

Officer Report

Application No.	23/0075/FH
Site Address	Dungeness A Power Station, Dungeness Road, Lydd, Romney Marsh, TN29 9PP
Officer Name	David Campbell
Proposal	Construction of a semi-permanent, modular building to house the Laboratory processes .

Recommendation

Report Number	RD-431189
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	22 March 2023

Report

SITE DESCRIPTION

The site comprises Dungeness A Power Station in Lydd including the buildings and curtilage. It is located on the Dungeness peninsula with the sea to the south and east and is adjacent to the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI), the Dungeness Special Area of Conservation (SAC) and the Dungeness National Nature Reserve (NNR).

The Channel View Car Park is located on the western extreme of the site.

RELEVANT HISTORY

There is a lengthy planning history for the site but the following is most relevant to this current application.

23/0092/FH – To facilitate decommissioning, the ageing existing sewage treatment plant and associated retention tanks and the installation of replacement retention tanks. To be connected to a modular treatment plant already in operation on site. Approved with conditions.

22/1932/FH – Reprofilling and compaction of existing material in the Turbine Hall Basement, engineering works to ensure that groundwater within the structure is in equilibrium with the groundwater around it and infilling the remaining void with granular inert material to ground level. Approved with conditions.

22/1146/FH – Increase the number of parking bays to improve the channel view staff office car park by carrying out re-surfacing works and removing the trip hazards. The works will also require

installation of drainage, line painting, lighting improvements, provision for EV car charger installation, provision of suitable accessible parking spaces. Approved with conditions.

22/0496/FH – Erection of a single storey portakabin. Approved with conditions.

22/0422/FH/PA – Determination as to whether the prior approval of the Local Planning Authority is required under Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the demolition of Building 6 Scaffold Store. Approved with conditions.

22/0392/FH – Erection of a semi-permanent, modular building to house the DAMAL processes that will be transferred from the old DAMAL building and the construction of associated foundations, supports, drainage and supporting infrastructure lighting and power, water, IT, communications and building extract and ventilation. The new facility will need to be located within the Radiologically Controlled Area (RCA). Approved with conditions.

22/0295/FH/PA – Determination as to whether the prior approval of the Local Planning Authority is required under Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the demolition of buildings (as shown on the submitted location plan): Building No 7 – Tertiary Boiler Feed Pump House Building No 22 - Tertiary Boiler Feed Tank Building No 33 - DAMAL Stores Building No 35 - Clearance Monitoring Facility Building No 126 - Gas Turbine Transformer Cubicle Building No 27 - New Work Shop Building No 40 - Towns Water Tank. Approved with conditions.

22/0075/FH - Erection of new building to be used as a main stores on the Dungeness A site and formation of an access road to the building. Approved with conditions.

21/2352/FH - Replacement of a perimeter gate and associated minor fencing modifications, Installation of 3 x welfare cabins, Installation of 4 x ISO container workshops and removal of 2 x welfare cabins. Approved subject to conditions.

21/1926/FH - In-filling of redundant underground structures comprising 4 no. steam tunnels, 2 no. steam pits, 4 no. cooling water culverts and 2 no. cable tunnels, together with the installation of a temporary road and turning area for delivering lorries to facilitate the proposals. Approved subject to conditions.

21/1084/FH - Lawful development certificate (existing) for the continued use of two cabins as welfare facilities. Unlawful.

Y14/1095/SH - Prior notification for proposed demolition of turbine hall and associated ancillary buildings. No objection.

Y11/0874/SH - Demolition of buildings (28 Day Notification). No objection.

PROPOSAL

The application seeks permission for a two storey semi-permanent, modular building to house the Laboratory processes that currently take place in the old Laboratory building. The new facility will be supported on an existing concrete slab utilising existing surface water drainage and tying in to existing utility services. The new facility would be located within the Radiologically Controlled Area (RCA).

The building would be made from grey metal cladding, white UPVC windows and a steel door. It would be approximately 14.4m in length, 10m in width and 7.3m in height.

CONSULTATION RESPONSES

Lydd Town Council – Support.

EA - No objections.

The Office for Nuclear Regulation – Does not advise against the application.

KCC Ecology – No objections subject to the LPA being satisfied that there would be no loss of shingle.

Natural England – No objections.

KCC Suds – no comments to make.

Kent Fire and Rescue – no objections.

Contamination Consultant – No objections.

REPRESENTATIONS

None received

POLICIES

Core Strategy Local Plan: SS5

Places and Policies Local Plan 2020: HB1, HB8, NE2, NE3, NE7, NE9

NPPF: Paragraphs 178-183

APPRAISAL

The main issues for consideration are:

- Design, and visual amenity
- Ecology
- Highways and drainage
- Other matters

Design, and visual amenity

In terms of visual impact, the proposed works involve the placement of a building that has a similar appearance to the adjoining building and that is typical on the application site. It is are to be located within the site and its visibility from outside the wider nuclear site would be significantly limited, and

would be seen against the backdrop of the decommissioned nuclear power station. It is considered that the building are acceptable in terms of visual appearance considering its location, and would appear similar to those around the site at the moment.

Ecology

It is also noted that an Environmental Statement and Environmental Management Plan have also been prepared for the wider decommissioning works and is reviewed annually along with its mitigation measures. There are designated sites are all within close proximity to the wider site, however, given that these new works would take place entirely within the complex of Dungeness A, (and therefore outside of these protected sites), it is not considered that there would be any harmful impact to protected species, habitats, the designations or any features of ecological importance. It is noted that in response to KCC's comments, the applicants have confirmed that there is no habitat on site and as such there are no objections on these grounds.

Highways and drainage

As the application site is within the wider power station complex, there are no objections with regards to impact on the highway.

Other matters

There are no neighbouring properties that would be impacted by the proposals given the distance to the closest neighbours. Issues such as noise and dust are therefore not considered to be issues in this particular application.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties) and the wider public interest.

PUBLIC SECTOR EQUALITY DUTY

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

DUTY TO COOPERATE

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service and, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

RECOMMENDATION

That planning permission be granted for the proposed works subject to conditions.

Recommended Conditions (2)

1

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason:

In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2

The development hereby permitted shall not be carried out except in complete accordance with the following approved drawings and documents: MAGNOX-6659-ACT-DP-XX-VS-A-0007-P01.1, MAGNOX-6659-ACT-EL-XX-M2-A-0002- P01.1, MAGNOX-6659-ACT-GA-00-DR-A-0005-P01.1, MAGNOX-6659-ACT-GA-01-DR-A-0006-P01.1, Location Plan and an Environmental Risk Assessment Form from Magnox dated March 2022.

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of Places and Policies Local Plan.