



Report to Planning Committee 6 July 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Julia Lockwood, Senior Planner, 01636 655902

Report Summary			
Application Number	22/01840/FULM		
Proposal	Construction of Battery Energy Storage System and associated infrastructure.		
Location	Land South of Staythorpe Road, Staythorpe		
Applicant	Ecap Staythorpe BESS Ltd – Elena Savrieva	Agent	RPS – Mr Jonathan Smith
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R1IKHYLBMRQ00		
Registered	23 November 2022	Target Date	22 February 2023
		Extension of time agreed	10 July 2023
Recommendation	That full planning permission is APPROVED, subject to conditions set out in Section 10 in the report		

This application is presented to Planning Committee due to it (a) being a departure from the development plan and recommended for approval and (b) it is a major development and the Officer’s recommendation differs to the Parish Council response.

1.0 The Site

The application site relates to 10.1ha of agricultural land located in the open countryside, comprising two agricultural fields, the eastern (6ha) and the western (3ha) cultivated for cereals. The site is divided into two by an agricultural access which is also a public right of way (Staythorpe FP1) and adjacent to a drainage ditch which all runs along the same route across the site in a north-west to south-easterly direction from Staythorpe Road and defined on either side by hedgerow. The majority of this route also provides for a 33 kV overhead power line. Staythorpe FP1 extends beyond the railway line and continues in the same

direction until it reaches the River Trent, approx. 1km to the south-east from the site. There is both a vehicular and pedestrian crossing across the railway line to the south of the site.

Rundell Dyke runs along the south side of the railway line to the south of the site. The eastern boundary of the site roughly follows the course of Staythorpe Sidings Drain. Both of these are the responsibility of an Internal Drainage Board. There are various agricultural drains and ditches within and around the site boundaries.

The boundary of the application site to the south is defined by a dry ditch (outside the red line), beyond which is a belt of mature trees which run along the length of the railway line. The boundary to the north and west is defined by Staythorpe Road with existing hedgerow and some tree boundary planting, and to the east by Staythorpe Sidings Drain and a hedgerow field boundary with pockets of woodland beyond. Beyond this to the east is the existing National Grid Staythorpe Electricity 400 kW substation which is a substantial structure served by a network of electric pylons, the majority of which is largely screened from the application site by the woodland situated between. Staythorpe Power Station is gas fired and situated 350m to the south-east on the other side of the railway line.

The land is predominantly (70%) in Grade 3a of the Agricultural Land Classification. Annex 2 of the NPPF defines this as 'best and most versatile agricultural land.' The remainder of the site (centrally located and adjacent to the railway line) is within Grade 3b which is of 'moderate quality agricultural land.'

Ground levels at the site are relatively even and sit approx. between 12m and 13.3m Above Ordnance Datum (AOD). Approx two thirds of the site (the northern half as well as the south-eastern corner) lies within Flood Zone 3b and is therefore at highest risk of main river flooding, and within the functional floodplain. The central area adjacent to the railway line is within Flood Zone 2 which means it is at medium risk of fluvial flooding. There is no international, national or local ecological or landscape designations within the boundary or within 1km of the site, the nearest being Farndon Ponds Local Nature Reserve, 1.4km to the south-west which includes priority deciduous woodland habitat and large pond supporting kingfisher and common frog and designated as a Local Wildlife Site (LWS)/ Site Interest for Nature Conservation (SINC).

The settlement of Staythorpe is largely concentrated around Pingley Lane/Close to the north-east and Behay Gardens to the north-west, some of which represent residential properties situated directly opposite the site on the north side of Staythorpe Road. These include a number of dwellings centred around Grange Cottage and Grange Farm House with frontages directly opposite the application site and Staythorpe House Farm and Staythorpe House Cottage to the north-east beyond the boundary of the site further along the road. There is a property to the east (White Cottage c 165m to the site boundary) set back from Staythorpe Road. At the western end of the site is Crossing Cottage (c. 38m to site boundary) with Hughes Close (residential cul-de-sac) beyond situated on the opposite side of the railway line.

The settlements of Rolleston (c. 830m to the south-west) and Averham (c. 900m to the north-east) are close by, the latter includes the designated Averham Conservation Area. There are no designated heritage assets within the application site. The Manor House on Pingley Close is the nearest listed building (Grade II) c. 170m from the site boundary. Averham

Conservation Area includes four Grade II listed buildings as well as the Grade I listed Church of St Michael. There is a Scheduled Monument ('Averham Moat & Enclosure') in the south-eastern corner of Averham Conservation Area. There are also a number of non-designated heritage assets (local listings) within the vicinity of the site, which includes Behay Gardens which represent 13 workers cottages laid out around a central green designed by Architect Thomas Cecil Howitt and constructed in the 1940s in association with the power station. Other non-designated heritage assets within close proximity to the site include Staythorpe House Farm, Grange Farm House, Manor Farm House and outbuildings and house adjacent to Manor Farm House, predominantly concentrated within the main residential area of Staythorpe (on Pingley Lane/Close).

2.0 Relevant Planning History

23/SCR/00002 – Screening Opinion – Construction of Battery Energy Storage System and associated infrastructure, Environmental Impact Assessment not required.

22/SCR/00008 – Screening Opinion Request for a Battery Storage System and associated infrastructure, Environmental Impact Assessment not required.

22/SCR/00010 - Screening Opinion Request for a Battery Storage System and associated infrastructure, Environmental Impact Assessment not required.

PREAPM/00133/22 - Erection of a Battery Energy Storage System (BESS) and associated infrastructure.

08/02006/FULM – Temporary laydown and storage facility during the construction of Staythorpe Power Station with restoration by September 2010, approved December 2008.

95/51657/ELE – Proposal for overhead powerline, approved November 1995.

On land 620m to the north, 23/00317/FULM - Construction and operation of Battery Energy Storage System (BESS), transformer/sub-station and associated infrastructure, pending consideration

3.0 The Proposal

The application seeks planning permission to construct a Battery Energy Storage System (BESS), sub-station compound and ancillary infrastructure. The development would be a temporary development on the land as all equipment would be removed and the land restored to its former condition when the development is decommissioned following 40 years from the date of the development being first brought into use. No connection to the existing National Grid substation to the north-east has been included within the application, although written submissions indicate that a connection would be made by underground cable across the third party land between the two sites. However, in the event that this connection could not be secured, the developers have also demonstrated how the application site could be connected to the sub-station via highway land under permitted development rights.

Just over half of the overall application site would contain development, which would be set back from the boundary with Staythorpe Road, c.100m in the eastern field and c.40m in the

western field. The proposed development comprises 268 battery storage container units, laid out in rows across the site (2.5m between the sides and 0.5m between the ends). The maximum height of these containers is 3.8m above ground level comprising a 2.8m high container on 1m high stilts. These units are also supported by 67 associated power control units and 1 auxiliary transformer. All these units would be sited on concrete stilts sat on a ground surface of limestone chippings and be constructed in metal and finished in Brunswick Green.

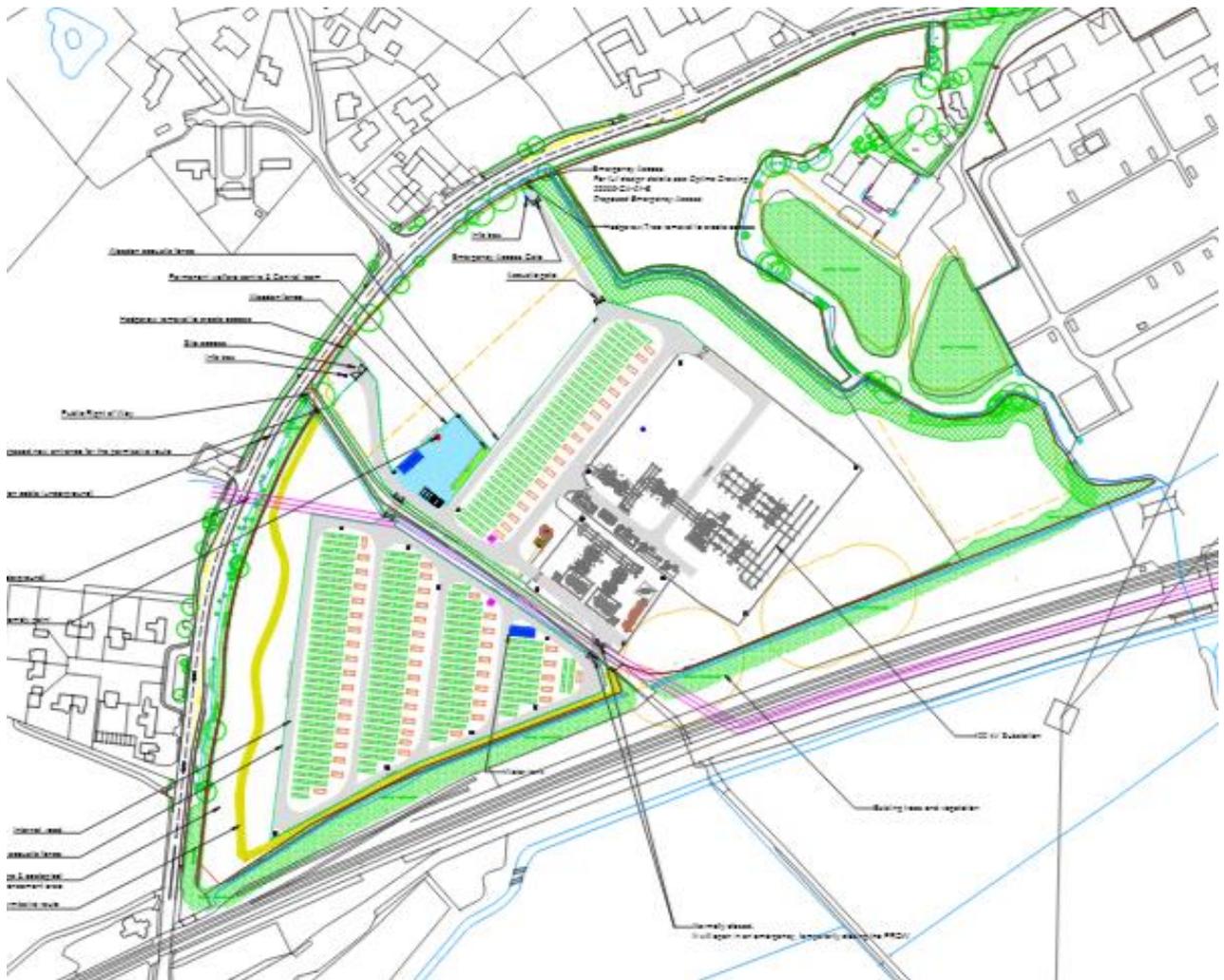
The western triangular shaped field accommodates the majority of the battery storage units in four sets of double rows that taper towards the south. It also accommodates a new permissive footpath that runs within the site around the two other boundaries and links at both ends with Staythorpe FP1. The latter will remain (although may close temporarily during the construction period) with new hedgerow planting infilling gaps within the existing hedgerow either side, other than the formation of two vehicular access points.

In the eastern field accommodates a substation compound comprising one 400/132kV substation transformer (max 13m high) and two 132/33kV substation transformers (max 7m high), 1 auxiliary transformer and associated infrastructure. A double row of battery storage units and associated power control units sit set back from Staythorpe Road and in between the two is a permanent welfare area accommodating 3 welfare/control centre buildings, enclosed by a 4m high vertical boarded wooden fence. The two accesses to the site (main and emergency) from Staythorpe Road enter the eastern field.

The northern boundary of both operational areas are defined by 4m high acoustic fencing and additional planting and habitat enhancement areas sit between this new boundary treatment and Staythorpe Road. The remainder of the site (including the main access) would be enclosed by 2.4m high mesh metal fencing. All fencing would be coloured Brunswick Green.

The new main vehicular access is proposed to the east of the existing Public Right of Way and internal roads would lead to two crossings of Staythorpe FP1 to provide access to the western field. At the north-eastern corner of the site an emergency access is provided from Staythorpe Road, close to the eastern boundary. Both accesses would be gated, the main entrance enclosed by a green mesh metal gate and the emergency access which would be enclosed by a five-bar designed gate close to Staythorpe Road and then a solid acoustic gate further into the site.

The proposed development would store electricity as chemical energy, and then import and export electricity when required but would not generate any additional electricity of itself. It is anticipated to have a storage capacity of at least 400 Megawatt-hours (MWh) of energy and power of 200 Megawatt-peak (MWp).



The development comprises the following components:-

- Substation compound to include:
 - 1 no. 400kV substation transformer (13m max height) and associated high voltage equipment including cable sealing end, 2 no. 132kV relay and control rooms and 1 no. 400kV relay and control room (14m x 4.7m x 5.1m high), 1 no. 400kV Switchgear Statcom and connection bays;
 - 2 no. 132kV substation transformers (55m x 30m x 7m high) and associated 33kV switch room (18m x 4m x 5m high including 1.5m high stilt), back-up supply infrastructure with one 33kV high voltage switch room (18m x 3.5m x 5m high including 1.5m high stilt) and harmonics filter; and
 - Associated CAT 2 mesh fencing and gates, internal access tracks, oil separators and 4 car parking spaces.
- 268 containerised battery storage units (9.3m x 1.7m x 3.8m high), lain on limestone chippings surface;
- 67 MV Power control units (6.1m x 2.5m x 3.8m high);
- 2 auxiliary transformers (1.9m x 1.2m x 3.1m high);
- 2.4m high low impact perimeter mesh and deer fencing around the developable areas;

- Internal access tracks made up of Type 1 and Type 2 aggregate;
- 2 water tanks (15m x 5.5m x 3.8m high);
- Welfare Area accommodating Permanent Welfare Centre (6.1m x 2.4m x 3.6m high including 1m stilt), two Temporary Warehouse/Workshops (6.1m x 2.6m x 3.6m high including 1m stilt) and area for 6 car parking spaces;
- CCTV camera systems located within the Welfare area and at the end of each row of battery modules, mounted on 4m high posts;
- Landscaping and biodiversity enhancements, mainly along the boundary with Staythorpe Road and in various on-site ecological management areas in the north, west and south-east of the site;
- New permissive footpath along the western and southern edge of the site;
- Wooden acoustic fencing along the main battery infrastructure (4m in height) set back from but parallel with Staythorpe Road;
- 2.4 m high boundary fencing (e.g. steel mesh coloured Brunswick Green) deer fencing) around the edge of the site;
- Underground cabling between units.

Landscaping mitigation and enhancement works are also proposed (mitigation planting, including new and in-filled hedgerow planting, biodiversity enhancements and a flood compensatory storage area), as set out below:-

- Native Specimen Tree Planting, scrub mix and woodland mix in the following locations- along northern, western and southern site boundaries, along PRow in centre of site, around boundary of welfare area, proposed SUDS and adjacent to boundaries of battery modules;
- Native Species Hedgerow Planting to infill any gaps in existing boundary vegetation;
- Habitat Retained and Habitat Enhanced Areas in south-east corner and north of site;
- Combination of Native Species Tussock and Meadow Mix across open areas of site;
- Four log piles across the site;
- Flood Compensatory storage area in south-east corner of the site.

A number of amended plans have been submitted during the lifetime of the application to make alterations to the scheme in the following way since its original submission:

- Provision of required visibility splays to main access (including removal of trees, hedgerow and vegetation);
- Removal of 4 bays and associated 132kV bars;
- Removal of 1 x 400kV Transformer;
- Cable Sealing End (CSE) added to the south-east of the site;
- Removal of 1 x Statcom unit;
- Moved 1 x Statcom unit in place of the car park (4 bays) located to the south-east of the 400kV Relay and control room;
- Gated emergency road at the north-east corner of the site including an unlocked acoustic gate and associated removal of hedgerow/tree to create access;
- Addition of a new crossing point into the western Battery Energy Storage System (BESS) field to the southwest of the 132kV Substation, including gates, and required removal of hedgerow;
- Reduction of 32 auxiliary transformers from 34 to 2; and

- Addition of 64 x Containers.

The applicants have also provided additional information to clarify other matters.

Given the majority of the existing vegetation to the east of the main access (100m in length) together with a 10m length to accommodate the emergency access, is having to be removed to form the visibility splays, the proposed new planting along the boundary with Staythorpe Road would take place ahead of main construction works to enable it to become established and grow in order to provide screening at the earliest opportunity and would be proposed to be planted in the first planting season following the grant of any planning permission.

The construction phase of the development is expected to take 9-12 months. There would be a temporary construction compound created in the eastern field, immediately east of the proposed permanent Welfare Area, where a number of additional temporary welfare/workshop buildings would be installed during construction enclosed from Staythorpe by wooden fencing.

Whilst not material to the consideration of this planning application, a Community Benefit Trust has been set up to distribute revenue from 2 Megawatt hours (MWh) of Staythorpe BESS to the parishioners of Averham, Kelham and Staythorpe, to reduce their energy bills for the duration of the lifetime of the development.

The developers carried out two separate rounds of public consultation with local residents and representatives for 3 weeks within June/July 2022 and August 2022 and there has been direct engagement with various stakeholders in the community.

