



PLANNING COMMITTEE: 19th February 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2018/1511

LOCATION: Nene White Water Centre The Eighth Earl Spencer Centre For Young People, Bedford Road

DESCRIPTION: Installation of an AquaZoom vortex hydroelectric turbine with associated intake structure, channel, basin and outfall pipe buried within existing river bank. Includes enabling works, temporary construction compound, temporary vehicular access and permanent buried cable to connect to electricity network.

WARD: Nene Valley Ward

APPLICANT: AquaZoom Ltd
AGENT: Renewables First Ltd

REFERRED BY: Head of Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposed development would support sustainable development principles and would not have an adverse impact upon flood risk and water quality, ecology, the character and appearance of the area, residential amenity or highway safety. The development is therefore compliant with the requirements of the National Planning Policy Framework; Policies S10, S11, BN2, BN4, BN7A, BN7, and BN9 of the West Northamptonshire Joint Core Strategy; and Saved Policies E20 and L26 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 The application seeks planning permission for the installation of an AquaZoom vortex hydroelectric turbine with associated intake structure, channel, basin and outfall pipe buried within the existing river bank. The proposal includes enabling works, temporary construction compound, temporary vehicular access and permanent buried cable to connect to the electricity network.

- 2.2 The intake for the hydroelectric turbine would be to the western side of the River Nene and to the south of the weir / footbridge adjacent to the Nene White Water Centre. Water would be channelled from the river in a north westerly direction under public footpath KN8 and towards the turbine structure, which would be located adjacent to the series of pools that form the existing artificially pumped white water course. The turbine structure comprises a basin with a single vortex turbine installed in its base that would power a generator. The water would outfall from the turbine structure into one of the lower pools associated from the existing white water course and then flow back in the river. The cable would run from the turbine structure in an easterly direction to the existing substation for the white water course.
- 2.3 The planning application has been accompanied by a Planning Statement incorporating a Design and Access Statement, Flood Risk Assessment, Water Framework Directive Assessment, Preliminary Ecology Appraisal incorporating a Phase Two Surveys for Otter & Water Vole, and Initial Construction Method Statement.

3 SITE DESCRIPTION

- 3.1 The application site comprises part of the site of the Nene White Water Centre and is specifically a small area of land between the River Nene to the east and the white water course to the west. It includes the western bank of the River Nene, a public footpath in the centre (KN8 which also forms part of the Nene Valley Way long distance footpath), and would connect up to one of the lower pools that forms part of the white water course to the west.

4 PLANNING HISTORY

- 4.1 N/1995/127: Construction of canoe slalom on west bank with associated parking. Vehicle access and club house on the east bank of River Nene. Permitted.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), and Northampton Local Plan (1997) saved policies.

5.2 National Policies

The National Planning Policy Framework (NPPF) sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraphs 7-11 – Achieving sustainable development
Paragraphs 96-98 – Open space, recreation and public rights of way
Paragraphs 108 and 109 – Highway safety
Paragraphs 117-118 – Making effective use of land
Section 14 - Meeting the challenge of climate change and flooding
Section 15 – Conserving and enhancing the natural environment

5.3 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

S10 – Sustainable development principles
S11 – Low carbon and renewable energy
BN2 – Biodiversity
BN4 – Upper Nene Valley Gravel Pits Special Protection Area
BN7A – Water supply, quality and wastewater infrastructure
BN7 – Flood risk
BN9 – Planning for pollution control

5.4 **Northampton Local Plan 1997 (Saved Policies)**

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policies are material to this application:

E20 – New Development
L26 – Recreational/leisure use

5.5 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004
Biodiversity Supplementary Planning Document
Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document

6 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

6.1 **Canal and River Trust:** No comment.

6.2 **Environment Agency:** We are satisfied with the principle of the development however some of the finer details will need to be resolved. This should not change the scheme, however operation of the existing sluice may need to be adjusted. As such, we are satisfied that this information can be agreed through an appropriate condition.

6.3 **NCC Lead Local Flood Authority:** No comment.

6.4 **NCC Ecologist:** Overall, the Primary Ecology Appraisal (PEA) and updated otter and water vole surveys have demonstrated that there should not be impacts to protected species. Support the recommendations in section 5.6 onwards of the PEA.

6.5 **NCC Highways:** No comment.

6.6 **Natural England:** The Site of Special Scientific Interest (SSSI) Impact Risk Zones should be used to assess the impacts of the proposal on the SSSI.

6.7 **Northampton Inland Waterway Association:** No objection.

6.8 **Ramblers Association:** There is a Public Right of Way which runs through the site and crosses the area of work, this being Footpath KN8 along which is routed the Nene Way (as also mentioned in the documentation). On the understanding that the commitments and assurances in the application documents will be met and that all necessary safety precautions will be taken, the Ramblers Association has no objection to the Application.

