

Ardent

Planning Statement

**Installation of a Vehicle Impact Protection Barrier
around Gas Governor at Froghall Road, Ipstones,**

13th December 2023



1. Introduction

- 1.1. Cadent is the largest gas distribution company in the UK. It delivers gas to 11 million homes and businesses throughout the Northwest, West Midlands, East Midlands, East of England and North London, helping to keep gas consumers on the network safe and warm.
- 1.2. Cadent is a licensed gas transporter under the Gas Act 1986, regulated by OFGEM, with a statutory responsibility to operate and maintain the gas distribution networks. Cadent's primary duty as a regulated organisation is to operate, maintain and develop its gas network in an economic, efficient and coordinated way. In doing this, Cadent are responsible for maintaining their network, ensuring that it operates safely and reliably for those who rely on it. They also help homes, businesses and renewable gas suppliers connect to the gas distribution network.
- 1.3. Cadent has been issued an improvement notice by the Health and Safety Executive in relation to apparatus at risk of vehicle impact damage. The notice was served due to the lack of risk control measures associated with certain district governors due to location. The location of the governor was at risk of vehicle impact, and the lack of control measures was relating to the mitigation of vehicle impact.

The improvement notice details that if left unresolved Cadent will be in breach the Health and Safety At Work Act 1974, regulation 1 (2): *'It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees'* and; regulation 3 (1): *'It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety.'*

Following receipt of this notice, a programme of work has been agreed with the HSE to install protection measures on governors, to mitigate this risk and to ensure compliance with the HSAWA.

2. Proposed Development

- 2.1. As part of its statutory duties to operate and maintain a safe and efficient network, and as a result of a notice received from the HSE, Cadent is seeking to install a vehicle impact protection barrier as soon as practicably possible in order to protect a district governor which forms a critical part of its gas distribution network within the local area supplying gas to local properties.

Cadent's proposals include:

- Vehicle impact protection barrier constructed of galvanised steel – 13500mm (L) x 1100mm (H)
- Concrete foundations to support the barrier – 13500mm (L) x 600mm (W)

2.2. The application comprises the following plans and documents:

- Site Location Plan
- Existing Site GA - J230313-GEN-IPST-P001
- Proposed GA - J230313-GEN-IPST-P003
- Existing Elevations - J230313-GEN-IPST-P002
- Proposed Elevations - J230313-GEN-IPST-P004
- Planning Statement

2.3. The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 2 allows for certain minor operations to be undertaken as permitted development subject to conditions.

Permitted development includes:

“The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure” however;

Development is not permitted if:

- (a) *the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed-*
 - (i) *for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;*
 - (ii) *in any other case, **1 metre above ground level;***

Cadent is therefore applying for full planning permission to undertake the above mentioned works due to exceeding the above threshold in height, with the vehicle impact protection barrier being 1.1m in height.

3. Site Context & Location

- 3.1. Staffordshire Moorlands is in north east Staffordshire, bordered by Cheshire to the north-west, Derbyshire to the east and Stoke-on-Trent to the south-west. The site is located in a predominantly rural area to the south of Ipstones village, located adjacent to Froghall Road on adopted highway land. Grid coordinates 402108 , 349190.
- 3.2. The location of this gas governor and required vehicle impact protection barrier is opposite a farm and property entrance and backs onto an agricultural field bounded by a low wall. There is an existing armco barrier which will be replaced by the proposed new barrier.

- 3.3. There are no previous planning applications which are relevant to this application.
- 3.4. The site is located within the Churnet Valley SSSI impact zone with the SSSI located approximately 0.2km at the closest point. Due to the minor nature of proposals, it is considered that there will be no impact upon this designation temporary or permanent.
- 3.5. No trees or vegetation will be removed as part of the works and no landscaping plan is proposed as a result. There are no trees or hedges within the application boundary which will be interfered with.
- 3.6. In relation to potential impacts to heritage properties, there are no scheduled monuments within the vicinity of the development. The closest listed buildings are located approximately 76 metres and 125 metres from the site location and due to the scale of the works, these proposals are not considered to impact upon the setting of these heritage properties. For information, these properties are:
1. Barn at Paddock Farm, a Grade II listed property.
 2. New House Farmhouse, a Grade II listed property.
- 3.7. The site falls within Flood Zone 1 according to the Environment Agency's flood map and therefore there is a low probability of flooding.
- 3.8. There are no known protected species which will be impacted or have the potential to be impacted by the works.
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4. Access and Temporary Works

- 4.1. No public rights of way diversions (temporary or permanent) are required.
- 4.2. Vehicle parking and welfare facilities during the works will be located within a lane closure. During working hours temporary two way traffic lights will be required and a street works permit will be applied for via the Highways Department.
- 4.3. Working hours will be 08:00 to 17:00 Monday to Friday and works are estimated to take two weeks to complete.
- 4.4. All waste materials will be taken off site and disposed of.
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5. Planning Policy

5.1. National Policy

The National Planning Policy Framework was published in March 2012 and revised most recently in September 2023, it sets out the Government's planning policies for England and how these should be applied.

At the heart of the NPPF there is a presumption in favour of sustainable development (Paragraph 11) with the purpose of the planning system being to contribute to achieving this through three key objectives:

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Paragraph 20 states that strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:

- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*

Paragraph 119 (Making effective use of land) states planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.

Paragraph 126 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 194 states that when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be

proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

5.2. Local Policy

All planning applications are required by law to be determined in accordance with the Development Plan unless material considerations indicate otherwise (under Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990).

Key local planning policy relating to these proposals are:

The Adopted Local Plan 2014 - 2033

The Local Plan was adopted on 9th September 2020 and sets out the council's vision and strategy for the District until 2033. Relevant spatial objectives are:

SO8. To promote local distinctiveness by means of good design and the conservation, protection and enhancement of historic, environmental and cultural assets throughout the District.

SO9. To conserve and improve the character and distinctiveness of the countryside and its landscape, heritage, biodiversity and geological resources.

SO10. To deliver sustainable, inclusive, healthy and safe communities.

Policy SS1 Development Principles

"The Council will expect the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands in terms of delivering, in partnership with other agencies and services:

- *a healthy, safe, attractive, active, well-designed and well-maintained environment;*
- *development which maintains the locally distinctive character of the Staffordshire Moorlands, its individual towns and villages and their settings;*
- *development that is undertaken in a way that protects and enhances the natural and historic environment of the District and its surrounding areas, including the Peak District National Park, both now and for future generations."*

Policy DC1 Design Considerations

"All development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD. In particular, new development should:

- 1. be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area;*
- 2. be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance;.....*

7. provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use;”

Policy DC2 The Historic Environment

- 1. The Council will conserve and where possible enhance heritage assets, including their setting in a manner appropriate to their significance. This will take into account the desirability of maintaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.*
 - 2. Protection will be given to designated heritage assets and their settings and non-designated heritage assets as set out in the NPPF....”*
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6. Conclusion

Having regard to the above national and local planning policies along with the site context, along with the requirement for Cadent to undertake these works in this location in response to an improvement notice by the HSE, it is considered that proposals will have minimum impact to local amenity and local heritage properties, through design Cadent has sought to minimise visual impact.

The delivery of these works will ensure that Cadent is able to continue to operate the gas network safely under its gas license, will protect its staff in future when maintaining apparatus at this location and will help to minimise any disruption to gas supplies within the local area.