The following documents have been submitted in support of the application, however, many of the supporting technical reports set out below do not list the latest infrastructure to be accommodated on the site which has been amended by an e-mail from the agent received 21 June 2023 (superseded documents not referenced):

Plans:

General

- Site Location Plan (Red Line Boundary) Planning Drawing 1 (Ref: 4951-REP-040)
- Topographic Survey (Drawing No: 8859-1 Sheet 1 and Sheet 2)
- Site Layout Plan (UK008_LYP_ Rev I)
- Temporary Construction Compound Layout Planning Drawing 3 (Ref: 4951_DR_P_0006_P2)
- Landscape and Biodiversity Masterplan Planning Drawing 4 (Ref: 4951_DR_LAN_101E)

Access Drawings

- Site Entrance Junction – Visibility Splays Assessment (Drawing No: 4951_DR_P_0001 Rev 2)
- Emergency Access Junction Design (Drawing No: 23065-GA-01 Rev B)

BESS & Other Components

- BESS Battery Container Elevation Plan (Ref: UK008_31_Rev 05)
- DC Box & Inverter elevation plan (Ref: UK008_032_Rev 04)

- Transformer Station (Ref: UK008_033_Rev 04)
- Auxiliary Transformer Container (Ref: UK008_034_Rev 04)
- Smart Controller Elevation Plan (Ref: UK008_035_Rev 04)
- MV Control Unit (Ref: UK008_54_Rev 01)
- Fence Details (Ref: UK008_036_Rev 02)
- CCTV Elevation (Ref: UK008_037_Rev 02)
- Typical 33 kV Cable Cross Section (Ref: UK008_040_Rev 02)
- Temporary Warehouse/Workshop Elevation Plan (Ref: UK008_41_Rev 02)
- Wooden Acoustic Fence (Ref: UK008_042_Rev 02)
- Wooden Fence (Ref: UK008_043_Rev 01)
- Permanent Welfare Centre and Control Room Elevation Plan (Ref: UK008_44_Rev 02)
- Water Tank (Ref: UK008_046_Rev02)
- Typical 132 kV Cable Cross Section (Ref: UK008_048_Rev 01)

Civil Drawings

- Civils Site Layout (Drawing No: UKGC-RCL-UG-001 Rev P4)
- 400 kV & 132 kV Compound Layout SGT1 & SGT2 Circuit (Drawing No: UKCG-RCL-UG-002 Rev P7)
- 132kV / 33kV Compound Layout GT1 & GT2 Circuit (Drawing No: UKGC-RCL-UG-003 Rev P7)
- General Arrangement 400 kV Transformer Bund (Drawing No: UKCG-RCL-UG-004 S1 Rev P4)
- Sections 400 kV Transformer Bund (Drawing No: UKGC-RCL-UG-004 S2 Rev P3)
- General Arrangement 132 kV Transformer Bund (Drawing No: UKGC-RCL-UG-005 S1 Rev P4)
- Sections 132 kV Transformer Bund (Drawing No: UKGC-RCL-UG-005 S2 Rev P3)
- Sections 33 kV Transformer Bund (Drawing No: UKGC-RCL-UG-006 S1 Rev P3)
- Standard Elevations & Details CAT2 Mesh Fence (Drawing No: UKGC-RCL-UG-007 Rev P2)
- Standard Elevation CAT2 5.5m Wide Mesh Gate (Drawing No: UKGC-RCL-UG-008 S1 Rev P2)
- Standard Elevation CAT3 Mesh Pedestrian Gate (Drawing No: UKGC-RCL-UG-008 S2 Rev P2)
- Oil Interceptor Tank 400/132 kV Circuit (Drawing No: UKGC-RCL-UG-010 Rev P2)
- Oil Draw-off Details 400/132 kV Circuit (Drawing No: UKGC-RCL-UG-011 Rev P2)
- 33 kV Switchroom and Distribution Substation for LV supply to site (Drawing No: UK008_051_Rev 01)
- Primary Compound Elevations 400/132 kV Circuit Sheet 1 of 3 (Drawing No: UKGC-RCL-UG-012 S1 Rev P6)
- Primary Compound Elevations 400/132 kV Circuit Sheet 2 of 3 (Drawing No: UKGC-RCL-UG-012 S1 Rev P5)
- Primary Compound Elevations 400/132 kV Circuit Sheet 3 of 3 (Drawing No: UKGC-RCL-UG-012 S1 Rev P3)

Additional Plans and Drawings

- Outline Lighting Plan (Drawing No: UK008_049_Rev C)
- Elevations 400 kV Transformer Bund (Drawing No: UKGC-RCL-UG-004 S3 Rev P1)
- Elevations 400 kV Transformer Bund (Drawing No: UKGC-RCL-UG-004 S4 Rev P1)
- Elevations 132 kV Transformer Bund (Drawing No: UKGC-RCL-005 S3 Rev P1)
- Standard Elevations Relay and Control Rooms 400/132 kV Circuit (Drawing No: UKGC-RCL-UG-009 S1 Rev P2)
- Standard Elevations Relay and Control Room 132/33 kV Circuit (Drawing No: UKGC-RCL-UG-009 S2 Rev P3)
- Standard Elevations Statcom Building 400/132 kV Circuit (Drawing No: UKGC-RCL-UG-009 S3 Rev P1)
- Emergency Access Gate Elevation (Drawing No: UK008_52_Rev 01)
- Wooden Acoustic Gate Elevation (Drawing No: UK008_53_Rev 01)
- Internal Site Layout Swept path analysis with NFRS Fire Tender (Drawing No: 23065/A/TR/02).

Environmental and technical reports:

- Planning, Design and Access Statement by Arcus Consultancy Services, Rev 1, May 2023
- Flood Risk Assessment by Arcus Consultancy Services, Rev 2, May 2023 (as amended by Flood Risk and Drainage Strategy Clarification (Rev I Layout received 26 June 2023))
 - o 1 in 20-year flood levels with layout Figure 1 (Ref: 4951-REP-036)
 - o 1 in 100-year (+50%) Flood Levels with Layout Fig 2 (Ref: 4951-REP-037)
 - o Flood Incident Plan
 - o Soakaway Letter Report
 - o Sequential Test Analysis/Site Selection Report by Arcus Consultancy Services
- Landscape and Visual Appraisal (LVA) Rev 2, May 2023 by Arcus Consultancy Services
 - Bare Earth ZTV Figure 1.4 (Ref: 4951-REP-017)
 - Screened ZTV Figure 1.5 (Ref: 4951-REP-018)
 - Landscape and Related Designations Figure 1.6 (Ref: 4951-REP-019)
 - Landscape Character Areas Figure 1.7 (Ref: 4951-REP-020)
 - Visual Amenity Figure 1.8 (Ref: 4951-REP-022)
 - Cumulative Sites Figure 1.9 (Ref: 4951-REP-023)
 - Viewpoint 1a Staythorpe Road/Grange Farm Figure 1.11a-c, May 2023
 - Viewpoint 1b Staythorpe Road/Pingley Lane Figure 1.12a-c, May 2023
 - LVA Various Viewpoints by Arcus Consultancy Services:
 - Figure 1.10 c-m, May 2023
 - Figure 1.13 b-f, May 2023
 - Figure 1.14 a-c, May 2023,
 - LVA Winter Viewpoints by Arcus Consultancy Services
 - Landscape Mitigation Plan (Drawing No: 4951-DR-LAN-101 Rev E) May 2023
- Agricultural Land Classification by Soil Environment Services Ltd
- Arboricultural Report by AWA Tree Consultants
- Archaeological Evaluation Phase 1 by Wessex Archaeology
- Biodiversity Metric Assessment Rev 2, May 2023 by Arcus Consultancy Services

- BMA Calculations Appendix 1, Rev 2, May 2023
- Ecological Impact Assessment Rev 2, May 2023 by Arcus Consulting Services
- Ecology – Additional Bat Survey by Arcus Consultancy Services
- Economic Statement by Arcus Consultancy Services
- Ground Stability Non-Residential Report by the Coal Authority
- Outline Construction Environmental Management Plan by Arcus Consultancy Services Rev 1, May 2023
- Outline Surface Water Drainage Strategy by Arcus Consulting Services Rev 2, June 2023 (as amended by Plate 2 received by e-mail on 21 June 2023 and Flood Risk and Drainage Strategy Clarification (Rev I Layout received 26 June 2023)
- Public Right of Way Statement by Arcus Consulting Services Rev 1, May 2023
- Air Quality Assessment by Arcus Consultancy Services
- Fire Safety Management Plan Rev 004 June 2023 by WSP
- Noise Impact Assessment by Arcus Consultancy Services, Rev 1, May 2023 and Noise Assessment Addendum by Metrica, Version 3.0, June 2023
- Transport Statement by Arcus Consultancy Services (as amended by Site Entrance Junction – Visibility Plays Assessment (Drawing No: 4951_DR_P_0001 Rev 2)
- Heritage Impact Assessment by Arcus Consultancy Services, Rev 1, May 2023
- Statement of Community Involvement by Counter Context Ltd

Additional Supporting Information:

- Planning Responses and Responses to case officer dated 07.02.2023 and 28.02.2023;
- Summary of Response to Statutory and Non Statutory Consultee comments dated 08.02.2023;
- Summary of Response to Public consultation comments (including Statement from owner and farmer of the land) dated 08.02.2023;
- Community Survey Report dated 08.02.2023;
- Other Approved BESS Applications;
- BESS at Aberdeen, Dyce - Site Block Plan and Decision Notice received 29.03.2023;
- Cooper Energy – Vegetation Management near BESS dated 24.02.2023;
- Photos of typical acoustic fencing;
- Ecap BESS Clarifications dated 22.03.2023;
- Staythorpe 400kV cable highway permitted development route;
- Planning Committee Members Briefing from ECAP;
- Further Clarifications from RPS dated 29.03.2023
- ECAP Clarifications dated 28.03.2023;
- Landscape & Visual Rebuttal dated 21.02.2023;
- NFRS Comment Response Sheet received 14.06.2023;
- 4 Fire Safety Videos received 14.06.2023;
- CFD Modelling Report by Engineering CFD dated 12 June 2023.

4.0 Departure/Public Advertisement Procedure

Occupiers of 120 properties have been individually notified by letter including notification following amendments to the plans and documents. A site notice has also been displayed

near to the site and an advert has been placed in the local press.

Site visits undertaken on 3 January and 20 June 2023

5.0 Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 6 – Infrastructure for Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment

Allocations & Development Management DPD (adopted July 2013)

DM4 – Renewable and Low Carbon Energy Generation
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM8 – Development in the Open Countryside
DM9 – Protecting and Enhancing the Historic Environment
DM10 – Pollution and Hazardous Substances
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance (online resource)
- Newark and Sherwood Landscape Character Assessment SPD, 2013
- Newark and Sherwood Non-Designated Heritage Asset Criteria, 2021
- Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15 (February 2021)
- The Setting of Heritage Assets -Historic Environment Good Practice Advice in Planning: 3 (2nd Edition)
- Conservation of Habitats and Species Regulations 2017, as amended
- Natural Environment and Rural Communities (2006) Act
- The Environment Act 2021
- UK Government Policy Paper - British Energy Security Strategy April 2022
- Energy Act 2013
- National Grid – Future Energy Scenarios (2022)

6.0 Consultations

Comments have been summarised below but are available to view in full on the Council website.

(a) Statutory Consultations

Environment Agency – No objection subject to condition that the development is carried out in accordance with the submitted Flood Risk Assessment.

NCC – Lead Local Flood Authority – No objection, subject to a condition relating to a detailed surface water drainage scheme.

Highways England – No objection, recommend that an informative be attached to request the developer to consult with the A46 Newark By-Pass Team in the event that their detailed plans incorporate new or diverted services with the verges of the A617, to ensure the impacts to the A46 Newark Bypass scheme proposals for the flood compensation area are taken into consideration.

NCC, Highway Authority – No objection subject to conditions relating to the provision of both the main and emergency access and visibility splays being fully provided, reinstatement of kerb and verge to existing access to Staythorpe Footpath 1, measures to prevent deposit of debris on public highway. Amended plans show visibility splays are achievable over highway land to the left and both highway land and land in the control of the developer to the right. The splays are required to be cleared of any vegetation, hedges and trees by the applicant prior to any other access works being carried out.

Historic England – No objection, seek the views of the Council's specialist conservation and archaeological advisers, as relevant.

Natural England – No objection – no significant adverse impacts would result on statutorily protected nature conservation sites or landscapes.

Network Rail – No objection in principle, the development is adjacent to Staythorpe Level Crossing and the Arnold Public Footpath crossing (375 yards to east of Staythorpe Crossing). The safety of railway levels crossings and all crossing users is of paramount important to them and they would have concerns over any proposals that may increase the use (and risk) of a railway crossing. A condition should be imposed to prevent the use of the railway crossing for any construction purpose unless agreed in writing with the Local Planning Authority (in conjunction with Network Rail) in advance. It is Network Rail's national policy to promote the closure of level crossings to improve railway safety wherever possible and in this instance they would welcome the opportunity to discuss the potential closure of Arnolds Footpath Crossing with the developer and Local Authority going forward. The development site itself is some distance from the operational railway boundary, however, they require that the developer ensure that loose materials are properly secured so that they may not blow onto the track. Should use of machinery or any construction be required within 10m of the railway boundary, the developer should liaise with our Asset Protection Team in advance of work

commencing. Guidance on Network Rail requirements are included.

(b) Parish Council

Averham, Kelham and Staythorpe Parish Council (Host):- Object on the following grounds-

- Size and scale, relatively untried and tested technology so close to residential properties;
- Loss of amenity/character of locality, overbearing in relation of size of village;
- Noise;
- Traffic survey questionable;
- On best and most versatile agricultural land;
- Alternative sites of lesser impact on local residents;
- Harmful cumulative impact with other schemes both existing and proposed;
- Flood risks and failure to satisfy Sequential Test;
- Biodiversity net gain is only marginally over 10% requirement;
- Fire Risk inappropriate so close to housing and resulting environmental impact;
- Contrary to SP3 and DM8 policies of the Development Plan;
- Site entrance on blind bend and current design does not provide necessary visibility splays and is unsafe.

Rolleston Parish Council (neighbouring parish):- Object on the following grounds:

- Increased potential for flooding on main roads inhibiting access to Rolleston;
- Construction vehicles resulting in congestion;
- Noise;
- Untested scale of facility so close to residential areas.

(c) Representations

NCC, Rights of Way – No objection - Staythorpe Footpath 1 crosses the proposal site and NCC has received an application to up-grade the public footpath to a bridleway. Should a Temporary Closure of the Footpath be needed this may be granted to facilitate public safety during the construction phase. The revised PRow Statement outlines the consideration, management and maintenance of Staythorpe Footpath No 1 both during construction and during operation.

Notts Ramblers – No objection, but wonder if it would be possible to provide access to the permissive path from the south-westerly corner, near to the level crossing to provide a link to another proposed path and allow walkers to avoid using a very busy road.

Trent Valley Internal Drainage Board – general comments in relation to when the Board's consent is required.

Severn Trent – No comment - foul is proposed to discharge to a cesspit or portaloo which will either be taken off site or managed through an appropriate permit.

NSDC, Emergency Planner - I have no additional comments or concerns beyond those

expressed by NCC Lead Local Flood Authority and the EA.

Notts Wildlife Trust – No objection, in addition to the mitigation and enhancement section of the Ecological Impact Assessment:-

- A sensitive lighting strategy to avoid bat disturbance should be designed following the guidance note of the Institute of Lighting Professionals;
- Due to the displacement of one skylark breeding pair, mitigation should be put in place, such as creating an open grassland in a suitable location;
- Strongly encouraged to adhere to pollution prevention methods around water courses.

Health and Safety Executive – The proposed development does not lie within the Consultation Zone of major hazard sites and major accident hazard pipelines considered by HSE and therefore they have no comments to make.

Nottinghamshire Fire and Rescue Service – Neither support nor object to the development. Due to the lack of national guidance, the Fire Service has sought the professional guidance of the National Fire Chiefs Council who is advised by the industry's leading expert for Lithium-Ion batteries, to ensure their engagement is appropriate, proportionate and consistent. NFRS also acknowledge the involvement of Prof P Christiansen who is the expert adviser to the National Fire Chiefs Council. Following initial concerns raised in relation to fire safety without a secondary access point to the site, the scheme has now been amended to provide this. Amendments have also occurred in relation to the size of the containerised units which have been welcomed. NFRS raised some other comments that the applicants have sought to address in the latest Rev 004 version of the Fire and Safety Management Plan. NFRS have been consulted on this latest version and their final comments are awaited and will be reported to Members on the Late Item Schedule.

NSDC, Conservation – The nearest listed building (Grade II) to the site is The Manor House on Pingley Lane, and although its landscape setting would alter, the setting largely relates to the hamlet on the northern side of Staythorpe Road and therefore there would be a neutral impact on its setting and special interest. The impact on the setting of Averham Conservation Area and its associated Listed Buildings and on the Averham Moat and enclosure Schedule Monument is also considered to be neutral given the distance, topography and planting between them and the application site. The proposal would initially cause harm to the setting of the near-by non-designated heritage assets along Staythorpe Road, including Grange Farm and Behay Gardens due to the likely visual impact on the landscaped setting of these buildings. However, landscape will soften the visual impact over time and therefore significantly mitigate the impact. Para 203 of the NPPF therefore needs to be taken into account where a balanced judgement should have regard to the direct and indirect scale of harm and significance of these heritage assets.

NSDC, Archaeology Adviser – No objection subject to an archaeology condition for a mitigation strategy which will include but may not be limited to further trial trench evaluation and excavation of archaeological remains where identified.

NSDC, Environmental Health –

Noise – The amended Noise Assessment indicates at 'worse case' situation (all plant operating

at maximum concurrently) noise levels will be below likely to give rise to complaints, subject to attenuation being included as per Section 6 of the report. However, it is understood that since that report was written further amendments have been made to the number and make up of noise sources on site with no demonstration that this will not result in higher noise levels from the proposed development. I would therefore suggest that an amended noise assessment is provided, based upon the noise sources proposed.

Lighting – The Outline Lighting Plan does not give indications of lighting levels achieved on the site nor give any indication of the potential for glare etc off site. However lighting columns proposed are relatively short (3m), the lights are distant from site boundaries and the majority appear to be oriented away from residential receptors.

Construction Environment Management Plan – An outline CEMP has been submitted with the application. A full plan should be submitted and approved when details are finalised, based upon this outline plan. I would, however, note that currently works are planned on site from 07:00 – 19:00 weekdays – this Department would generally consider 18:00 to be an appropriate finish time for noisy works.

NSDC, Tree and Landscape Officer – Concerns raised in relation to impact on the public amenity of the area, suggested that the BESS could be planted with trees across whole zone, veteran trees, lighting and CCTV programs should be directed to minimise light pollution, full disclosure of tree removal impact. Accept buffer strip to periphery of site, noting clarification by condition is requested. However, would result in 52, 519sqm of sterile zones with zero vegetation/tree planting and where wildlife will actively be discouraged. Justification –

1. Tree roots may interfere with infrastructure;
2. Access to containers and visual inspection would be impaired;
3. Venting from container is likely to be so severe it will kill any vegetation;
4. The site is designed as a high voltage substation;
5. Vegetation drops leaves and encourages wildlife;
6. Vegetation requires management which would require staff training and cost;
7. Having an open hard surface area will make significant maintenance events lower cost.

Current design does not comply with NPPF, trees can be adjacent to and overhanging substations, that justification is budgetary, species of tree sequoiadendron giganteum is known to be fire resistant, suggested tree planting sites. Should permission be granted, conditions relating to hard and soft landscaping, tree protection, woodland management plan, retained trees condition.

Latest comments state the hedgerow to be removed can be seen on 1875 mapping, indicating this is an 'important' hedgerow under the 1997 Ancient hedgerow and is considered to be significant. Tree removal of T11, T14, T15, T16 are considered important to the character of the area. Justification for hedgerow and tree removal is required, including an exploration of alternatives. If it is agreed these natural features can be removed, conditions should be imposed for replacement of both hedgerow and trees, taking into account the restoration of the canopy coverage of the trees within 3 years.

123 representations have been received from interested/third parties, 51 of which were in a pre-prepared printed format, comprising 118 objections and 5 in support.

