character and appearance of the TMCA.

SBC is unaware of consideration of alternative routes for the pipeline. But would prefer to see re-use of existing bridges of lesser heritage significance, rather than a new structure crossing the TMCA.

Question CH12

Please explain how heritage impacts of the proposal should be assessed in the context of the advice in the National Planning Policy Guidance section 12, in particular paragraphs 133 – 135.

Response by Stafford Borough Council

SBC considers that there would be some harm to the significance of designated heritage assets due to introduction of tall modern structures within their settings. Heritage Assets affected include: The Trent and Mersey Canal Conservation Area; the grade II listed buildings at Turnover Bridge no.100, Outlanes Farm House, and Meaford Old Hall; and potentially the grade II* and II listed buildings at Meaford Hall.

'Substantial harm' is "a high test which may not arise in many cases" (PPG, 18a-017). It is considered that the development would not cause substantial loss of elements of the special architectural or historic interest of the listed buildings, or of the character

and appearance of the Trent and Mersey Conservation Area. The harm is therefore interpreted as ‘less than substantial harm’ in the terminology of the NPPF. It should therefore be “weighed against the public benefits of the proposal” (para 134), but still given “great weight” (para 132).

Development Consent Order (DCO)

Question DCO 15

Requirements 5, 9 and 10 permit discharge in stages. Please can the Council give their views on the acceptability of this approach?

Response by Stafford Borough Council

Requirement 5 requires that no development is commenced until a Construction and Environmental Management Plan (CEMP) has been submitted and approved by the relevant planning authority. Paragraph (3) also allows the undertaker to commence individual works following the submission and approval of a CEMP for those individual works.

In relation to the CEMP, SBC would expect this to be informed by relevant and up-to-date ecological survey information and to ensure that proposed works take account of specific constraints on timing of works.

Requirement 9 requires that no development is commenced until a written Habitat Management Plan has been submitted and approved by the relevant planning authority. Paragraph (3) also allows the undertaker to commence development for individual works 1E, 5B, 6 and 7 following the approval of a habitat management plan for those individual works.

SBC considers that the CEMP and the Habitat Management Plans for the various phases of construction should both be informed by an overall strategy that provides a coherent vision for the whole site. Habitat Management Plans should also look to the wider development of the whole Meaford site and contribute towards a holistic delivery for an overarching ecological framework.

Requirement 10 requires that no development is commenced until a Construction Traffic Management Plan (CTMP) has been submitted to and approved by the relevant planning authority in consultation with the relevant highway authority. Paragraph 3 also allows the undertaker to commence development for individual works which are the subject of a previously approved CTMP.

Staffordshire County Council, as the relevant highway authority, have confirmed that they are happy with requirement 10 and on this basis SBC are satisfied with this matter.

Question DCO 16

Can the Council confirm that they are content with the provisions contained in Schedule 8 for the discharge of requirements, particularly in relation to the proposal for approval to be deemed to be granted if no response is received from the LPA within 21 days?

Response by Stafford Borough Council

(SBC have queried this question with the Planning Inspectorate who have confirmed that it should refer to 8 weeks rather than 21 days.)

SBC questions the practicalities of provision 2. (2) in Schedule 8 of the DCO as this only gives the local authority 21 days to notify the undertaker in writing of what further information is required in order to consider an application. Thereafter, if the local authority fails to give notification it is deemed to have sufficient information to consider the application and is not then entitled to request further information without the prior agreement of the undertaker.

In practice, the local authority will need to consult relevant consultees in order to discharge details of the scheme where a consultation period of 21 days is normally given. It is likely therefore that the local authority would not know whether further information would be required within 21 days. Consequently, if the local authority is made aware that further information is required after 21 days but the undertaker does not agree to provide this then the application is likely to be refused on the grounds of inadequate information which would hinder the discharge process as a whole.

SBC therefore suggests a period of 28 days would be more practicable as this would allow sufficient time for the local authority to consult relevant consultees, for the consultee to then consider and confirm whether further information is required and for the local authority to then notify the undertaker if further information needs to be submitted.

Ultimately, the local authority would still need to determine an application within 8 weeks, unless a longer period is agreed with the undertaker, so a longer period of 28 days is unlikely to delay the discharge process.

Given the above, SBC also questions why after the 21 period the local authority is not entitled to request further information without the prior agreement of the undertaker because if the undertaker refuses to submit further information requested by the local authority this is likely to result in the refusal of the application. Again, SBC questions the practicalities of this provision as it likely to hinder the discharge process with no perceived benefit to the undertaker.

Question DCO 17

Can the street and traffic authorities confirm that they are content with Articles 12 and 13 in the DCO?

Responses by Stafford Borough Council

Stafford Borough Council is satisfied with this matter on the basis of the response provided by Staffordshire County Council.