

Development Management

Central Bedfordshire Council

Priory House, Monks Walk
Chicksands, Shefford
Bedfordshire SG17 5TQ
www.centralbedfordshire.gov.uk



An application for Development Consent Order for an up to 299 megawatts (MW) gas fired peaking power generation plant designed to produce electricity, along with associated development, such as a gas connection and electrical connection at Rookery South Pit, near Stewartby, Bedfordshire

WRITTEN REPRESENTATIONS

IPC Reference

Number EN01006

1. Introduction

1.1. Since the Council made its initial representation, there have been further discussions which have helped to clarify the respective positions of the applicant and the Council. These have helped to clarify and refine the Council's position which is reflected in the Statement of Common Ground with the Applicant and these written representations.

1.2. The current position of the Council in respect to those issues raised in its relevant representations are set out below.

2. Traffic, highway and access issues

2.1. The Council initially raised concerns over a number of issues relating to the highway network with regard to sites accesses, construction traffic routing, footpath management, ongoing road conditions and future Section 278 and street works.

2.2. The Council's current position is that the remaining highway concerns can be acceptably dealt with by way of a requirement covering the submission of details for the relevant works and that a revised requirement submitted as part of an updated DCO will be acceptable.

3. Landscape and visual impact

3.1. The Council considers that the LVIA that has been generally undertaken to an acceptable standard and the mitigation strategy is detailed and will inform colour and lighting as well as the planting proposals, it does disagree with some of the judgements made in the Landscape Visual Impact Assessment (LVIA).

3.2. In detail, looking at the Visual Effects Table:

- Vp 14 – Footpath 7 at Millbrook – the assessment does assess the impact as major Adverse, and having Major significance during construction and on completion, which are very much the same thing. After 15 years growth, the impact only reduces to Moderate adverse with Moderate Significance.
- Vp 15- View from country park near Railway crossing – this has a very similar assessment – Major adverse during construction, reducing to Moderate adverse on Completion.

3.3. After 15 years of growth, the impact is only considered to be Slight adverse – with minor significance. In CBC's view, the additional development arising from the Project will extend the built form in Rookery Pit and the visual impact is likely to have a greater significance in both the above views.

3.4. The LVIA frequently judges the "Value of Views" to be "Low" from the viewpoints – including from both the above. This judgement comes from the hierarchy of sensitivity linked to the significance of the landform and public use put forward in the Guidelines for Visual Assessment. However, in both the above cases the overall sensitivity of the views are classed as Medium, which is probably fair.

3.5. A category of Low Sensitivity would arise from viewpoints where the land is in poor condition and of low importance- perhaps general farmland.

Views from land with Medium Sensitivity would include views from an AGLV; a Medium -Low category would include undesignated land but where there is a recognised value.

3.6. It is considered that views from the Millennium Country Park – where people visit to enjoy a rural ambience, should rate higher than “Low”. In addition, views from the Greensand Ridge over an area designated as a Community Forest also have greater significance than just basic views across a farmland vale without designation.

3.7. In overall conclusion, it is accepted that it is not uncommon to have some variance of judgement regarding the findings of the LVIA and generally the LVIA is to an acceptable standard.

3.8. The current landscape setting is of productive farmland within a Community Forest and the Millennium Country Park- it is essential that an off-site effective planting scheme is secured and this is understood to be under discussion with the Forest of Marston Vale.

3.9. The council initially raised concerns over a number of detailed landscape issues requiring further information. The Council’s current position is that these can be dealt with by way of a requirement covering the submission of these details.

4. Noise impacts of the development on local residents and on the surrounding area

4.1. The Council initially raised concerns over night time noise limits however, after further discussion between the Council’s Environmental Health Officer and Millbrook Power’s consultants it is agreed that the remaining detailed concerns can be dealt with by means of a requirement.

4.2. The Council was also concerned that the issue of construction noise had not been adequately addressed within the requirements. The Council understands that an additional requirement will now be included in a revised DCO which should address this issue.

5. Land contamination

5.1. The Council welcomes the requirement that a phase 2 would be secured by a requirement of the Order, as the Council would want to see a validation report to demonstrate the effectiveness of any approved remediation.