The objections can be summarised as follows:-

- Contrary to NPPF and Local Planning Policy Documents;
- Inappropriate site selection and limited size of search radius;
- Dangerously close proximity of large scale industrial development within 100m to residential properties;
- Visual impact of a large scale industrial development on a rural community, roads users and users of Public Right of Way;
- Existing landscaping does not screen the site due to the loss of leaves in winter – the plans do not show mature evergreen trees, which would be essential for screening purposes;
- Loss of landscape character of local area;
- Risk of flooding, both of residential properties and disruption to the highways;
- Risk of fire, consequential release of toxic fumes and the pollution of land, air and watercourses;
- Risks to road safety from location of the site access point, speeds of traffic and increased traffic volume;
- Protection of heritage assets in Staythorpe and beyond;
- Loss of good and moderate grade agricultural land, classified as 3a and 3b when we should be producing more food at home and reducing imports and carbon footprint;
- Exposure to excessive noise, particularly at night;
- Exposure to light pollution;
- Loss of rural character and increased safety risks to users of the Public Right of Way and would ruin the enjoyment of the footpath;
- Ecological and environmental impacts;
- Risk to public safety through genuine fear of crime and apprehension over anti-social behaviour;
- Unknown mental health and well being implications;
- Unknown health implications associated with the exposure to electro magnetic fields, especially to those having received radiotherapy treatment and those with pacemakers;
- Non compliance with the Environmental Stewardship which the land is currently part of;
- Previously refused planning applications in the locality on the basis of it being open countryside and being in a floodzone;
- Flood water would be diverted elsewhere and cause danger to local villagers and could undermine A46 project;
- Cumulative effect of numerous proposed developments in very close vicinity in and around Staythorpe;
- Lack of known risks on a site this size and scale during construction, operational life and period of de-commissioning;
- Human and environmental costs associated with the extraction of base materials;
- Not wholly green energy project;
- Not one single large scale development (up to 550MW) has been proposed this close to residential properties;
- The size, scale and nature is disproportionate and justifiably inappropriate and would result in an overbearing intrusive large scale industrial development;
- There are so many unknown impacts from such a new and unproven technology, there are too many clear and demonstrable significant adverse impacts on the local area, its residents and wider community;

- Even with mitigation measures in place the adverse impacts of this proposal still significantly outweigh the potential benefits of siting a new substation and battery energy storage system in Staythorpe;
- Fear is that future expansion is intended;
- Planning permission was refused a few years ago for a new dwelling on land just opposite the site and it was refused on grounds of being in the open countryside, that the site access fell into Flood Zone 3 and there were other sites available within the District in Flood Zone 1 – the BESS should be refused for the same reasons;
- The Sequential Test should be applied on a much larger area and there is land at lower risk of flooding nearby therefore the ST is failed;
- Proposal fails the Exception Test as any wider sustainability benefits would need to take into account the energy used to mine the battery materials, the energy used in the manufacture of the batteries, the metal containers and energy used to transport materials to the site and energy used in the construction and operation of the facility;
- No safe access or egress would be possible as the access road would flood to a depth of 0.8m, unsafe for any person to access on foot or in a vehicle;
- If public concern of fire safety is based upon genuine fear or apprehension, based on published research, it is a legitimate material planning consideration that must be weighed in the balance;
- Lithium does not need oxygen to burn and during a flood event, there would be no safe access to the site by emergency services;
- Significant impact on quality of life, health and financial well-being which is not reasonable;
- Impact on potential market values and re-selling of properties.

7.0 Comments of the Business Manager – Planning Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

As the application concerns designated heritage assets of nearby listed buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "*shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"

The duty in s.66 of the Listed Buildings Act does not allow a local planning authority to treat the desirability of preserving the settings of listed buildings as a mere material consideration to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm considerable

importance and weight.

The key issues are:

1. Principle of Development
2. Renewable Energy
3. Site Selection
4. Loss of Agricultural Land
5. Impact on Flood Risk
 - a. Surface Water Drainage
 - b. Foul water Drainage
 - c. Fluvial Flooding
 - d. Sequential Test
 - e. Exception Test
6. Landscape and Visual Impacts
 - a. Landscape Character
 - b. Visual Impact
7. Impact on Public Rights of Way
8. Impact on Ecology, Biodiversity and Trees
 - a. Survey Results (Bats, Birds, Badger, Great Crested Newts, Reptiles, Otter, Water Vole, Invertebrates and Other Species)
9. Impact on Heritage
10. Impact on Archaeology
11. Impact upon Residential Amenity
12. Impact upon Highway Safety
13. Other Matters
 - a. Cumulative Impacts
 - b. Length of Temporary Consent
 - c. Connection to Existing National Grid Substation
 - d. Health and Safety

Principle of Development

The site is located within the open countryside. Spatial Policy 3 states that the rural economy will be supported by encouraging tourism, rural diversification and by supporting appropriate agricultural development and that the countryside will be protected and schemes to enhance heritage assets, to increase biodiversity, enhance the landscape and increase woodland cover will be encouraged. Development in the open countryside will be strictly controlled and restricted to uses which require a rural setting.

Policy DM8 of the ADMDPD is silent on the appropriateness of renewable energy in the open countryside. However, the District Council's commitment to tackling climate change is set out in Core Policy 10 which states that the Council is committed to tackling the causes and impacts of climate change and to delivering a reduction in the District's carbon footprint. This provides that the Council will promote the provision of renewable and low carbon energy generation within new development. Although the reference is specifically to energy 'generation' and this development would not generate energy, it nevertheless allows a greater capacity of use of energy generated by these sources through storage. Core Policy 10

then signposts to Policy DM4 which states that permission shall be granted for renewable energy generation development, as both standalone projects and part of other development, its associated infrastructure where its benefits are not outweighed by detrimental impact from the operation and maintenance of the development and through the installation process upon various criteria including landscape character from the individual or cumulative impact of the proposals, heritage assets and their setting, amenity including noise pollution, highway safety and ecology of the local and wider area.

This approach is also echoed by the NPPF which states in para 158 that *‘when determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable’*.

Policy DM8 also provides support for rural diversification projects – proposals should be complimentary and proportionate to the existing business in their scale and nature. Supporting information has been submitted from the farmer of the land who states “It enables us to diversify, as suggested by the government, without reducing our milk supply, and will enable us to further invest in the farming business going forward into the future.”

In determining this application, it is necessary to balance the strong policy presumption in favour of applications for renewable technologies against the environmental impact. The wider social and economic benefits of the proposal are also material considerations to be given significant weight in this decision. Whilst there is no specific guidance on the assessment of battery energy storage system (BESS) sites in national or local policy, site-specific impacts to consider are likely to be similar to those used in the assessment of large-scale ground-mounted solar farms, which are set out in Paragraph 13 (Reference ID: 5-013-20150327) of the NPPG which outlines a number of factors which local planning authorities need to consider and which are set out below. Given the nature and scale of battery storage, it is inevitable that such development will have impacts, particularly if sited in rural areas. In this context, national and development plan policy adopts a positive approach indicating that development will be approved where the harm would be outweighed by the benefits of a scheme.

The PPG states that whilst local authorities should design their policies to maximise renewable and low carbon energy, there is no quota which the Local Plan has to deliver.

Renewable Energy

The Government recognises that climate change is happening through increased greenhouse gas emissions, and that action is required to mitigate its effects. One action being promoted is a significant boost to energy produced by renewable energy generation. The Climate Change Act 2008, as amended sets a legally binding target to reduce net greenhouse gas emissions to Net Zero by 2050. The Clean Growth Strategy 2017 anticipates that the 2050 targets require, amongst other things, a diverse electricity system based on the growth of renewable energy sources. The December 2020 Energy White Paper states that setting a net zero target is not enough, it must be achieved through a change in how energy is produced.

The Net Zero Strategy: Build Back Greener published in October 2021 explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable generation.

More recently, the Government published the British Energy Security Strategy in April 2022 outlining the need for a decarbonised and secure energy supply. It sets out the essential role renewables play in reducing exposure to volatile fossil fuel markets, limiting the UK's reliance on imports, and consequently reducing the cost of consumer energy bills. Specific to electricity generation, the Strategy highlights that by 2030, 95% of electricity could be low-carbon and by 2035, the UK will have a decarbonised electricity system, subject to security of supply.

Newark and Sherwood District Council declared a climate emergency in 2019 and recognises the urgency and significance of its environmental ambitions, for both the Council and the wider District. As such the Council has published a Climate Emergency Strategy, as part of carbon management and reducing its footprint. Therefore, the Council takes the matter of improving carbon emission schemes seriously and both the Council and Central Government see this as part of ongoing agenda priorities.

The submitted Planning Statement sets out that the proportion of energy supplied from renewable sources is rapidly increasing and since the amount of energy generated from such sources is dependent on weather conditions, renewable technologies are highly intermittent. Typically, peak production times from sources such as solar (mid-day) and wind (at night) do not correspond with times of peak consumption. As such there is a growing demand from network operators for a broad range of services such as energy storage, to balance supply and demand in order to prevent shortages and blackouts, as experienced in the south-east of England and Wales in August 2019.

The Planning Statement sets out that accelerating the supply of clean and affordable domestic energy requires upgrade to the connecting network infrastructure needed to support it. Energy storage is one of the key components of that infrastructure.

The purpose of the proposed development would be to support the flexible operation of the Grid and the decarbonisation of the electricity supply by storing surplus energy for use when it is most needed. A BESS would balance peaks and troughs in energy generation without any greenhouse gas emissions and provide rapid-response electrical back-up, thereby ensuring that the electricity produced can be used efficiently and be provided to consumers at the lowest possible cost. When winds are high at night and demand for electricity is low, instead of that energy going to waste and being lost as currently, it can be transferred to a BESS and be stored and then provide additional electricity supplies to the grid when demands are higher.

The Planning Statement sets out that "A widespread increase in energy generation from renewable sources will have a magnitude of benefits for the UK including economic growth, helping to mitigate and adapt to climate change, reducing energy prices for consumers and increasing energy security. It will be a significant and on-going requirement of the planning system to facilities this growth in renewables moving forward."

This development is anticipated to have a storage capacity of at least 400 Megawatt-hours (MWh) of energy and a power output of up to 360 MWp which could power the equivalent of approx. 150,000 households for 2 hours (assuming 2-hour system and 2.5KW load per household). This would therefore be able to support the provision of renewable generated electricity into the grid when it is required. The developers have confirmed a grid connection contract allows for a connection to the National Grid in 2025, with procurement, construction and commissioning taking place between 2023 and 2025. This would enable new replacement planting along Staythorpe Road to be planted within months of any permission being approved which would have chance to become established before the 12 month construction period would commence. The overall scheme would make an early contribution to the objective of achieving the statutory Net Zero target set for 2050 and to the commitment to reducing emission levels by 2035. As such, the positive contribution that this scheme would make to these objectives and targets attracts significant weight.

Site Selection

In terms of site selection, the submission indicates that the ability to connect to a suitable and viable point of connection is the defining factor in the location of energy storage facilities.

There are around 180, 400kV substations across Britain and there are 6 in Nottinghamshire – West Burton, Cottam, High Marnham, Ratcliffe on Soar, Staythorpe and Stoke Bardolph and the latter two are located within flood zones. Further justification was requested on the need for this site at Staythorpe in a flood zone area, and not elsewhere. The applicant has set out that BESS developments are needed (and planned) at all substations in Nottinghamshire and everywhere in the UK to fulfil the Energy Security Strategy 2022. Four of the other substations have no connection capacity before 2033 as they are already committed to substantial generation and storage projects and furthermore, they have contracted for this particular substation as capacity has been identified here and they have been successful with their grid connection application.

Staythorpe Substation (Grid Supply Point, GSP) features 4 x 400kV transmission circuits and is part of the historic 'megawatt valley' area of electricity generation. Centrally located, Staythorpe substation is connected to four transmission lines and covers a wide geographic area and is therefore strategically important. Decommissioning of coal/gas power stations has created available connection capacity. The ideal geography, meshed configuration and high wider system power flows greatly benefits any flexible storage scheme.

In terms of site selection, the Planning Statement outlines that development has been strategically sited adjacent to the National Grid substation at Staythorpe to be able to respond within the mandated periods (<1 second) to help maintain frequency on the grid and avoid blackouts. It goes on to state that BESS facilities are required to support the grid at most major electrical substations, and there is particularly significant need for energy storage at Staythorpe National Grid substation due to its strategic central location within the electrical transmission network.

In support of this site as opposed to any other site near to the sub-station, the submission states in order to ensure minimal losses and greater efficiency, BESS sites are often located in very close proximity to the substation they connect to which benefits the transmission

operator and Distribution Network Operator networks as it ensures the circuits and infrastructure carrying this capacity do not become congested or constrained, thus optimising of existing generation capacity and allows additional renewable generation to be connected. They also state this site would result in the least disruption caused to public or private infrastructure during construction, operation and maintenance processes. The maximum viable distance from the site to substation connection has been determined to be no more than 1km.

In seeking to further justify the choice of this particular site above any other nearby site, the applicant has applied Sequential Testing both in terms of the quality of agricultural land and flood risk to this application site. A search distance of 1.5km from the existing substation has therefore been applied.

Loss of Agricultural Land

Paragraph 174 of the NPPF states planning decision should contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land and of trees and woodland.

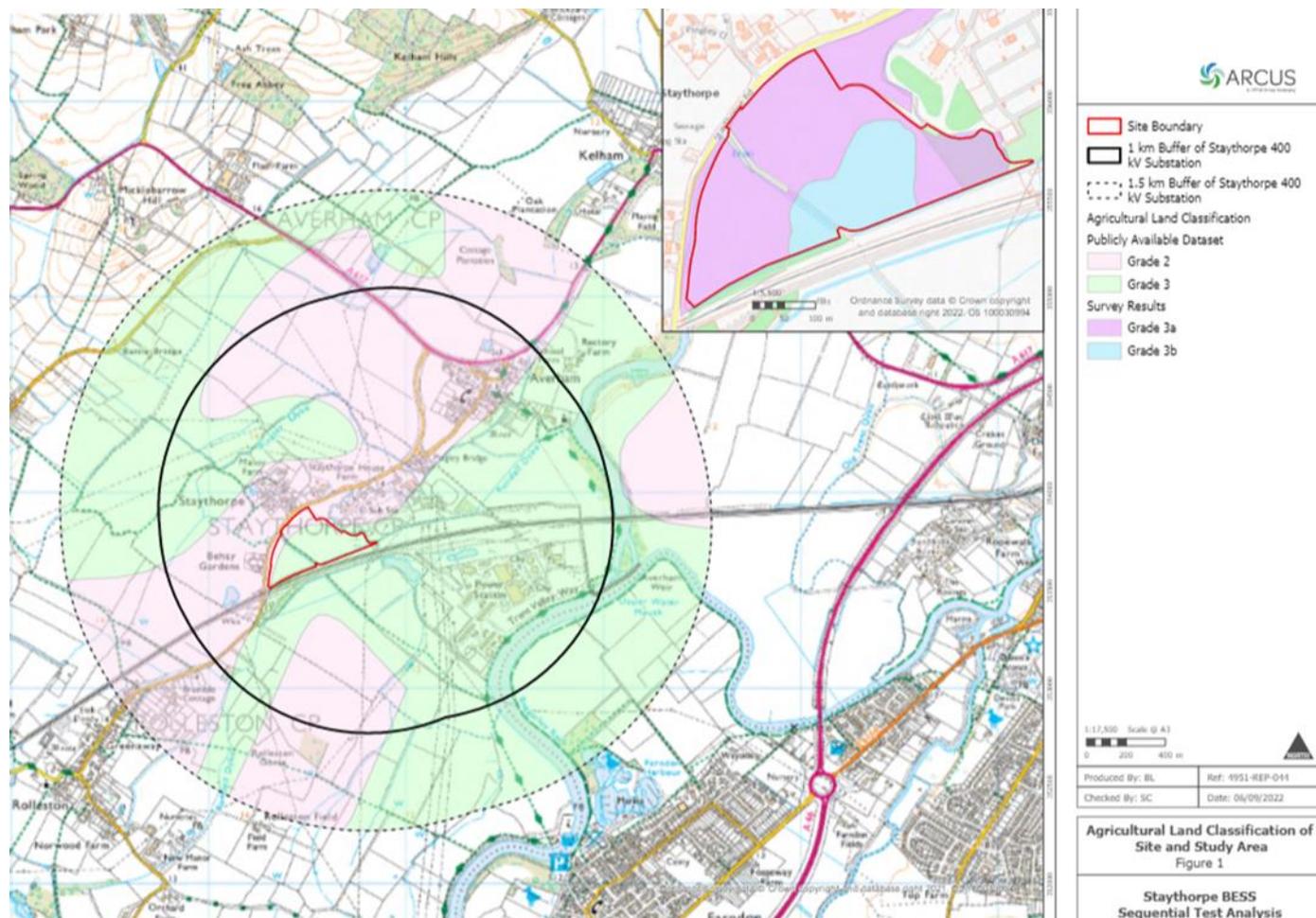
The Planning Practice Guidance outlines a number of factors that local planning authorities will need to consider in the assessment of large-scale ground-mounted solar farms and so would also be of relevance to this proposal. The stance of the Guidance is to encourage the effective use of land by focusing such development on previously developed and non-agricultural land. Paragraph 13 goes on to qualify that where a proposal involves greenfield land, the local planning authority will need to consider whether the proposed use of agricultural land has shown to be necessary and where it has, that poorer quality land has been used in preference to higher quality land, and that the proposal allows for continued agricultural use.

The stance of the NPPG is to encourage the effective use of land by focusing large-scale solar farms on previously developed and non-agricultural land. Paragraph 13 goes on to qualify that ‘where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays’.

The NPPF defines ‘Best and most versatile agricultural land as being land in Grades 1, 2 and 3a of the Agricultural Land Classification’ and at paragraph 174/175 requires that where significant development is demonstrated to be necessary LPAs should seek to use areas of poorer quality land rather than areas of higher quality. Policy DM8 states that ‘proposals resulting in the loss of the most versatile areas of agricultural land, will be required to demonstrate a sequential approach to site selection and demonstrate environmental or community benefits that outweigh the land loss.’