7 **APPRAISAL**

Principle of development

- 7.1 The application site forms part of the Nene White Water Centre and is designated for recreational/leisure use under Saved Policy L26 of the Northampton Local Plan. However, the proposed hydroelectric turbine is compatible with and would not prejudice the existing recreational use of the site. Furthermore, the proposed development would accord with the sustainable development principles relating to climate change set out in Policies S10 and S11 of the Joint Core Strategy and Section 14 of the NPPF. As such, it is considered that the proposed development would support the transition to a low carbon future in a changing climate and is acceptable in principle under the development plan and with regard to the guidance in the NPPF.

Flood risk and water quality

- 7.2 Policies BN7A and BN7 of the Joint Core Strategy and the guidance in the NPPF seek to manage flood risk and safeguard water quality.
- 7.3 The application site falls within Flood Zones 2 and 3 and proposes a hydroelectric turbine served off the River Nene. The proposal is considered to be water compatible development and therefore a sequential and exception test is not required and the development is acceptable in principle in Flood Zones 2 and 3. Furthermore, the application has been accompanied by a Flood Risk Assessment and this finds that the development would not present any significant flood risk and also highlights that separate permits are required from the Environment Agency for the works. In addition, the application has been accompanied by a Water Framework Assessment and this details that the proposal would have no impact on the water quality of the River Nene. The Environment Agency has assessed the application and raises no objections subject to a hydraulic flow condition. As such, subject to the aforementioned condition, it is considered that the proposal would not have an adverse impact with regards to flood risk and water quality.

Ecology

- 7.4 Policies BN2 and BN4 of the Joint Core Strategy seek to maintain and enhance biodiversity and ensure that there will be no significant impact on the Upper Nene Valley Gravel Pits Special Protection Area (SPA), with further guidance provided in the Biodiversity and Upper Nene Valley Gravel Pits SPA Supplementary Planning Documents.
- 7.5 The application relates to a section of the bank of the River Nene and is located some 750 metre away from the Upper Nene Valley Gravel Pits Special Protection Area (SPA), which is also a Site of Special Scientific Interest and a Ramsar site (Wetland of International Importance). The proposal has been accompanied by an ecology assessment and this document has been amended during the course of the application to include an otter and water vole survey. Having regard to the amended ecology assessment, the County Ecologist has advised that there would be no adverse impacts to protected species. Furthermore, in respect of the Upper Nene Valley Gravel Pits SPA and associated SSSI impact zones, it is noted that the site includes a public footpath and is used as part of a wild water centre such that it is not considered that it would comprise supporting functional land for the SSI that would, for example, be likely to be used by wetland birds for nesting or feeding. Furthermore, there are existing pumps associated with the wild water centre such that it is not considered that the proposal would generate additional noise that would disturb wetland birds. In addition, as detailed above, the proposal would not adversely impact on water quality and it would not be likely to attract visitors to the SPA site. As such, overall, it is considered that the proposal would not give rise to an adverse impact with regard to protected species and the Upper Nene Valley Gravel Pits SPA / Ramsar site / SSSI.

Design

- 7.6 Saved Policy E20 of the Local Plan and the guidance in the NPPF seek high quality design.
- 7.7 The proposed development would be predominantly of concrete construction and would integrate acceptably with the existing engineered structures that form part of the neighbouring white water course. As such, it is considered that the proposal would not adversely impact on the character and appearance of the area.

Residential Amenity

- 7.8 Saved Policy E20 of the Northampton Local Plan and the guidance in the NPPF seeks to safeguard residential amenity.
- 7.9 There are no residential properties in the immediate vicinity of the site and there are also a number of existing noise generating sources in the locality of the site, including the existing pumps for the wild water centre and the A45. As such, it is considered that the proposal would not have an adverse impact on the residential amenity of any neighbouring property.

Highway safety and public right of way

- 7.10 The guidance in the NPPF seeks to ensure that development proposals would not result in an unacceptable impact on highway safety and to protect public rights of way.
- 7.11 The existing white water centre benefits from a large car park that could accommodate construction parking and the proposed development would not generate a parking requirement once operational. Furthermore, whilst the proposal would involve the likely closure of part of public right of way KN8 during the construction of the underground channel, this would only be a temporary measure and there are existing pathways around the white water course that could be utilised as a diversion. Therefore, the public right of way would not be unduly prejudice in the short term and, in any event, any such temporary diversion would need to be addressed under the Highway Act. As such, overall, it is considered that the proposal would not have an objectionable impact with regards to highway safety and the existing public right of way.

8 CONCLUSION

- 8.1 To conclude, the proposal would support sustainable development principles and would not give rise to adverse impacts with regards to flood risk and water quality, ecology, the character and appearance of the area, residential amenity or highway safety.