6. Draft Development Consent Order and the Requirements

6.1. It should be noted that negotiations on the DCO and including the requirements and on the 106 Obligation are ongoing. This may mean that the Council reconsiders its stance on some of the requirements currently proposed or that it is agreed between the parties that some matters, currently set out in the requirements, are more appropriately addressed in the 106 Obligation. However, the below sets out the Council’s position at the time of the submission of the detailed written representations.

6.2. The Local Planning Authorities will be responsible for monitoring and enforcing any requirements imposed on the development as well as any planning obligations. The Council agrees that it would be more appropriate for the Local Planning Authorities to assess and determine the submissions due to their experience in such matters as well as the need to take into account future monitoring. This will require the Council to resource this at some financial expense. Whilst there is

no provision for charging in this Order, it is understood that the applicant is agreeable to entering into a Planning Performance Agreement which would cover these issues. If a suitable agreement can be reached, this would effectively deal with the issue.

6.3. For certain provisions, the Council considers that the relevant Local Planning Authority should be named within each requirement so it is clear who will be dealing with which matter. Central Bedfordshire Council has discussed this issue with Bedford Borough Council and agreed that where the requirements identify a specific Council, this should be Central Bedfordshire Council. Central Bedfordshire Council will then consult Bedford borough Council on these where appropriate. The Council is aware that Millbrook Power is preparing suggested amendments to the DCO along these lines. This could effectively address this issue.

6.4. With respect to water consumption at the proposed facility, the applicant has clarified that:

- The generating equipment does not consume any water during operation
- De-mineralised water is required for cleaning the turbine – this will be brought onto site by tanker and stored on site
- Therefore, in normal operation the only water consumption will be from the use of welfare facilities from the operatives who will be on site, which is a maximum of four at any one time.

6.5. Therefore, the Council considers that it would unreasonable to continue to insist upon a requirement to provide for a BREEAM scheme for such low volumes of use.

DCO Schedule 12: Procedure for Discharge of Requirements

6.6. Schedule 12, part 2 places a limit on the period for the Council to ask for further information in connection to the consideration of a scheme submitted to discharge a requirement. The Council is likely to need to consult specialist consultees and would normally allow a minimum of 21 days to respond, as is the case with standard planning procedures. This could make it unable to meet the deadline suggested as the Council may not know what further information was required until the consultee responded. The Council considers that 28 days would be a more workable period. This would give time for the application to be received by the Council, processed and sent to consultees, any further information required identified and the applicant notified.

Heads of Terms to be included in the S106 Agreement.

6.7. The Council initially raised a number of additional matters that should be included in the proposed S106 obligation to maximise the benefits of the proposal. The first if these was an ongoing obligation to repair and maintain access points off Green Lane, Station Road, Houghton Lane and Millbrook Road. This is on the basis that if these access points are not designed and constructed as part of an agreed Section 278 process, the Council as Local Highway Authority should not be responsible for the maintenance of any works carried out on the public highway. Whilst Requirement 5 of the DCO does require some details to be submitted for approval these would normally be quite basic compared with that necessary for approval under a S278 process.

6.8. The second of the matters identified concerned the approval of Requirements and monitoring of the operation and the costs arising from these to the Council. As has been mentioned above, the Council understands that Millbrook Power intends to address this issue by means of a Planning

Performance Agreement. If this is the case then it would now longer be required to dealt with in the S106 agreement.

6.9. The third of the matters identified was in connection with the provision of a Local Employment Scheme for construction and operational employment associated with the development. It is not considered that the proposed “Local Services Scheme” goes far enough to encourage the provision of locally sourced employment. It is considered that a scheme similar to that approved for the adjacent waste management development (see copy attached) should also be required for this proposal. However, it is considered that due to the relatively low numbers employed at the operational stage of the development, this should only be required for the construction stage.

7. Other issue specific matters

7.1. The Council did raise a number of potential other issues that it might be concerned about. This was due to certain internal consultees not being in a position to make final comments within the deadline to respond. The Council can confirm that there are no additional issues it wishes to raise.

Representations prepared by:-
Roy Romans
Team Leader – Minerals and Waste