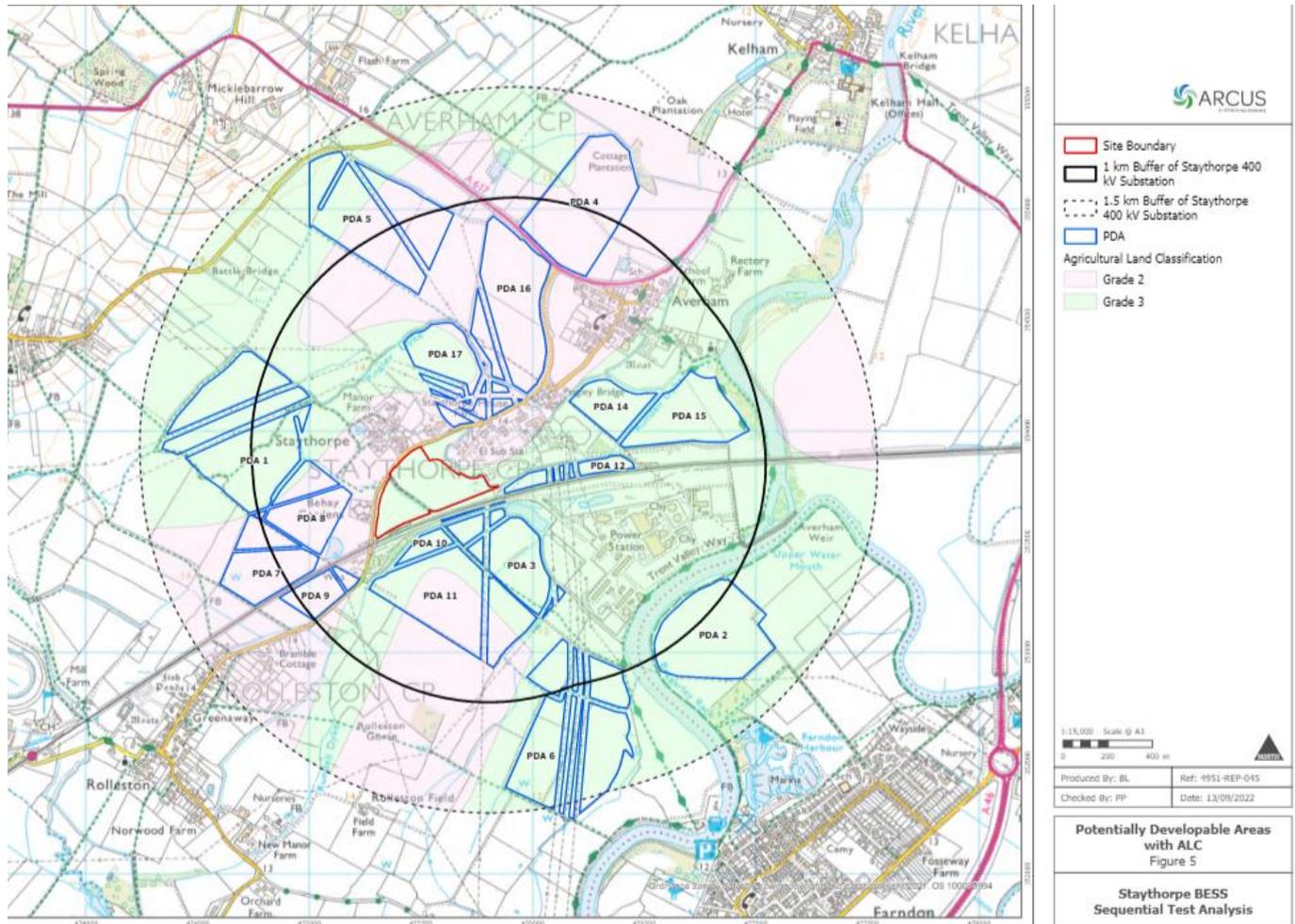
The application has been supported by an Agricultural Land Classification (ALC) report undertaken by qualified experts in this field. Natural England’s ALC Map shows the site to be

located within an area identified as Grade 3 land – is good to moderate quality agricultural land. Whether the site is Grade 3a – good quality or Grade 3b – moderate quality can only be determined by site and soil examination. The submitted report confirms that approximately 70% of the site is classed as Grade 3a (Best and Most Versatile (BMV)) and the rest is within 3b.



A detailed Site Selection Report with Sequential Test for Flood Risk and Agricultural Land has also been submitted. The ALC report seeks to demonstrate that there are no alternative sites available for the development with a lower grade of agricultural land classification and that there are significant parcels of higher Grade 2 agricultural land in the surrounding areas (i.e. better quality). Effective use of land in line with planning practice guidance, encourages the siting of large-scale solar farms (or BESS development in this case) on previously developed and non-agricultural land. The applicant has provided reasons for selecting this site within the submitted Planning Statement. This explains the application site is based on issues around technical suitability, grid connection feasibility and planning constraints. The fundamental reason for selecting this site is because this locality was identified as an area with grid capacity availability. The site “also provides the most cost effective and energy efficient location in terms of connection works required and energy losses incurred, along with the least disruption caused to public or private infrastructure during construction, operation and maintenance processes.” The Planning Statement outlines that in the site selection process all land parcels within close proximity to Staythorpe Substation were considered and the proposed site was identified as the most appropriate location to minimise potential impacts

on the environment and amenity. It states there are no brownfield sites with the same capacity, no suitable alternative sites at lower flood risk with a lower agricultural land classification available within a 1km radius search area. Alternative sites suggested by the pre-application process were not considered suitable due to reasons of size, possible impacts of the development or proximity to the grid connection. Alternative sites that have been considered are set out in detail in Appendix A, appended to this report.



The proposal could lead to the significant long-term loss of agricultural land, as a resource for future generations, albeit it is proposed the BESS would only be in situ for a temporary period of 40 years. It would be expected that the land would be restored to its former agricultural use (Grade 3a and 3b) once the use has ceased and all operational development removed, which would be controlled by condition.

The submission states of the 10 hectare site, 5.2ha would be taken up by the development footprint whilst 4.8ha would be dedicated to ecological enhancements, planting, wildflower meadows and footpaths. The construction of the development would therefore affect just over half the agricultural land on this site, approx. half of which (2.6ha) lies within the Best and Most Versatile category. Whilst this may be the case, it must also be acknowledged that it is not proposed to keep any of the site within agricultural use and therefore the application effectively relates to the loss of 70% Grade 3a BMV agricultural land.

Notwithstanding the above, the owner and farmer of this land has stated that this pocket of land is low grade land and 80% is susceptible to drought due to the sand composition. They

have confirmed that some of it is fallow as it is not commercially viable. These two fields are not core to their farming operation as they cannot use them for animals as they are remote from the rest of the farm and are cut off by the railway on one side, the road on the other and the power station on the third side. It is the least productive part of the farm, according to the farmer who has also confirmed that they would not produce one litre less of milk or employ one less person if this development was to go ahead. There is no indication as to the extent of the yield of arable/cereal achieved by these 2 fields. However, yield data and financial assessment of the farm business are explicitly excluded from the classification methodology. This is because, unlike site and spoil examination, it is not possible to make allowances for variables such as management skill, levels of input and short term weather factors.

To conclude, the proposal would represent the loss of a significant amount (7ha – 70% of the wider application site) of BMV agricultural land which would weigh heavily against the proposal in the overall planning balance, discussed at the end of the report.

Impact on Flood Risk

Core Policy 9 and Policy DM5 require that proposals pro-actively manage surface water and Core Policy 10 and Policy DM5 seek to mitigate the impacts of climate change through ensuring that new development proposals take into account the need to reduce the causes and impacts of climate change and flood risk.

Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future, in a changing climate, taking full account of flood risk and that it should support renewable and low carbon energy and associated infrastructure. When determining planning application for renewable and low carbon development, para 158 states, local planning authorities should:

- a) Not require applicants to demonstrate overall need for renewable or low carbon energy, and recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) Approve the application if its impacts are (or can be made) acceptable.

The NPPF, Core Policy 10 and DM5 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere as set out in the application of the Sequential and Exception Tests.

Annex 3 (Flood risk vulnerability classification) of the NPPF identifies that essential infrastructure includes “essential utility infrastructure which has to be located in a flood risk area for operational reasons, including infrastructure for electricity supply including generation, storage and distributions systems; including electricity generating power stations, grid and primary substations storage; and water treatment works that need to remain operational in times of flood.”

A Flood Risk Assessment has been submitted with the application which identifies that the site has a negligible risk of flooding from surface water, groundwater, reservoirs, drainage infrastructure or artificial watercourses. An Outline Surface Water Drainage Strategy has

been submitted.

Surface Water Drainage

The development would use unbound free-draining subbase beneath aggregate chippings within the BESS compound, with the welfare area and internal access tracks surfaced with permeable aggregate and would discharge into Staythorpe Sidings Drain through a connection pipe towards the south-eastern corner of the site. The free subbase would be designed utilising cellular storage and in order to restrict surface water flows a restricting device will be placed on the outfall of the pipe. Notwithstanding the Outline Surface Water Drainage Strategy shows suitable attenuation capacity can be achieved during the 1:100-year (+25% climate change) critical event with maximum rates at less than the 3l/s, NCC LLFA are currently insisting that the detailed surface water drainage scheme that would be required to be submitted by condition, should permission be granted, must provide for 1:100-year (+40% climate change).

The report states that due to the limited impermeable extents (access roads and substation compound areas), the surface water run-off and outfall rates would be extremely low and flow rates leaving the system would be negligible, demonstrating the porous nature of the development. Access roads would be served by the proposed drainage network with discharge to an open surface water course along the eastern boundary - Staythorpe Sidings Drain (to be agreed with the Internal Drainage Board) which ultimately discharges into the River Trent. This receiving ditch would be subject to a maintenance schedule to ensure it has suitable conditions for surface water to flow into the ditch for the lifetime of the development.

Having regard to the national drainage hierarchy, the surface water drainage strategy rules out the use of infiltration as a means of disposal as not feasible. This is because the development has a fire risk which must be assessed in relation to the potential contaminants within any fire suppressing water runoff. The firewater runoff from the BESS containers cannot be contained through a bunding mechanism as it is located within Flood Zone 3b in which flood water cannot be redirected in accordance with Environment Agency guidance. As such the subbase to be utilised for attenuation will be underlain by an impermeable membrane to prevent firewater contamination. The impermeable membrane would have a penstock release valve, to be able to contain firewater if required and prevent contamination of underlying soils, ground and surface water and allows the land to be used for agricultural purposes following decommissioning. Following any potential incident, the contaminated water would be removed from the subbase by tankers to a licenced facility and thus prevent risk of contamination.

Being located within Flood Zone 2, the main infrastructure on the substation compound would use bunds to prevent spillage of contaminants and oil into the wider hydrological network, using oil separators with penstock sampling points upstream and downstream of the oil separator. Surface water would feed into the surface water outlet for the development. In a spill event, flows would be isolated via the penstock system and monitored prior to discharge. If contaminant levels exceed suitable levels then contaminated water would be extracted and treated off site by a licensed carrier.

Construction phase drainage would be confirmed prior to development commencing within a Construction Environmental Management Plan to prevent sediment entering surrounding watercourses.

The Lead Local Flood Authority have advised that based on the majority of the strategy submission they raise no objection subject to a condition imposed requiring a detailed scheme to be submitted for approval.

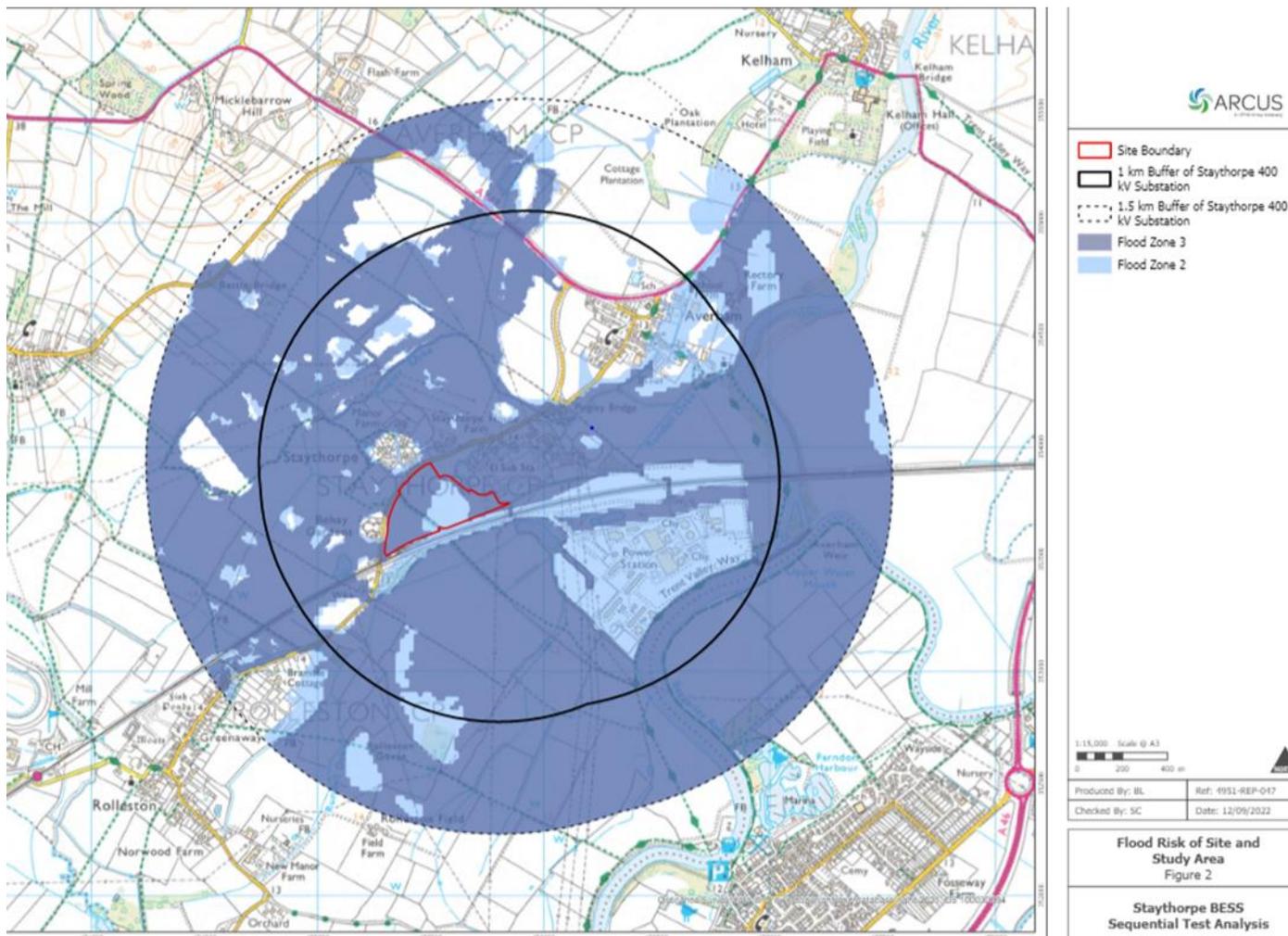
Foul Water Drainage

The national drainage hierarchy in the UK Building Regulations sets out the listed order of priority for discharge in the following order 1) public sewer being top then if this is not reasonably practical 2) to a private sewer communicating with a public sewer, then 3) either a septic tank or another waste treatment system and 4) finally a cesspool. The presumption is always to connect to a public sewer if reasonable to do so as this option represents a much lower risk to the environment than others further down the hierarchy.

There is currently no foul drainage discharged from the site, being agricultural fields. During construction foul water would be disposed of via a 'Port-a-loo' type facilities and disposed of via a licenced waste carrier. During operational phase there will be office and welfare facilities comprising toilets and a kitchen with foul waters emanating from both. Due to the rural setting, the Drainage Strategy states that it is not feasible to discharge to a foul sewer. The development would therefore be served by a cesspit/porta-loo which would either be taken off site or managed through an appropriate permit. Ordinarily this type of solution would not be acceptable, however once constructed, the facility would be controlled remotely with only occasional visits to the site for maintenance and inspections. On this basis, and in the absence of any objection from the Environment Agency, on balance, this is considered to be acceptable.

Fluvial Flooding

In relation to main river flooding, the site is located predominantly within Flood Zone 3b (within the functional flood plain and at highest risk from river/tidal flooding, defined as land where water has to flow or be stored in times of flood in the NSDC Strategic Flood Risk Assessment, representing areas that flood during the 1 in 20 year (5%) event) and Flood Zone 2 (at medium risk of flooding, land having an annual probability of river/tidal flooding of between 1 in 100 year (1%) and 1 in 1000 (0.1%)).

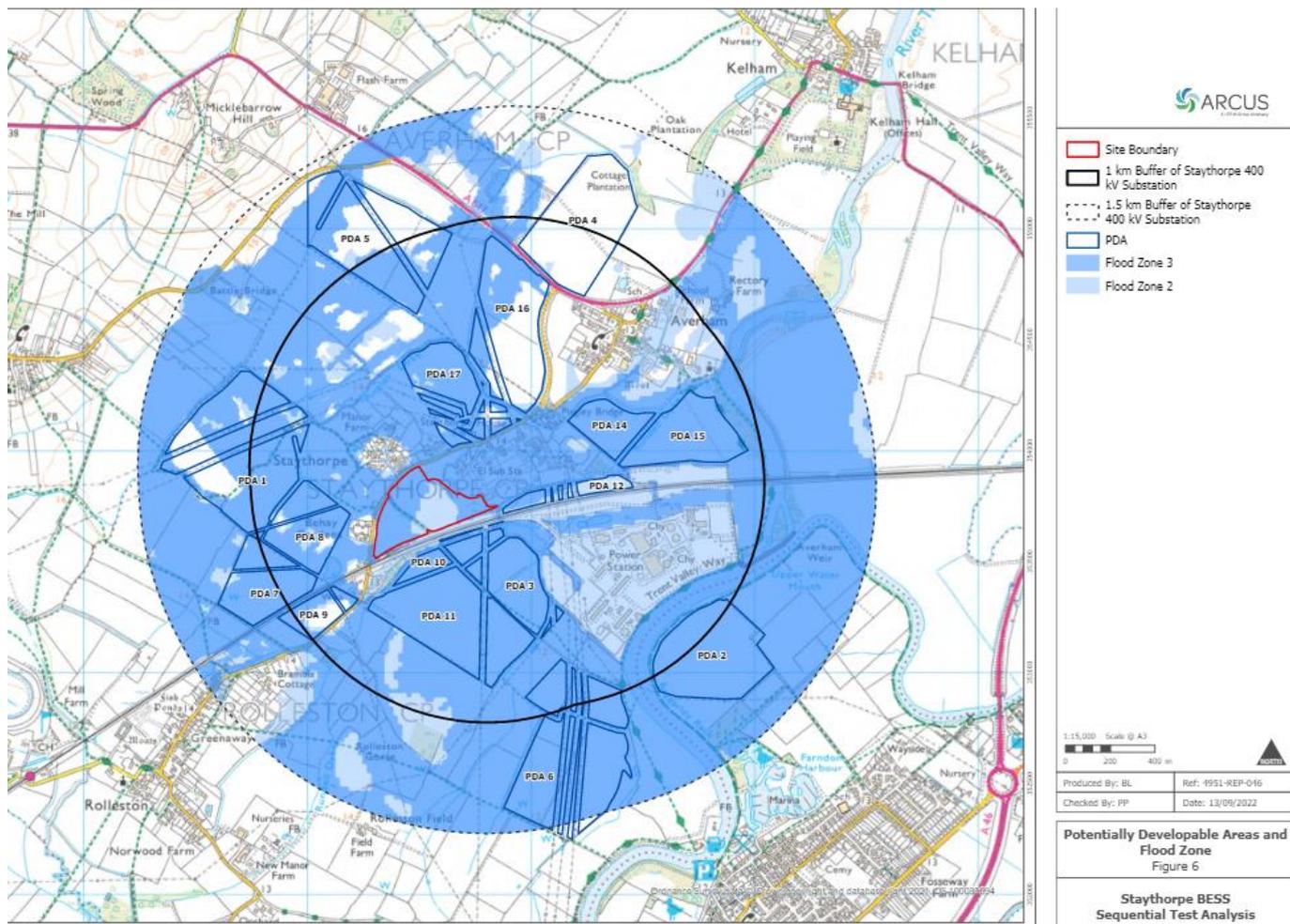


Sequential Test

In accordance with the National Planning Policy Framework (paragraph 162), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The Sequential Test (ST) establishes if this is the case. Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

The FRA states that a site search exercise has been undertaken and there are no other substations within a 50km radius of Staythorpe substation with suitable connection options due to a lack of demand or export headroom availability on the existing transmission network, without wider system reinforcement works. The submitted ST outlines that there are no suitable alternative sites within the vicinity of the site (within a 1.5km area) comprising land that is of lower level of flood risk with enough area to support the development where the site is also at a lower grade of Agricultural Land Classification than the application site.