9 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: NENE_01; NENE_02; NENE_03; NENE 05; NENE 06; NENE 07; NENE 08; NENE 09; and NENE 10.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

3. The development hereby permitted shall not be commenced until such time as detailed hydraulic analysis of the existing and proposed flow regime has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

Reason: To prevent increased risk of flooding in accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

4. The precautionary measures to be taken in relation to protected species during the construction phase of the development as detailed in Paragraphs 5.6-5.16 of the amended Preliminary Ecological Assessment shall be adhered to throughout the construction period.

Reason: To safeguard protected species in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy.

10 BACKGROUND PAPERS

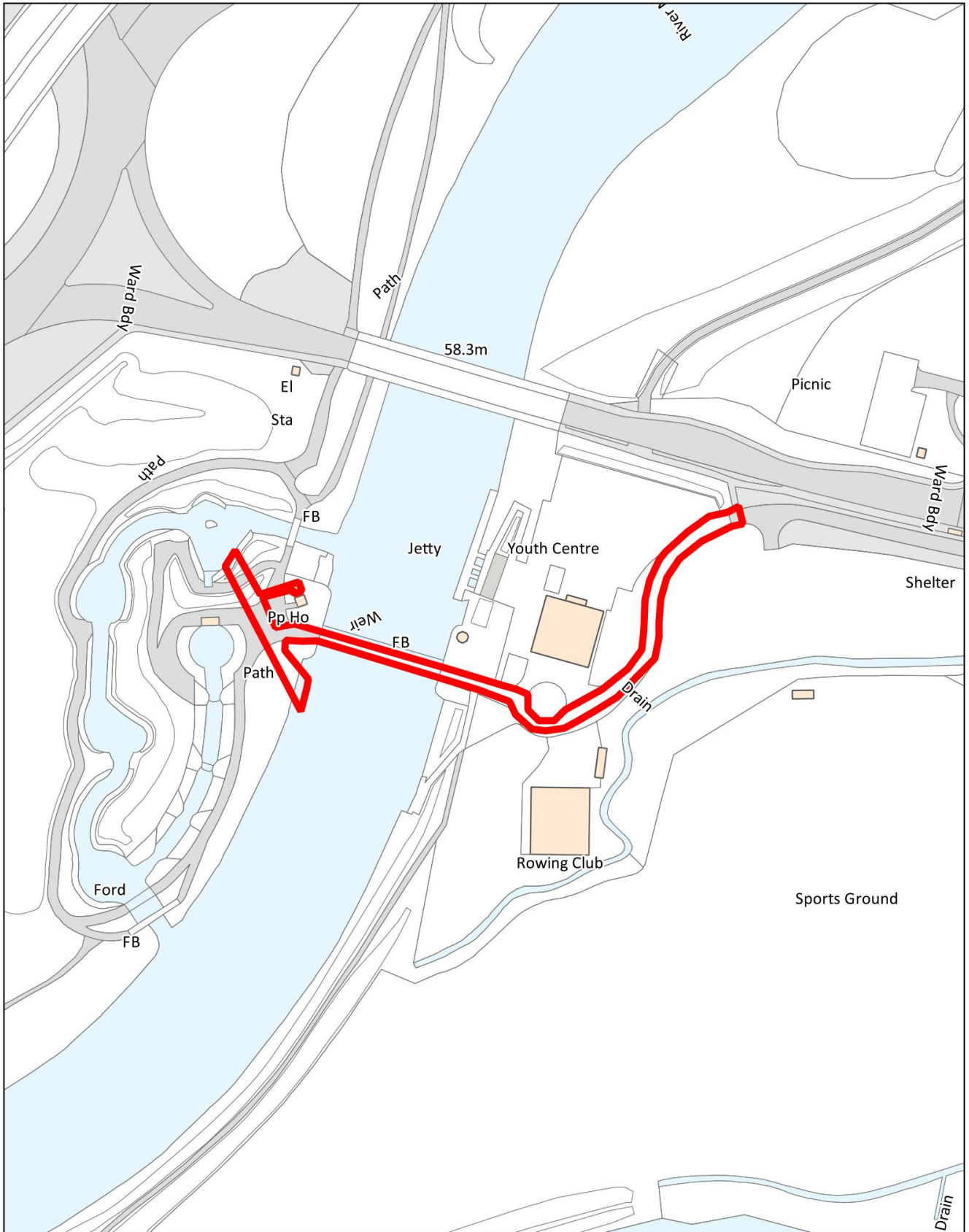
10.1 N/2018/1511 & N/1995/127.

11 LEGAL IMPLICATIONS

11.1 The development is not CIL liable.

12 SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **Nene White Water Centre, Bedford Rd**

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Date: 08-01-2019

Scale: 1:1,500

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