The PPG states that the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. The maximum viable distance from the site to substation connection has been determined to be no more than 1km and this therefore justifies the limited search area.



For nationally or regionally important infrastructure, the PPG states the area of search to which the Sequential Test could be applied will be wider than the local planning authority boundary. However, whilst this is important infrastructure, acknowledgement must also be had to the very narrow, restrictive siting requirements of such infrastructure and their need to be within 1km of an existing substation, in order to be viable, thus it is not considered that a catchment beyond the District boundary would be appropriate for the development proposed in this case.

Appendix A lists the various other sites considered by the applicant within a 1.5km area and the application of the flood risk Sequential Test. However, there does appear to be a windfall site identified (part of PDA 16 on the maps above) that is also a 10ha area of land approx. 620m (as the crow flies) to the north-east of the application site that is located within Flood Zone 1, which is included within application 23/00317/FULM. The submitted ST identifies this area and acknowledges its lower flood risk but states it is unsuitable on the basis that it is a higher Grade (2) of agricultural land. However, it is not considered an appropriate or reasonable approach to the application of the flood risk ST to dismiss this land at lower flood risk based on a different material consideration. On the basis of the submission of application 23/00317/FULM, it appears that the land is reasonably available. As such, it is considered that the application fails the flood risk Sequential Test. This therefore weighs significantly against the proposal in the overall planning balance.

Exception Test

Paragraph 164 of the NPPF states that to pass the Exception Test, it should be demonstrated that:-

- a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

The NPPF states that both elements of the Exception test should be satisfied for developments to be permitted.

The applicants have set out that the wider sustainability benefits to the community include the increased use and transition to clean, low carbon energy, that will reduce the country's reliance on fossil fuels, reduce carbon dioxide emissions and therefore reduce the impact on climate change, which is accepted.

The substation compound would be sited predominantly on land within Flood Zone 2, with small areas in Flood Zone 3b limited to permeable aggregate ground surfacing and fencing. The construction of the substation compound would require surface levelling which would result in an area shown to be at risk of flooding to be raised above modelled water levels. Transformer units within the compound would be bounded by oil spill bunds to prevent spread of contaminated fluids stored within the containers which are located outside Flood Zone 3b that would not displace flood water volumes or flow routes.

The battery containers, power converters, transformers and welfare, spares parts and control room would be located 300mm above flood depths for the 1 in 100 year (+50%) event and be raised above ground level by 1m or more on concrete stilts to minimise the footprint and displacement of flood waters.

Development Infrastructure	Modelled Flood Depths (1 in 100-Year (+50%) Max Flood Depth
Substation Compound	0.1m
Battery Containers in Eastern Field	0.6m
Battery Containers in Western Field	0.7m
Welfare Buildings	0.6m
Emergency Access Track	0.9m

To comply with the PPG, compensatory flood storage is required to displace flood waters. Development within the latest scheme and in Flood Zone 3b requiring storage compensation include:-

- Aux transformers;

- Battery containers;
- Power Converters; and
- Welfare/spare parts/control room.

The requirement for flood storage compensation was originally calculated based on an initial assumption that there would be a requirement of 500sqm of area supported on concrete stilts being used to raise units 1m above ground level to reflect flood levels. The compensation area is located in the south-east corner of the site, located within Flood Zone 2 with a small overlap into Flood Zone 3b (as storage within Flood Zone 1 is not feasible). The compensation area covers a total area of 414sqm, with a base area of 176sqm and a total depth of 1m. Calculations were established for the original infrastructure which comprised of 343 units on stilts that that would equate to a total displacement volume of 295 cubic metres. The latest layout (Rev I) results in 325.44 sqm of area supported on concrete stilts and comprising a total of 339 units on stilts and so the displacement volume for this new scheme would be slightly less than 295 cubic metres. The agent has indicated that the newly inserted emergency access would equate to a total of 7sqm within Flood Zone 3b, which means that there would be capacity to provide for this additional feature within the proposed flood storage compensation scheme, without resulting in flooding elsewhere, although this has not been provided in writing. Effectively the flood storage capacity has been over-engineered to allow for this level of flexibility within the development. As such, subject to a condition requiring details of the compensation required for the emergency access to be proven which could be conditioned, the proposal has demonstrated that it would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and would thereby accord with part b) of the Exception Test.

In addition to the Exception Test, para 167 e) of the NPPF states that development should only be allowed in areas at risk of flooding where it can be demonstrated that safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

The PPG states that, in determining whether a development is safe, the ability of users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

The FRA concludes that without mitigation, fluvial flood risk at the site is High. The adoption of the measures outlined in the FRA would enable the development to remain operational without increasing flood risk elsewhere during fluvial flood events. Therefore, with the mitigation measures outlined, the fluvial flood risk posed to and by the development is Low.

Section 2.2.3 (Site Access and Egress) of the FRA states that any person on the site would seek refuge in the welfare building during a flood event. Although during the 1 in 100 year (+50%) fluvial event, the max flood depths along the proposed access/egress route would be approx. 0.8m, which would be highly dangerous for either a person or vehicle to try to pass through. This management of flood risk is not acceptable because if a worker became trapped in the welfare building for a long period of time and required rescuing, this would put unreasonable additional pressure on already stretched emergency services. Instead, as previously discussed and agreed with the agent, the site operator needs to sign up for the Environment Agency

Flood Warnings Service and if there were any employees on site at the time of a warning, they would have time to evacuate the site **prior** to any flooding occurring at the site and the development could remain operational on a remote basis until the event was over. The Flood Incident Plan set out in Appendix E of the FRA explains that an evacuation of the site shall occur, following flood warnings during the construction phase only. This therefore needs to be extended to include the operational phase, in order to ensure the development is safe for workers. Once operational, the development would not be occupied apart from ad-hoc maintenance and operations staff. Should planning permission be granted, a suitably worded condition would be imposed to deal with the amendments required to means of escape in a flood event as well as flood storage compensation measures to be provided.

No objection has been raised by either the Environment Agency subject to conditions requiring the development to be carried out in accordance with the submitted FRA mitigation measures set out and registering for the EA Flood Warnings Service to enable the site to be evacuated prior to a flood event. NSDC's Emergency Planner agrees with the comments of the EA and the NCC Lead Local Flood Authority. On this basis, it is considered that the proposal passes the Exception Test.

Surface and foul water disposal are also considered to be satisfactory.

Concluding on flood risk matters, it is considered the development fails the Sequential Test in that there is a site of similar size, in close proximity (within a 1.5km of the site) that is within Flood Zone 1, as lowest risk of fluvial flooding. This weighs heavily against the proposal in the overall planning balance discussed at the conclusion of this report.

Landscape and Visual Impacts

Landscape Character

Paragraph 174 of the NPPF indicates that the intrinsic character and beauty of countryside should be recognised but does not seek to protect, for its own sake, all countryside from development; rather it concentrates on the protection of valued landscapes. The site does not form part of any designated landscape and for the purposes of the Framework, the site is not considered to be a valued landscape.

Para 174 also states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

The proposed site is located in Natural England National Character Area 48 Trent and Belvoir Vales. Siting within the Trent Valley the area is generally low-lying and rural in nature with little woodland cover and long, open views and undulating in form. Agriculture is the dominant land use, with much of the pasture converted to arable, although grazing is still significant. There is a regular pattern of medium to large fields enclosed by hawthorn hedgerows and ditches in low-lying areas, these elements dominate the landscape. It is a rural and sparsely settled area with small villages and dispersed farms linked by quiet lanes.

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments.

Core Policy 13 requires the landscape character of the surrounding area to be conserved and created. In terms of the visual impact of the proposed development, the NPPG advises that in relation to large solar farms, consideration should be given to the 'potential to mitigate landscape and visual impacts through, for example, screening with native hedges'.

The site is located within the Trent Washlands Regional Character Area in the Newark and Sherwood Landscape Character Assessment SPD (2013). The site falls within the 'Cromwell, North and South Muskham' (TW PZ 11) character area. The landscape generally within the zone is predominantly flat, large scale arable landscape more enclosed along narrow roads with hedgerows and within villages. The landscape condition is described as moderate, fragmented in places by transport routes and distracting features, including the National Grid power station and pylons. The landscape sensitivity is defined as moderate. The policy action for the zone is to 'Conserve' with policy actions to include:-

- maintaining the character and setting of village settlements of Cromwell, North and South Muskham, Averham, Staythorpe and Rolleston;
- conserve the rural character of the landscape by concentrating new development around above existing settlements;
- conserve historic field pattern by containing new development within historic enclosed boundaries;
- restoring hedgerow boundaries, promote sensitive design and siting of new agricultural buildings;
- promote measures for reinforcing the traditional character of farm buildings using vernacular styles; and
- create small scale woodlands/tree planting to soften new development, preferably in advance of development.

The proposed built form would be set back from the Staythorpe Road frontage behind both existing and newly proposed hedgerow and tree planting and there is a belt of mature trees along the boundary with the railway line. Even so, the proposed containerised units combined with the ancillary infrastructure including substation, security fencing, CCTV cameras on security poles significantly would alter the landscape from its current open, green arable farming fields.

The highest proposed feature on the site would be the substation which would be a max of 13m high. Below are elevation drawings of some of that infrastructure.

Proposed North Elevation of Substation:

The 4m high solid acoustic screens running parallel to Staythorpe Road would result in rather harsh stark features in the short term. Their green colour would assist in their assimilation and over time their mitigation would improve with new planting. The impact of other boundary fencing around the site would be new restrictive features but would be largely sensitively located in conjunction with existing hedgerows and new planting and where this is absent, the mesh design and green colour would limit the visual impact.

A Landscape and Visual Assessment (LVA) has been submitted with the application to identify and assess the likely significance of the landscape visual effects of the proposed development on the surrounding area.

The LVA states the landscape value of the site is low overall. There is a high capacity for the landscape of the site to accommodate the Development, which would not detract from the overall existing landscape quality, features and characteristics of the landscape. It assesses that this would result in a low susceptibility to the Development because the landscape would be able to accommodate it without undue adverse effects, taking account of the existing character and quality of the landscape and other manmade features of pylons and Staythorpe Power Station. It concludes that the scheme would not detract from the overall existing local landscape character. Existing mature tree and hedgerows would provide screening and contribute to the capacity to change.

This is an undesignated landscape and the siting of the battery storage units and related infrastructure would change the predominantly rural character to a predominantly industrial one. The effects would be large scale however, the Development would retain key characteristics of the landscape and although there would be a change of land use, the existing flat topography and the proposed infrastructure would not protrude the open skyline due to its low-level nature. All landscape features would seek to be retained, defining field margins and tree lined hedgerows wherever possible and a number of enhancements would improve the landscape and enhance biodiversity value of the Development. Taking into account the Development and mitigation, the magnitude of change is judged to be medium adverse and localised enhancements are judged to be medium beneficial.

The landscape sensitivity on site is considered to be low to medium but the magnitude of change is large due to change from agricultural use to energy storage, the landscape effects would be **moderate- major, adverse** in Year 1.

By year 15, following embedded mitigation and enhancements reinforcing and connecting landscape features becoming matured, the landscape effects would be **minor-moderate to moderate – major and neutral**.

In relation to the impact on the Landscape Character of the area defined by Local Policy Zone TW11 (LPZ), the geographical extent over which physical changes would be experienced would be localised and limited to the site and its immediate setting. At Year 1 the magnitude of change within the site would be high (within the local setting up to 0.5km radius) and small within the study area. At Year 15, the magnitude of change would reduce to small within 0.5km and negligible within the LPZ as a whole.

Site level effects on landscape character during Year 1 and Year 15 would be **Moderate-Major adverse** and by Year 15 would be reduced to Minor-Moderate to Moderate Major and neutral to both direct and indirect within LPZ TW11. Effects on landscape character within the LPZ as a whole, during Year 1 would be **Minor adverse** and in Year 15 would be **negligible** indirect.

Cumulative Landscape Effects

The proximity to Staythorpe Power Station and the presence of transmission lines and towers, the immediate cumulative landscape baseline context is influenced by man-made features, a landscape of power and infrastructure. The cumulative effect of the Development in combination with these features in relation to the landscape's capacity to accommodate further similar development, is considered to be small in magnitude, leading to a **Minor adverse** level of cumulative effect within the Local Policy Zone.

The Assessment has not taken into account the new application site 620m to the north of this site.

Visual Impact

Visual effects are concerned wholly with the effect of the Development on views and the general visual amenity as experienced by people. Visual effects are assessed by considering the sensitivity of the receptor (people) against the proposed magnitude of change to determine a level of visual effect and are assessed in relation to particular viewpoints.

Viewpoint 1a – view from Staythorpe Road at Grange Farm (21m to site)

Year 1

Magnitude of Change -	Medium
Level of visual effect –	Residential – Moderate-Major and adverse Local Road users – Moderate and adverse

Year 15

Magnitude of Change –	Small but neutral
Level of visual effect -	Residential – Minor- Moderate and neutral Local Road users – Minor and neutral

Viewpoint 1b – view from Staythorpe Road at Pingley Lane (20m to site)

Year 1

Magnitude of Change -	Medium
Level of visual effect -	Residential – Moderate-Major and adverse Local Road users – Moderate and adverse

Year 15

Magnitude of Change –	Small but neutral
Level of visual effect -	Residential – Minor- Moderate and neutral Local Road users – Minor and neutral

Viewpoint 2 – view from Public Right of Way within the Site (within site)

Year 1

Magnitude of Change – Large but glimpsed and oblique views
Level of visual effect - Recreational users – Moderate- Major and adverse

Year 15

Magnitude of Change – Large
Level of visual effect - Recreational users – Moderate- Major and neutral

Viewpoint 3 – view from Staythorpe Road at Behay Gardens (21m to site)

Year 1

Magnitude of Change – Small
Level of visual effect - Residential – Minor- Moderate and adverse
Local Road users – Minor and neutral

Year 15

Magnitude of Change – Negligible neutral
Level of visual effect - Residential – Negligible neutral
Local Road users – Negligible neutral

The other 9 viewpoints were considered along with the impacts upon a number of residential, recreational, road receptors. The LVA study goes on to assess the visual impact on some individual properties which draw the same conclusions and effects for nearby residents as stated above. Overall, it confirms that those properties facing the site along Staythorpe Road would be most affected with Year 1 being Moderate-Major and adverse in Year 1 and Minor-Moderate and adverse in Year 15. It also then includes visual effects on settlements, including Staythorpe, Rolleston, Averham, Upton and Farndon, and then from a number of Public Rights of Way and Transport Routes.

Views looking south-west along Staythorpe Road...

Now:



Year 1:



Year 15:



During construction, significant levels of build development, machinery, plant and workers would be present within the site for a period of 9-12 months and the removal of the 4 trees and linear length of hedgerow would be apparent. Although compensated by replacement and additional planting in the next planting season, this construction development would be visible from properties on Staythorpe Road and by users of the local road for the duration of the construction period.

The LVA states that the nature, scale and form of the proposed BESS installation at Staythorpe would result in some limited but adverse effects on the landscape and visual amenity of the site and its surroundings. However, the low-lying nature of the batteries, the preservation and reinforcement of existing field patterns and location within a largely agricultural landscape of hedgerows and trees and wooded areas, would result in relatively limited effects. Whilst it is accepted that there would be no unacceptable visual harm in relation to longer views of the site, even so, it is likely that there would be sensitive residential receptors close to the site that would experience **Moderate to Major** adverse effects in the short term as a result of the proposed development, which include those properties which are located either directly adjacent to or in close proximity to the site.

With maturing landscape mitigation in place, the visual effects from most of these receptors would reduce over time and continue to reduce in the longer term. Any notable effects on landscape character or visual receptors as a result of the proposed development would be confined to surrounding local areas with visual effects reduced by the retention of the existing vegetation, the proposed mitigation and the context of surrounding man-made features. Overall, and despite the industrial nature of the proposed development, the total extent of the landscape and visual effects would be localised and limited in nature.

The Assessment states there would be a good amount of embedded mitigation planting

proposed and the Development would retain, protect and enhance landscape features with minimal losses only to facilitate visibility splays at the site access. This includes allowing existing native mix hedgerows on roadside and field boundaries to be maintained at a height of 3m in order to maximise screening and new hedgerow trees to be planted adjacent to grow as hedgerow trees and additional hedgerows to be planted at site boundaries and to fill gaps in existing hedgerows where necessary.

In conclusion, the LVA outlines that the site has the capacity to accommodate the Development as it forms a complementary use of the land together with existing infrastructure and due to the majority of its relatively low-level nature. The Site is considered to have the capacity to absorb the Development during its operation with beneficial effects from landscape mitigation and any adverse effects would be reversible.

The Assessment states on a number of occasions that the proposal would not break the skyline. Having made their own assessment, the case officer disagrees with this statement and considers that the proposal would indeed be high enough in the compound area to break the skyline and so assessment has been made on this basis. The Assessment also refers to the surrounding context of man-made features. Whilst there is existing electricity infrastructure both in terms of the power station and substation nearby, these structures are not readily visible to the residents of Staythorpe due to the woodland planting to the north-east/east of the site. In terms of visual impact from the sensitive receptors in Staythorpe, the mitigation of existing infrastructure is considered to be reduced compared to that set out in the submitted Assessment.

Both the negative landscape character and visual change is fully acknowledged. Consideration must therefore be given to the existing and proposed planting and how much of the harm would be mitigated. The LVA concludes the site level landscape effects would be Moderate-Major, adverse and direct during Year 1 and by Year 15 would be reduced to Minor-Moderate to Moderate-Major neutral. Effects on landscape character within the LPZ as a whole, during Year 1 would be Minor adverse and in Year 15 would be negligible indirect. Site level visual impacts are stated as Moderate to Major adverse effects in the short term which would then reduce over time as planting matures with no unacceptable visual harm in relation to longer views of the site.

It is clear therefore that the proposal would result in Moderate to Major adverse impacts in the short term, but which would reduce over time. Whilst the proposed planting will provide some mitigation over time, harm is still acknowledged in Year 15. As such it is considered that there would be moderate landscape/visual harm that needs to be considered in the overall planning balance and weighed against the benefits of the proposal.

Impact on Public Rights of Way

The NPPF highlights the important of public rights of way and access, as the effect of a development on a right of way is a material planning consideration. Public Rights of Way (PRoW) are also the minor highway element of the public highway network and are afforded the same level of protection and control as the major highway network.

A Public Right of Way Statement has been submitted with the application. Staythorpe FP1 is

a footpath that runs through the centre of the site. Rather than utilise the PRoW for the main access to the site, the PRoW would be left in its current position, unaffected by the proposed development, but with occasional vehicle movement crossing from one field to the other during operation. The proposal includes a new permissive route along the western boundary of the site which will offer an alternative footpath for users of Staythorpe FP1 during construction, however it would also be retained for use during the operational phase. The permissive route will include extensive planting on either side to create a high quality and pleasant rural path.

The PRoW would be screened from the development by existing hedgerows and any gaps planted up to provide maximum screening. Behind the hedgerows security fencing would stand 2.4m in height.

A new site access would be created to separate and maintain the PRoW access, creating safer access to the site.

The PRoW would remain open for the majority of the construction phase and a gate or alternative access management measures put in place to ensure safety, as set out in the Outline Construction Environmental Management Plan (OCEMP). A full Construction Traffic Management Plan (CTPM) would be produced and agreed prior to commencement.

The Rights of Way officer at NCC raise no objection and has confirmed that an application has been made to NCC to modify the PRoW to a bridleway which is currently pending a decision.

The submitted LVA concludes that at the one most sensitive location along this path (the majority being enclosed on both sides by hedgerow), at year 1 (operational phase), where views would be unobstructed through the gates into the fields, the magnitude of change would be large with the view being dominated by the development within the perimeter fence, with direct views of the storage units to the south and the welfare area to the north. However, these would be glimpsed and oblique views for recreational users of the footpath. At year 1 the visual effect would be Moderate-Major and adverse impact. At year 15, the gapping up of the existing hedgerow and allowing to grow to 3m in height, structures visible at Year 1 would be largely screened, however there would still be glimpsed views through the gated entrances while walking along the footpath. The magnitude of change would remain large and the visual effect is defined as Moderate-Major and neutral.

At construction phase significant levels of built development, machinery, plant and workers and vehicular movements would be present and needing to cross the PRoW which are likely to result in significant harm to users. However, this would be for a limited period and a new permissive footpath would allow users an alternative route to pass through the site. The provision of this new footpath therefore needs to be appropriately conditioned in order to provide acceptable mitigation for the harm to the PRoW identified at the necessary time.

Overall, with a condition to secure the provision of the permissive footpath prior to the commencement of the development on the rest of the site, it is not considered that the routes of the existing or potential future PROW routes would be adversely affected by the proposed development.

Impact on Ecology, Biodiversity and Trees

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

DM7 states 'On sites of regional or local importance, including previously developed land of biodiversity value, sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site.' The impacts of the proposed development on any local wildlife or geodiversity sites also needs to be considered in line with paragraphs 175 and 179 of the NPPF.

An Ecological Impact Assessment Report (EclA), Reptile Survey Report, additional Bat Survey, confidential Badger Annex and Biodiversity Metric Assessment have been submitted with the application.

There are no National Site Network sites within 5km of the site and there is one Statutory Designated site within 2km – Farndon Ponds Local Nature Reserve (1.4km to south-west; includes priority deciduous woodland habitat and large pond supporting kingfisher and common frog). There are 3 other Non-statutory Local Wildlife Sites/Sites of Nature Conservation Interest within 2km of the site (Kelham Hall Shingle Bank – 1.6km to the north-east with opportunities for breeding birds and habitat for invertebrates; River Trent – 1.9km to north-east supporting national scarce water beetle and several other water beetles of high local conservation interest; Spring Wood – 2km to north-west – ancient semi-natural woodland with various significant flora – classified as a priority habitat).

The nearest Site of Special Scientific Interest (SSSI) is located over 6.2 kilometres to the north-west of the site (Mather Wood).

The EclA states that due to the distance between the site and the Local Nature Reserve, the low and spatially restricted impacts of the development, that this Reserve would not be subject to any direct or indirect impacts during construction and operation. Given the distances, these sites would not be directly impacted by the proposed development. The non-statutory designated sites are also sufficiently separated such that no adverse impacts to them are predicted, with an approx. 12m deep buffer applied to the Staythorpe Sidings Drain along the eastern boundary to ensure no runoff during construction, with pollution prevention guidelines followed. The proposed layout plan shows no development within this 12m buffer.

Natural England produced a series of habitat network maps to help address the challenges outlined in the Lawton report 1 and believe they should provide a useful baseline for the development of a Nature Recovery Network (NRN) as required within the 25 Year Environment Plan and Local Nature Recovery Strategies as proposed within the proposed Environment Act 2021. There are four network zones identified. The majority of this site lies within Network Enhancement Zone 1, which is defined as land connecting existing patches of

primary and associated habitats which is likely to be suitable for creation of the primary habitat. Factors affecting suitability include: proximity to primary habitat, land use (urban/rural), soil type, slope and proximity to coast. Action in this zone to expand and join up existing habitat patches and improve the connections between them can be targeted here.

However, there is also an area of priority deciduous woodland to the south of the site boundary separated by a railway line. To the north, is an area of priority traditional orchard within Staythorpe House Farm, separated from the site by Staythorpe Road.

The proposed development has taken account of the effect on biodiversity in the EclA and applied the mitigation hierarchy to avoid, minimise, compensate and offset the effects of hard surfacing and fencing off the two central compound areas of the development and the resulting loss of potential habitat and linkages to cross the site for wildlife. Habitat enhancement and creation proposed within the site provide improved habitat connections and would benefit a range of wildlife. Retained hedgerows along the north eastern boundary and flanking the existing access track would be infilled using native species. Additional woodland planting would also be provided along the north western boundary of the Site in order to provide wildlife corridors connecting to the offsite woodland and watercourses. Furthermore, the area of scrub at the south eastern corner of the site would be maintained and enhanced and meadow would be planted along ditches. The currently arable land would be planted with mixed grassland where it does not interfere with the proposed infrastructure. The Landscape Mitigation Plan (LMP) illustrates the proposed habitat enhancements including linkages.

Survey Results

Bats

Habitats within the site such as scrub, hedgerow and lines of trees have the potential to support foraging and commuting bats. It experiences low levels of light disturbance from Staythorpe Road and security lighting around the substation and, as such, is classed as having low suitability for foraging, commuting and roosting bats. Generally low levels of bat activity were recorded consisting of common and widespread species.

Birds

A selection of widespread bird species were recorded during bird breeding surveys (BBS), typical of the habitats and geographical area. Eleven breeding birds of conservation concern, including seven showing evidence of breeding or holding territory within the site or immediate surrounds were identified, as set out in the table below. (BBS Study Area includes 100m buffer around the application site boundary).

Species*	No of territories	Details	Conservation Status**
Woodpigeon	5	Five territories across the BBS area with birds likely nesting in hedgerows, mature trees and gardens	Amber
Skylark	3	Two singing males located within eastern field, but likely only one pair bred. Another territory identified in the far south-west of the BBS area	Red; S41

Whitethroat	2	Two territories in hedgerows on the site boundary	Amber
Wren	14	Ubiquitous across the BBS area with min of 14 territories identified in hedgerows and gardens. 12 of the territories located were within/partially within the site	Amber
House Sparrow	12	Two colonies located, all associated with houses and gardens outside site boundary	Red; S41
Dunnock	8	Common across the BBS area with eight territories located in hedgerow and garden habitats. Of these, six were within/partially within the site	Amber; S41
Greenfinch	1	A single territory was identified within the BBS area to the north of the site	Red

*Species = follows the British List maintained by the British Ornithologist Union

**Red/Amber = Red or Amber listed Birds of Conservation Concern

**S41 = Species of Principal Importance listed on Section 41 of the Natural Environment and Rural Communities (2006) Act

Badger

This information has been presented in a Confidential Annex, in accordance with advice from Natural England in order to avoid their ill-treatment, which is not outlined here in order to minimise potential risks of persecution to these legally protected animals.

Great Crested Newts

In terms of impact on Amphibians, a total of 5 ponds and 10 ditches were identified within 500m of the site boundary, none of which were considered to be suitable for Great Crested Newts. Two ditches holding running water are present on the site, with no macrophytes to support breeding Great Crested Newts.

Reptiles

Seven reptile surveys identified no evidence of reptiles including their eggs or skins and are therefore considered to be absent from the site. A toolbox talk is recommended prior to commencement of construction to make contractors aware of legislation.

Otter

The majority of ditches throughout the site and wider area are unsuitable for otter resting or breeding due to being dry and choked with dense scrub. The two ditches on the site were surveyed but no otter field signs were recorded. The watercourses are both shallow and slow moving and unlikely to be utilised by otters for anything other than commuting due to limited shelter and food sources.

Water Vole

The two ditches on the site provide suitable habitat for water vole. No records were returned from the desk study. The surveys revealed one potential burrow in one of the ditches during one of the three survey visits, but overall the suitability of water voles habitat is recorded as

low to moderate.

Invertebrates

Although the grassland, scrub and woodland may provide suitable habitat for common species, there was no evidence that the site is of particular importance for any notable invertebrate species and therefore no specific survey was required.

Other Species Identified

Rabbit warrens were located along the southern boundary of the site and along one of the site ditches with signs of activities throughout the site. A single roe deer was also recorded on site. The site is also likely to provide foraging and shelter for hedgehog and harvest mouse.

Evaluation and Mitigation

The EclA states that the development has the potential without a license from Natural England to cause the following broad ecological impacts:

- Habitat loss/change during construction and operation;
- Direct harm to, or disturbance of, individuals of species during construction and operations; and
- Legal offences during construction.

It concludes that it will result in permanent habitat loss within the arable land, and construction works in close proximity to higher value habitats have the potential to cause harm and whilst such impacts would be very limited in extent, they could cause minor adverse impacts.

A Landscape Mitigation Plan (LMP) has been submitted which includes mitigation and enhancements and which aims to increase the development's biodiversity value, as set out below.

Mitigation for Bats

- Appropriate lighting strategy for both construction and operation, minimising light spillage and directing away from high value and boundary habitats, such as woodland;
- Species poor hedgerows enhanced with native species to provide improved flight line potential and connectivity to wider landscape;
- Woodland planting to secure long term roosting opportunities;
- Species rich grassland will improve invertebrate diversity on site and provide enhanced food source;
- 15 large multi chamber bat boxes, placed in clusters of three on mature trees.

Mitigation for Birds

- Vegetation clearance during peak bird nesting season (March to August) must be avoided or subject to pre-construction nest searches by suitably experienced ecologist no more than 48 hours prior to works commencing. If nesting birds are found, an appropriate buffer zone should be implemented within which works are excluded for the duration of nesting until all young have fledged as confirmed by an experienced ecologist;
- Areas where skylarks are known to breed (eastern field), that field is harvested in

season prior to construction and these areas are then maintained with vegetation at a height no greater than 15cm to discourage birds from nesting where works are planned;

- Scrub and tree planting and creation and management of grassland/meadow habitat;
- 12 boxes targeted towards house sparrow placed in two clusters of six;
- Four starling nest boxes installed on existing mature trees within site boundary.

Mitigation for Badgers

- To be provided and conditioned in accordance with the Confidential Annex.

Mitigation for Great Crested Newts

- Precautionary approach to all vegetation clearance will be carried out under a Non-Licensed Method Statement;
- The LMP sets out a range of habitat creation and enhancements to provide improved levels of shelter (log piles) and foraging resource for smooth newts present in nearby waterbodies and improved hedgerows to increase connectivity to wider offsite habitats;
- Sensitive management of grassland/meadow habitat will ensure increased invertebrate diversity and therefore food resource plus shelter during active season.

Mitigation for Reptiles

- Four log piles and additional grassland and wildflower planting are within the proposed landscape design to provide additional foraging, basking, sheltering and hibernating opportunities.

Mitigation for Otter – no evidence of otters – impact of works considered to be negligible.

Mitigation for Water Voles

- Buffer of 8m to be enforced along the banks of the eastern boundary ditch, with no vehicle movements or material storage, in the absence of suitable licence for the works from Natural England;
- Pollution prevention methods shall be in place to reduce any temporary disturbance to potential water vole populations through dust or other chemical pollution;
- Enhancement of bankside vegetation to increase suitable habitat available;
- Cessation of ditch clearing currently evident will reduce disturbance and may allow aquatic vegetation to establish.

Mitigation for Invertebrates

- Strengthened hedgerows, woodland, grassland and wildflower planting providing nectar and larval food plants;
- Management regime allowing plants to flower to provide nectar.

Mitigation for Other Species

- With habitat enhancement measures adverse impact on these species will be negligible and not significant.

A separate Biodiversity Metric Assessment (BMA) has also been submitted and states that through habitat creation and enhancement detailed above and in the Landscape Mitigation

Plan, the development will deliver a 15.8% net gain in biodiversity habitat units overall (exceeding the minimum 10% as stipulated by the Environment Act 2021, with the biodiversity net gain requirement coming into force in November 2023 for certain developments (Regulations are awaited to define which ones)). Until then the NPPF requires measurable net gains without providing a percentage increase, therefore any increase over the existing biodiversity value will comply with national policy. The removal of arable land and creation of additional grassland, scrub and woodland will increase the area-based habitat units on site from 30.84 to 35.71. Hedgerow units will also increase from 9.06 to 15.54 units (a 71.54% increase) due to additional hedgerow planting and enhancement. River units within the site, comprising only arable drainage ditches, will increase from 0.72 to 0.94 units (a 31.2% increase) due to the cessation of agricultural practices and associated run-off into the riparian system, in addition to habitat enhancement and creation directly adjacent the Staythorpe Sidings Drain along the eastern boundary.

An Arboricultural Report has been submitted which includes a tree survey and constraints plan and shows the majority of existing trees and hedgerows are situated around the boundaries of the site and along Staythorpe Footpath 1. The majority of trees and hedgerows have been identified as Class C, with no Class A, 8 Class B and 3 Class U trees on and around the site. The Landscape Visual Assessment states that 100m of hedgerow removal would be required to accommodate the main access track and visibility splays as well as the removal of 4 trees, T11 (Cat U Ash with Ash dieback) T14 and T15 (both Cat C Ash) and T16 (Cat C Horse Chestnut). The proposed emergency access and visibility splays would require the removal of 10 linear metres of existing hedgerow and one tree T22 (Cat C Norway Maple). Apart from creating gaps within the existing hedgerow either side of Footpath 1 to form access points, all other trees/hedgerow are to be retained and would be protected during construction activities to sustain their health and longevity and this can be secured by condition.

The Council's Tree Officer considers that the existing hedgerow along Staythorpe Road is of 'importance' given its age and justifications for the loss and alternative solution should be explored. They also consider the loss of the trees here to also result in harm to the character and appearance of the area. This is fully understood and it would be a regrettable loss that weighs against the proposal. However, it is proposed to totally replace this natural boundary with new planting but set behind its current position. Whilst it is accepted that this would take time to establish and would require significant growth and time to provide the same level of positive contribution to the area, it could ultimately be achieved. The applicants have accepted a condition that this new vegetation should be planted within the first planting season of any grant of permission, so the mitigation planting could commence at its earliest opportunity, to seek to limit the harm that would be caused.

The Tree Officer is also disappointed that the applicant has not been willing to explore additional tree planting within the areas proposed to be occupied by the containerised battery storage units on the site to soften their rigid appearance and contribute to biodiversity and natural features. However, the applicant has stated that it is not appropriate from an electrical safety and fire hazard point of view. Reluctantly this is accepted but officers would consider it absolutely vital that should an approval be granted that there should be significant levels and depths of proposed new planting around the development, (rather than within it), should be conditioned to mitigate the loss and provide adequate soft screening of the development.

Whilst there is a negative impact to be accommodated in terms of the proposed form, layout and appearance of the plant and equipment to be sited on a significant area of hard surfacing, that visual and landscape impact would be felt within a relatively small and locally intimate area due to the context and layout of the site. The scheme also provides opportunities to secure net gains for biodiversity and wider environmental enhancements on other parts of the site over and above the existing scenario and proven gains, as outlined in the NPPF. In terms of Biodiversity Net Gain (BNG), the Ecology Impact Assessment details that a net gain calculation has been undertaken to provide quantified evidence of the change in biodiversity with the implementation of the proposed layout and landscape planting. This calculation considers land take, habitat loss/change and habitat creation that would accompany the proposed development and would be achieved through the proposed landscape planting and habitat enhancements. The long-term management and maintenance of both ecological and landscape mitigations and enhancements is required to be submitted by condition and so would be secured through the lifetime of the development.

Whilst harm is inevitable, subject to conditions requiring development to take place in accordance with the Landscape Mitigation Plan, Ecological Impact Assessment, BMA Appendix 1 and other safeguarding conditions relating to lighting control, overall it is considered that the proposed development could be acceptably mitigated in visual, landscape character and biodiversity terms over time.

Impact on Heritage

By virtue of the scale, form and appearance of the proposed development, it is capable of affecting the historic environment. As the application concerns designated heritage assets of the setting of listed buildings, sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The duty in s.66 of the Listed Buildings Act does not allow a local planning authority to treat the desirability of preserving the settings of listed buildings as a mere material consideration to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm considerable importance and weight. Section 66 places a high duty on the preservation of the settings of listed buildings.

The NPPF defines the setting of a heritage asset as: "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surrounding evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the setting of designated heritage assets, furthermore, is expressed in Section 16 of the NPPF and the accompanying PPG. The NPPF

advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).

Planning Practice Guidance states in relation to large solar farm development (although acknowledging this is a BESS) '...great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset.'

The proposal is capable of affecting the historic environment. Heritage Assets nearby include:

- The Manor House (Grade II) 175m to north -west;
- Yew Tree Cottage (Grade II) 1.1km to north-east in Averham Conservation Area;
- Rectory Cottage (Grade II) 1.2km to north-east in Averham Conservation Area;
- The Old Rectory (Grade II) 1.2km to north-east in Averham Conservation Area
- Church of St Michael (Grade I) 1.3km to north -east in Averham Conservation Area;
- Averham Moat and Enclosure Schedule Monument 975m to north-east in Conservation Area;
- Averham Conservation Area boundary 850m to the north-east;
- Sunnyside (Grade II) 1km to the south-west in Rolleston;
- Non designated heritage assets:-
 - o Staythorpe House Farm
 - o Grange Farm House
 - o Manor Farm house and outbuildings
 - o House adjacent Manor Farm House
 - o Behay Gardens

All within the built up area on the opposite side of Staythorpe Road.

Behay Gardens represents 13 workers cottages laid out around a central green designed by Architect Thomas Cecil Howitt and constructed in the 1940s in association with the power station.

The proposal would have an engineered appearance and form which would have an impact on the rural landscape character that currently makes a contribution to the setting of many of the surrounding heritage assets. In addition to the containerised units, substation, fencing and CCTV cameras would introduce industrial features which would further erode this rural and agricultural character. From a conservation perspective, the main issues are how this may impact the setting and significance of the surrounding designated and non-designated heritage assets.

A Heritage Impact Assessment (HIA) has been provided with the application which identifies all heritage assets within a 3km and 1km distance of the application site. The setting of 3 Conservation Areas (Averham, Farndon and Upton), 7 Scheduled Monuments, 33 Listed

Buildings and 7 Non-designated heritage assets have been identified for consideration of changes to setting that may affect heritage significance. The LVA has produced a range of visuals of the proposed development (existing, 3 years and 7 years).

The HIA outlines the impact on the setting of Averham Conservation Area and its associated Listed Buildings and the nearest Scheduled Monument (Averham moat and enclosure) 850m – 1.2km to the north-east. It concludes the proposed development would not be within its setting, but within its wider landscape to the south of the heritage asset. Topography limits visibility due to intervening treeline and the modern infrastructure of Staythorpe Power Station which acts as a buffer and already represents a current industrial context (as seen in viewpoint 10 of the LVA). Any visibility would be glimpsed through gaps and so there would be a slight change in setting but significance of the assets and character of the Conservation Area would still be readily appreciable. As such, harm would be less than substantial.

The nearest listed building (175m to the north-west) is The Manor House, a late 17th century domestic building of historic and architectural value and its name indicates its historic connection to the surrounding landscape. Its setting is defined within the rural hamlet of Staythorpe and its surrounding rural fields to the north, south and west. Tall vegetation adds to the insular and private setting of the Manor House and as such there is no visibility between the site and this asset. The Zone of Theoretical visibility map shows that low probability (1-20%) of the proposed development would be visible from The Manor House. The development is not within the setting but it is within its immediate landscape context to the south-east, however it would result in change to its landscape context (although mitigation would be provided through additional planting and screening along the northern boundary) which would minimise this impact to less than substantial harm, according to the HIA.

Upton Conservation Area and its associated Listed Buildings (c.1.2km to the south-east) are set within a well-preserved enclosed landscape, on the brow of a hill and significance is derived from its historic and architectural value which contribute to understanding of medieval villages, their land use and development. The HIA identifies key views towards Upton CA. The proposal is not within the setting of these heritage assets or within key views but located in the wider agricultural landscape, to the south-east of the assets. Topography of surrounding infill development and intervening vegetation limits visibility, which would be limited to gaps in topographical features. Existing modern infrastructure (Staythorpe Power station and substation) are already present in the wider landscape context and would allow the proposal to merge into the background of existing infrastructure within the wider landscape, as seen in Viewpoint 11 of the LVA. Slight change in setting but significance of the assets and character of the Conservation Area would still be readily appreciable. As such, no harm is identified by the submitted HIA.

No change in setting and no harm is predicted in relation to Farndon Conservation Area and its associated Listed Buildings is identified by the HIA.

One Grade I, seven Grade II Listed Buildings and one Schedule Monument (Rolleston Manor; three moats, eight fishponds with sluices, ridge and furrow and a leat) are identified in Rolleston, the closest being Sunnyside (Grade II, 1km to south-west). The HIA states the wider agricultural landscape and surrounding open fields setting is an important contributor to the Listed Buildings' heritage significance. The proposed development is not within the setting of

the Listed Buildings of Rolleston, but it within the wider landscape to the north. Infill development, rural windy lanes and vegetation would screen the development from view thus minimising the impact on their setting. There would be a slight change in setting but significance of the assets would still be readily appreciable. As such, harm would be less than substantial.

In terms of the Non designated heritage assets, some are located immediately opposite the site on Staythorpe Road. It is acknowledged that the significance of these historic farmsteads is derived from its historic value to the development of Staythorpe along with its architectural value that contributes to understanding of form, function and development of post-medieval farmhouses. Screening of hedge and tree belts prevent views of Staythorpe substation c.280m to the south-east. The proposal would result in fields changing from rural to industrial. However, it states visibility would be blocked by hedgerows but the substation poles may be visible due to their height but would be seen in the context of existing National Grid substation to the east and with intermittent visibility of pylons and other industrial components present. Again, the HIA concludes a change in landscape context is acknowledged but with the significance of these assets still appreciable, the harm is less than substantial.

The HIA does not identify Behay Gardens as a Non-designated heritage asset although the Council's Conservation Officer sets out the justification for this assessment in their full comments.

The HIA concludes by stating less than substantial harm has been identified to Averham Conservation Area and associated Listed Buildings, The Manor House (Grade II) and 7 Non-designated heritage assets (Grange Farmhouse, Staythorpe House Farmhouse, House adjacent to the Manor House to the east, Manor Farmhouse, House adjacent Manor House to the north, House north-east of 1,2 & 3 Pingley Close and Outbuildings at Manor Farm (Manor Farm Barns)) due to the change within their settings or landscape surrounding them due to the land use change from agricultural to industrial, but that existing vegetation and windy roads screen the majority of the development from visibility and thus minimises the change in setting. Mitigation is also proposed through enhancement of hedgerows and tree planting around the development. The HIA states the harm is considered less than substantial and should be weighed against the benefits of the proposal.

However, the Council's Conservation Officer is content that, although there would be some erosion of the agricultural and historic landscape, the proposal would have a neutral impact on the setting and special interest of The Manor House (Grade II listed), the Averham Moat and enclosure Schedule Monument the setting of Averham Conservation Area and associated Listed Buildings. They consider the proposal would initially cause harm to the setting of the nearby non-designated heritage assets along Staythorpe Road, including Grange Farm and Behay Gardens due to their proximity overlooking and adjacent to the site and likely visual impact on the landscaped setting of these buildings. However, landscape will soften the visual impact over time and therefore significantly mitigate the impact. Para 203 of the NPPF therefore needs to be taken into account where a balanced judgement should have regard to the direct and indirect scale of harm and significance of non-designated heritage assets.

The Council's Conservation Officer therefore raises no objections to the principle of the

development from a conservation perspective. The harm to the setting and significance of the NDHAs would be a minor level of harm (par.203 of NPPF and policy DM9). The harm would not result in the total loss of the NDHAs or their significance and impacts would reduce over time as new additional planting matures and mitigation levels increase.

In summary, no harm has been identified in relation to impacts on designated heritage assets and minor harm would result to non-designated heritage assets that would be mitigated over time. Therefore, a balanced judgement has been reached and proposal is considered to be in accordance with CP14 and DM9 of the Development Plan and the aims of the NPPF and PPG in heritage terms.

Impact on Archaeology

Core Policy 14 sets out that the Council will seek to secure the continued preservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment including archaeological sites. Policy DM9 states that development proposals should take account of their effect on sites and their settings with potential for archaeological interest. Where a site on which development is proposed includes, or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation'.

The application is accompanied by an Archaeological Evaluation Phase 1 Report which sets out trial trenching excavations that have taken place on the site, following a geophysical survey to assess the archaeological impact of the proposed development. This report has identified significant archaeological remains dating to the late Neolithic period in the centre and the south-east of the site. Evidence of post-medieval/modern boundary ditches was also discovered in the north and western parts of the site. A palaeochannel was identified at the northern edge of the site that was potentially a continuation of a river channel, from which a human thigh bone carbon dated to the Mesolithic period was recovered 1.3km to the east of the site.

The results of the work to date show that the site contains significant archaeological remains. The Council's Archaeology Consultant has advised that whilst this may not preclude the proposed development, further evaluation is required to determine the full extent of archaeological remains and provide an accurate basis for a programme of archaeological mitigation work. Mitigation work is likely to include open area excavation or preservation in situ by complete avoidance of the archaeologically sensitive areas. The Council's Archaeology Consultant raises no objection to the application subject to the further work being required by planning condition.

Overall, subject to conditions, the proposal is not considered to result in any adverse impact upon archaeological remains in accordance with Policies CP14 and DM9.

Impact upon Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring

development. The NPPF seeks to secure a high standard of amenity for all existing and future occupants of land and buildings.

The nearest residential properties to the site are those on the opposite side of Staythorpe Road. The shortest distance between a containerised unit and a residential dwelling is 77m. There are approx. 7 dwellings that sit directly opposite the site adjacent to Staythorpe Road with additional properties extending beyond, centred on Behay Gardens and Pingley Lane/Close. There are other individual properties to the north (Staythorpe House Farm) and to the north-east (White Cottage and Ash Tree Farm) set back from Staythorpe Road and at the south-western end of the site is Crossing Cottage with Hughes Close beyond situated on the opposite side of the railway line.

An Air Quality Assessment has been submitted with the application. It acknowledges that the development has potential to cause air quality impacts at sensitive locations during the construction phase as a result of fugitive dust emissions from the site. Assuming good practice duct control measures are implemented, which can be conditioned under the Construction Environmental Management Plan, the report concludes the residual significance of air quality impacts from dust generated by construction, earthworks and trackout activities were predicted to be not significant.

A Noise Assessment dated May 2023 by Arcus was submitted during the course of the application. The assessment states the main items of noise generating plant would be the transformers, battery containers and inverters. It states the closest noise-sensitive receptors are located approx. 80m west of the nearest plant items, along Staythorpe Road. The Assessment concluded that provided the mitigation measures outlined within the report are incorporated in the development design, Rating Levels due to noise from the development would not exceed the respective background sound levels at the nearest, and therefore all noise-sensitive receptors, during daytime and night-time periods.

The mitigation measures are the installation of two 4m high acoustic fences between the battery units and the nearest noise-sensitive receptors and the installation of acoustic enclosures to the 400kV and 132kV transformers. The Council's Environmental Health officer notes the conclusion of the report and states that this is subject to the site being laid out as specified in the report, along with acoustic barriers and this should be a condition of any permission. On this basis, no objection is raised.

However, the applicants have at the latter stages, decided to alter the number, nature and layout of the proposed plant equipment on the site. As a result, the existing Noise Impact Assessment, as revised in May 2023, is now no longer applicable. The planning case officer therefore requested that an amended Noise Impact Assessment be submitted to relate to the plant now proposed on the site. A Noise Assessment Addendum by Metrica dated June 2023 has now been submitted that asserts that the proposed development, with the mitigation proposed, would not result in any increase in background noise levels above those currently experienced. The comments of the Council's Environmental Health officer will be reported to the Planning Committee meeting on the Late Items Schedule.

An Outline Lighting Plan (Drawing No: UK008_049_Rev C) has been submitted late in the process which shows proposed external lighting for the operational phase of the

development. This appears excessive given that the original submission stated that the site would not be illuminated during the operational phase, with the exception of security lighting at the main compound. There are a number of concerns relating to the impact on the amenities of local residents, the impact on biodiversity and on the rural character of the countryside. On this basis it is considered that illumination on the site should be kept to the minimum necessary, such as permanent illumination to the access and welfare building only and with lighting on the remainder of the site never being used except in emergencies. Notes included on the plan set out that all lighting would be motion-sensored lights that would be used for emergency, emergency maintenance and security use only and de-activate if no additional movement triggers the sensor. There would be a 1 minute timer set on LED flood lights for all lighting across the site. There are three types of lighting proposed, some fixed to buildings, some to fencing, some along access roads and some supported on lighting poles limited to 3m high. The latter would be fitted with infrared sensors with CAT alley fitted to the top to prevent set-off by bats and birds. Luminance levels are stated at 10W but measures to minimise glare have not been provided, which have been raised in the comments by the Environmental Health officer. On this basis, it is recommended that a condition be imposed to require additional details to be submitted and approved in order to ensure minimised impact on any external lighting.

It is the construction phase of the development (9-12 months) that is likely to have a much greater impact on residential amenity than the operational phase. Although an Outline Construction Environmental Management Plan has been submitted, there are no details relating to noise control and mitigation measures, so this will require the imposition of a condition. It currently states core working hours are proposed to be 07:00 until 19:00 weekdays and 08:00 to 13:00 on Saturdays (not on Sundays or bank holidays). Delivery times also reflect these times. Start up and close down periods for an hour either side is proposed but when no plant or machinery would be used. If work is undertaken outside daylight hours, lighting would be used for the works area only, fitted with hoods to reduce spillage and quieter construction activities undertaken to reduce disturbance.

The Environmental Health officer states that a full plan should be submitted and approved when details are finalised, based on this outline. However, it is noted that currently works are planned on site from 07:00 – 19:00 weekdays and the EHO generally considers 18:00 to be an appropriate finish time for noisy works.

In principle the operational phase would be automatically / remotely controlled so operational traffic will be very limited relating to maintenance and inspections and stated as being on average movements would be a max of 10 per week (i.e. two vehicles on site per weekday) as a conservative estimate.

During the construction phase, the Transport Statement sets out in detail the likely expected traffic movements to and from the site, which would be substantial (approx. 11,000 of two way vehicle movements, over half of which would be HGVs) are expected over the 12 month construction period. Noise and disturbance from additional traffic associated with the construction and decommissioning processes on local residents is therefore likely for up to a 12 month period. It would therefore be important to restrict hours of construction and deliveries and the submission of a full Construction Management Plan are imposed by planning condition, in the event of approval being granted.

The development would result in no emissions during the operational phase and therefore no harm would result in relation to the air quality. Any impacts from the construction phase could be adequately controlled through the details of a detailed Construction Environmental Management Plan that could be conditioned on any approval.

Whilst it is acknowledged that the construction phase of the development has a significantly greater capacity to negatively impact on the amenities of local residents, this could be mitigated by the details of a Construction Management Plan. Once operational, given no impact on air quality would result and that light and noise emissions, could be controlled by conditions, it is not considered that the proposal would have a significant adverse impact on neighbouring land uses in accordance with the aims of the NPPF and Policy DM5 of the DPD.

Impact upon Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals, which are appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected.

The submitted Planning Statement confirms that the construction period would take 9-12 months and the Transport Statement (TS) confirms that there would be up to 833 two-way HGV movements per month (32 per day) and up to 676 staff cars/vans movements per month (26 per day) – a total of 58 vehicle movements per day at its peak month (month 4).

The TS concludes that the increase in traffic generation due to construction traffic was calculated using baseline traffic data and with regards to HGV movements was found to be significant. However, further assessment of the road showed significant residual capacity when including construction traffic number. Due to this and the temporary nature of the works, the TS concludes the impact on traffic generation due to construction is therefore not significant. It goes on to state that additional traffic management measures as may be deemed necessary would be considered as part of the Construction Management Plan, that would be imposed by condition.

Operational traffic is expected to be minimal, on average the annual movements will be 10 per week (i.e. two small vans/cars on site per weekday) as a conservative estimate for inspections, monitoring and maintenance and therefore this impact is considered to be negligible.

Nottinghamshire County Council as the Highway Authority initially raised objection to the scheme on the basis of inadequate visibility splays provided to make the new access safe. However, following the receipt of amended plans, the Highway Authority raise no objection, subject to conditions relating to provision of access and visibility splays, reinstatement of kerb and verge to existing access to Staythorpe Footpath 1, measures to prevent deposit of debris on public highway. Issues have been raised concerning the requirement to reinstate the kerb and verge leading to Staythorpe Footpath 1 by a third party who state there is currently an application to change this PRow into a bridleway and it also provides vehicle access for maintenance to the railway, as a result this recommendation may not be feasible or practical

and as such, the Highway Authority have confirmed verbally that this condition could be omitted.

It is acknowledged that during the construction period, traffic levels to and from the site would increase considerably and may require additional traffic management measures, but this would be for a temporary period during the construction and de-commissioning periods only. Overall, the proposed access arrangements are considered to be acceptable, subject to appropriate conditions, and there are no highway related objections to the proposed development. It is not considered that any adverse impact upon highway safety or efficiency would result in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

Other Matters

Cumulative Impacts

The applicant has submitted a statement on the cumulative impacts of the proposal in combination with the new application for another BESS development currently pending consideration (application reference 23/00317/FULM) on land 620m to the north of this site, which is summarised below.

Agricultural Land Classification – two sites comprise 30.7ha of 3a (BMV) and 5.1ha of 3b (moderate) land. Cumulative land take for both scheme is negligible in comparison to the amount of similar land available in this area and on balance, appropriate and necessary for the provision of enabling energy security.

Flood Risk – Both schemes provide additional storage for flood water to compensate for flood water storage volume taken up by proposed infrastructure and hence neither would contribute to off-site flooding, so there is no potential for cumulative flooding effects.

Heritage – other site is closer to heritage assets. Effects for both schemes are assessed as being less than substantial harm. Given separation distances and lack of theoretical visibility, cumulative effects are negligible.

Landscape and Visual – Both schemes relate to low-level development that would not result in wider visual impacts on the landscape. Both propose substantial planting that would remove all visibility of the structures from outside the site in a small number of years. Although a distance of 600m between the two sites, and low-level nature of proposed developments in an area of low sensitivity and with few nearby sensitive visual receptors, it is likely there would be no cumulative effects at all. Visually should any isolated locations exist with simultaneous or sequential view of the two sites, any cumulative effects would be highly localised, limited in extent, not affecting sensitive receptors and short term.

Noise – on this site noise levels fall below 30dB(a) within 100m of the battery units in all directions and is typically lower than outdoor background noised levels. On the other scheme noise levels drop to within 5dB of background noise levels within 150m of the site boundary. Given the two sites are 600m apart, there is no potential for

cumulative noise impacts at any receptor location.

Lighting - on this site will be limited to low-level/limited to inward facing security/maintenance lighting which will not give rise to cumulative impacts when assessed alongside the other scheme. Precise details can be controlled by condition.

Air Quality – there are no emissions associated with the operational phase of the facilities. Short term construction traffic would not lead to material decreases in air quality, even if both schemes were to be constructed at the same time. There would not be any cumulative impact on air quality.

Traffic and Transport – Operation traffic would be minimal. Construction traffic has been covered within the Construction Traffic Management Plan for the other scheme and there would not appear to be sufficient traffic /sensitivity to create any cumulative issues, even if constructed together. This is due to both schemes being in close proximity to the trunk road network and traffic measures propose for each scheme.

Ecology – Given the lack of sensitive habitat for either site or the lack of obvious ecological connectivity between the sites, both proposed sites are unlikely to result in any adverse cumulative impact on ecological resources.

Sequential Test – Given the compelling need to provide energy stability and the operational requirements for this supporting storage infrastructure to be located in close proximity to the existing substation which is already located in the flood zone, there is an argument to say that because they have to be located there, that the Flood Risk Sequential Test is passed.

Screening Opinions – screening opinions have been carried out on the development on both these sites and it was considered that neither were not likely to result in any cumulative impacts of more than local importance that could not be dealt with using acceptable methodologies without the need for an Environmental Statement.

It is concluded that the cumulative impacts of both schemes would be minimal.

The majority of the above comments are accepted and although the two schemes would be in relatively close proximity, due to their relationship to one another and intervening features, it is considered that there is unlikely to be any unacceptable cumulative impacts during the operational phase. It is accepted that should both schemes undergo construction at the same time that the traffic and transport cumulative impacts in the local area would be significantly higher. However, based on the fact that this would be for a temporary period of time and could be controlled to some extent through traffic management, it is not considered to be fatal. The comments made in relation to the Sequential Test is considered in the overall planning balance below.

Length of Temporary Consent

The BESS would be a temporary use of the land as the equipment would be removed and the

land returned to its former condition when the development is decommissioned following 40 years from the date of the first export of electricity to the electrical grid. There is no government imposed limit on the lifetime of BESS set out in national guidance. Whilst this in its own right is not necessarily a material planning consideration, the economic and environmental benefits of increasing the length of operation of the BESS and the benefits of renewable energy support could be a benefit for longer as a consequence. Nevertheless, 40 years should not be regarded as an insignificant amount of time. A condition would be imposed on any consent relating to the decommissioning and restoration of the site at the end of the 40 year period.

Connection to Existing National Grid Substation

It became apparent early on in the consideration of this application that the submission did not include any kind of connection from the application site to the existing Staythorpe substation. This was considered, by Officers, to be a significant omission because it effectively meant that there was no demonstration that the development could be used for what was intended and if for some reason, the applicant was not able to secure the connection across third party land in an acceptable manner, either in legal or planning terms, then it would be impossible for Officers to give any weight to the benefits of the scheme in the overall planning balance. The applicant sought to demonstrate that they had a contract that secured the connection, but this did not give much comfort as it would still remain outstanding in planning terms with little level of security. To overcome this concern, the applicant submitted a plan which shows how they would be able to connect to the Staythorpe Substation under permitted development rights set out in the General Permitted Development Order, by making the connection via the public highway rather than across third party land. On this basis officers are now comfortable that the scheme now has the certainty of becoming an operational concern because of the existing fall-back position to secure a connection and as a result the benefits of the scheme can be realised.

Health and Safety

It is clear from the comments received from local residents that there is significant local concern in relation to fire safety. It is acknowledged that this type of development represents a relatively new technology. There is evidence of a fire incident on a BESS development at Carnegie Road in Liverpool a few years ago and other examples from abroad that some local residents have cited within their comments.

The fact is that this technology relies on lithium batteries being used to store electricity. The lithium batteries get very hot and so need to be kept cool constantly to prevent the build-up of excessive heat and risk of fire. In the event that the batteries catch alight, they give off toxic fumes and as they do not respond to water, cannot successfully be put out.

In trying to obtain appropriate safety advice, the case officer consulted with the Health and Safety Executive, however, they confirmed this was outside their remit and so would not provide any comment. The case officer has also consulted with Nottinghamshire Fire Service who have provided helpful comments through-out the process and who in the event of a fire would have to attend the site.

Initially the applicants set out some limited principles on fire safety but wanted any detailed design to be conditioned and agreed post any grant of planning permission. However, given the strong potential for the detailed design to affect the physical layout of the site (i.e. the provision of an emergency vehicular access that would require planning permission in its own right), this was not considered to be a satisfactory solution. Furthermore, a full detailed scheme setting out all the fire risk mitigations in a full and holistic way was considered necessary in order to allow proper consideration and assessment. The case officer therefore insisted that this detail designing be carried out up front to reduce any fire risk to the lowest that it could possibly be before any potential planning permission was granted.

The applicants then sought to engage with the professional guidance of the National Fire Chiefs Council who is advised by the industry's leading expert on Lithium-Ion batteries, Prof P Christiansen on their fire safety approach. A Fire and Safety Management Plan Recommendations report has been submitted (which has been amended several times during the course of the application) which sets out some typical key measures that can be used to minimise and manage the risk of fire. In response to the FSMP (Rev 003) submitted by the applicants, the Professor has described it as an example of Best Practice and stating that the applicants have "gone further than the extra mile to make the proposed installation as safe as possible." Nottinghamshire Fire & Rescue Service (NFRS) also made detailed comments on the FSMP (Rev 003) to which the applicants have sought to address in FSMP (Rev 004). Further comments are awaited from NFRS in relation to this latest version and will be reported on the Late Items Schedule.

In relation to the battery units, safety systems including automatic shut off and temperature monitoring of battery units would be built into the battery storage facility and would be designed to existing electrical safety standards as required by other high voltage electrical equipment. The battery storage facility would include cooling systems and within the compound the individual containerised units have now been suitably reduced in footprint and separated to reduce the risk of fire spread to a minimum. The intention would be to contain any fire and allow it to burn out whilst keeping people at a safe distance, with fire water limited to cool surroundings to prevent spread. An emergency secondary access has also now been provided and smoke plume modelling undertaken.

It is now considered that whilst the applicant cannot demonstrate that a fire will never occur at the site, they have now shown that the development has been designed to make that risk as low as it can possibly be and provided mitigation to reduce the impacts and maximise responses to a fire event. As such, it is considered that provided the current proposal would operate in line with the current FSMP that the risk of harm from fire and its impacts to nearby residents and Nottinghamshire Fire and Rescue Service would be at its lowest optimum level. However, the risk cannot be completely removed and the fear of fire to local residents would still likely be a reality and therefore this remains a negative weighting.

There would be no day to day emissions associated with the operation of the battery storage facility. Public access amongst the substation and battery storage facility would be restricted by security fencing and monitored with security cameras.

8.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Planning Balance and Conclusion

The concerns submitted outlining the objections of both local Parish Councils and local residents have been read and understood.

Both national and local planning policy place great emphasis on the creation of energy through renewable schemes where the impacts of the development are (or can be made through appropriately worded conditions) acceptable.

The development supports the Government's policy for the UK's transition to achieving a low carbon economy and assists in meeting the pressing need for deployment of renewable energy generation in the UK to meet legally binding obligations for renewable energy consumption and more challenging targets in 2030 and onwards to net-zero emissions by 2050. Whilst the proposal in itself is not an energy generating development, it seeks to support the greater use of renewable energy through reducing waste of energy from renewable sources and improving the use and efficiency of such energy production, thus increasing domestic energy supplies to the national grid. This in turn has the impact of reducing reliance on fossil fuels and therefore the resulting reduction in harm to climate change. All these factors attract significant positive weight in the determination of this application, which should not be underestimated.

The proposal represents over 10% of Biodiversity Net Gain on the site compared to the existing situation as well as the creation of a new permissive footpath through the site which weighs positively in the planning balance.

Although once in operational phase, the proposal is unlikely to result in significant jobs opportunities, there is no doubt that the construction and decommissioning phases of the development would contribute significantly to employment in the area, even though these economic benefits would be for a limited period of time, which represent a modest positive weighting.

The loss of 70% (7ha) of Best and Most Versatile agricultural land weighs against the proposal, although this is tempered by the fact that this loss would be for a temporary period of 40 years when the land would be returned to crop production. As such significant harm in this case can be reduced to moderate harm.

In flood risk terms, whilst the development has passed the Exception Test, the applicant has stated that because of the operational need to locate storage facilities adjacent to existing substations that the Sequential Test should not be applicable in this case as it is not possible for this development to be practically located anywhere else. There is some sympathy for this view. The flood risk section sets out that if the Sequential Test is applied, there is a sequentially preferable site at lower risk of flooding where such a development could be sited, the proposal fails the strict application of the Sequential Test which would carry significant

weight against the proposal. However, regard has also been given to the fact that this alternative site has a higher grade of Best and Most Versatile Agricultural Land Classification which would reduce the negative weighting of the Sequential Test in the overall balance.

In considering the weighting to be given to the loss of BMV land and concerns of flood risk, it is difficult to give appropriate weighting to the competing resources of farmland to make the country more self sufficient in terms of food production and building within areas of high flood risk in order to make the country more self sufficient in terms of energy production. However, on the basis that the amount of BMV land in the country would far outweigh the operational land resources available for BESS developments, it is considered that energy production should be given more weight. The failure to pass the Sequential Test, in the event that it should be applied, should be reduced to minor harm in this case.

It is acknowledged that the change of use from agriculture to industrial use in this countryside location will result in major landscape and visual harm that would reduce over time to moderate. However, the majority of the proposal would be of limited height the majority of which could be mitigated by existing, enhanced and new planting, the highest elements (max of 13m) would be clearly visible in the skyline. However, because of the lightweight visually permeable physical appearance and limited massing and siting within the site, it would be a reduced visual impact. Harm would be experienced locally by occupiers of the nearby dwellings and road/footpath users rather than from distance. The application submission has sought to mitigate these impacts by the introduction of new tree and hedgerow planting. This would reduce the level of harm but it not considered would remove it altogether and would be experienced for a temporary period of 40 years. The proposal is therefore considered to result in an overall moderate landscape/visual harm that would be higher during the construction period but is likely to reduce to a more moderate harm over time as planting matures. This is considered to represent one of the most significant impacts on the residential amenities of local residents.

In heritage terms, minor harm has been identified to a number of Non-designated heritage assets close to the site, however, this harm would be overcome in time through the maturing of new soft landscaping.

There is a genuine held fear and apprehension that the site cannot be safely operated. This understandably is felt most keenly by those living near to the site. The submitted FSMP and redesigned scheme seeks to demonstrate that the risk of fire is as low as it can possibly be and in the event of a fire provides maximum mitigation to reduce its impact. However, the risk cannot be completely removed and the fear of fire to local residents would still likely be a reality and therefore this remains a negative weighting. The final comments of the Notts Fire and Rescue Service will be reported on the Late Items Schedule.

Neutral impacts include highway safety, archaeology, drainage, biodiversity impacts on protected species subject to mitigation, air quality and lighting which are matters that can be acceptably controlled through the imposition of conditions.

An additional Noise Assessment Addendum has been submitted during the final stages of consideration which seeks to deal with the late alteration to the proposed technical infrastructure to be accommodated on the site. This asserts that the proposed development,

with the mitigation proposed, would not result in any increase in background noise levels above those currently experienced. On this basis, noise levels would be considered to be acceptable, however, the comments of the Council's Environmental Health officer on this latest Addendum will be reported to the Planning Committee meeting on the Late Items Schedule.

To conclude, the full benefits of supporting the national electricity grid with a greater renewal energy supply and the consequential additional benefits arising from that, together with the benefits of BNG, permissive footpath and some job creation is considered to marginally outweigh the harm identified above in terms of loss of BMV land, Sequential Test (if appropriate to apply), landscape/visual impacts and the fire risk/fear of fire identified, in the overall planning balance. However, this balance is predicated on the latest Noise Assessment Addendum being robust and successfully demonstrating predicted noise levels accurately, to the satisfaction of the Council's professional Environmental Health officers.

Subject to conditions, the application has been found to be acceptable with regards to impact on ecology including nearby designated sites and biodiversity impacts on protected species subject to mitigation, passing the Exception Test, heritage assets, highway safety, archaeology, drainage, tree/hedgerow, air quality and lighting.

Overall, based on a balancing exercise of positive benefits against the harm identified, it is considered that the scheme is acceptable and would represent sustainable development in accordance with the NPPF and the Development Plan.

10.0 Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The planning permission hereby granted shall be for a temporary period only, to expire 40 years after the date of the first import of electricity to the development. Written confirmation of the first import of electricity date shall be provided to the Local Planning Authority within one month after the event.

Reason: To comply with the requirements of the submitted application.

03

No later than 6 months before the expiration of a period of 40 years months following the date of the first import of electricity to the development, or within 6 months of a cessation of operation of the facility for a period of 12 months (unless otherwise agreed with the Local

Planning Authority) a Scheme of Decommissioning and Restoration shall be submitted to and agreed in writing by the Local Planning Authority. The Scheme shall include:

- (a) The management and timings of any works;
- (b) A Traffic Management Plan to address likely traffic impact issues during the decommissioning period;
- (c) An Environmental Management Plan to include measures to be taken to protect wildlife and habitats during and after the decommissioning period;
- (d) A De-construction Environmental Management Plan to include measures to protect the amenities of neighbouring residents during the decommissioning period as well as site restoration measures.

All equipment and associated works shall be removed within 12 months of the Scheme being approved by the Local Planning Authority, unless alternative timings are agreed within the Scheme.

Reason: In the interests of highway safety, visual and residential amenity, biodiversity and environmental protection.

04

Within 6 months of the date of this planning permission, full details of the soft landscape works for the replacement of the hedgerow and trees to the north of the new main access road and to both sides of the emergency access road shall be submitted to and approved in writing by the Local Planning Authority (as identified on Landscape Mitigation Plan (Drawing No: 4951-DR-LAN-101E). These details shall include full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and provide screening. The approved scheme shall be implemented as approved during the first planting season following written approval. This soft landscaping does not constitute commencement of the development (as defined by Section 56(4) of the Town and Country Planning Act 1990).

Reason: In the interests of residential and visual amenity.

05

Prior to any obstruction to Staythorpe FP1, the permissive footpath shown on Site Layout Plan (UK008_LYP_ Rev I) shall be installed and made available for public use and retained for the lifetime of the development in accordance with a scheme for its laying out along the route shown on Site Layout Plan (UK008_LYP_ Rev I) together with the arrangements for maintaining the footpath during the life of the development that shall first be submitted to and approved in writing by the Local Planning Authority (the "Permissive Footpath Scheme"). The said scheme shall include the programme of delivery, details of the footpath specification and any arrangements for the temporary restriction of access to the public to Staythorpe FP1.

Reason: To maintain and enhance the recreational use of the site both during the construction period and through the lifetime of the development.

06

Prior to commencement of development a Full Construction Environmental Management Plan (based largely on the submitted outline) shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt that shall include, but not be limited to:

- i. a scheme to control noise and dust/dirt and mitigation measures;
- ii. except for emergency works, construction works on the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays and 08:00 to 14:00 hours on Saturdays and no time at all on Sundays or Bank Holidays;
- iii. that deliveries shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 to 14:00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed for abnormal load deliveries;
- iv. the parking of vehicles of site operatives and visitors;
- v. loading and unloading of plant and materials;
- vi. storage of plant and materials used in constructing the development;
- vii. wheel washing facilities;
- viii. details of the wooden fencing to enclose temporary compound area;
- ix. traffic management signage scheme;
- x. full details of any temporary external lighting;
- xi. measures for the protection of habitats and species within the Site.

The approved Construction Environmental Management Plan shall be fully complied with until the completion of construction on the site.

Reason: In the interests of residential amenity, biodiversity.

07

Prior to commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Management Plan shall be fully complied with until the completion of construction on the site.

Reason: In the interests of highway safety and residential amenity.

08

Notwithstanding Plates 7 and 8 within Section 3.1 of the Outline Surface Water Drainage Strategy dated May 2023, which are not hereby approved, no part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the Arcus Flood Risk Assessment dated May 2023 (as amended by the Flood Risk and Drainage Strategy Clarification (Rev I Layout received 26 June 2023) and the Outline Surface Water Drainage Strategy dated May 2023 (as amended by Plate 2

received by e-mail on 21 June 2023 and Flood Risk and Drainage Strategy Clarification (Rev I Layout received 26 June 2023), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use Sustainable Drainage Systems throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.
- Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.

No surcharge shown in a 1 in 1 year.

No flooding shown in a 1 in 30 year.

For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.

- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems, including Staythorpe Sidings Drain, shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

The development shall be implemented in full accordance with the approved detailed surface water drainage scheme.

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

09

Section 2.2.3 (Site Access and Egress) and the Flood Incident Plan set out in Appendix E of the Flood Risk Assessment (FRA) dated May 2023 is not hereby approved. The development shall be comprised of flood resilient infrastructure and elevated as detailed in section 2.2.1.1 of this FRA to ensure the site remains operational to the 1 in 100 year +50%CC flood level.

This mitigation measure above shall be fully implemented prior to the date of the first import of electricity to the development. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Prior to the commencement of development, an amended Section 2.2.3 (Site Access and Egress) and Flood Incident Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the operators' maintaining registration with the Environment Agency's Flood Warning Service throughout the lifetime of the development and evacuation of the site prior to a flood event. The development shall be operated in full accordance with the approved details for its lifetime.

Reason: To reduce the risk of flooding to the proposed development and site evacuation in a flood event.

010

Prior to commencement of development, in addition to the details already set out within Section 2.2.1.3 of the Flood Risk Assessment (FRA) dated May 2023, details shall be submitted of the additional flood compensatory storage requirement on a level for level basis to mitigate the emergency access road shown on Drawing Nos: 23065-GA-01 Rev B and UK008_LYP_ Rev I for approval in writing by the Local Planning Authority. This compensation shall be shown on scaled site and section plans and shall include measures to prevent wildlife falling into it. The approved mitigation measures shall be fully implemented prior to the date of the first import of electricity to the development. The approved measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, without harm to biodiversity.

011

Prior to the commencement of the development hereby approved (including all preparatory work), a scheme for the protection of the retained trees (together with all planting carried out under the requirements of Condition 04 of this permission), in accordance with BS 5837:2012, including a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Details of construction within the RPA or that may impact on the retained trees.
- c) Boundary treatment works within the RPA and a full specification for their installation.
- d) a full specification for the construction of any roads and parking areas, including details of the no-dig specification and extent of the areas of the roads and parking areas to be constructed using a no-dig specification. Details shall include relevant sections through them.

- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- f) A specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing.
- g) a specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- j) Methodology and detailed assessment of root pruning.
- k) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- l) There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during construction and to protect and enhance the appearance and character of the site and locality and pursuant to section 197 of the Town and Country Planning Act 1990.

012

Prior to the first import of electricity to the development hereby approved, details of the treatment of all areas of the site not included within requirements of Condition 4 and not covered by buildings/structures shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first import of electricity to the development, whichever is the sooner. Details shall include:

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted.
- 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
 - a) permeable paving
 - b) tree pit design
 - c) underground modular systems
 - d) Sustainable urban drainage integration
 - e) use within tree Root Protection Areas (RPAs);
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;

4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

5) types and dimensions of all boundary treatments.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality.

013

Prior to the first import of electricity to the development, a Woodland Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Management Plan shall be prepared by a qualified and experienced forestry or arboricultural consultant and shall include the following elements:

a) A statement of the overall design vision for the woodland and for individual trees retained as part of the development.

b) Type and frequency of management operations to achieve and sustain canopy, understorey and ground cover, and to provide reinstatement including planting where tree loss or vandalism occurs.

c) Frequency of safety inspections, which should be at least three yearly in areas of high risk, less often in lower risk areas.

d) Confirmation that the tree pruning work shall be carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010).

e) Inspection for pests, vermin and diseases and proposed remedial measures.

f) Confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.

Reason: Required to ensure that woodland areas are satisfactorily safeguarded, managed and maintained in the interests of nature conservation and the visual amenity of the area.

014

No retained or planted tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase, unless it is diseased or dangerous, and thereafter within 10 years from the date of the first import of electricity to the development, other than in accordance with the approved plans and particulars. Any trees/shrubs which, within a period of ten years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 - 1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications

for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

015

Prior to the first import of electricity to the development a Landscape and Ecological Management Plan (LEMP) based on the approved Landscape Mitigation Plan (Drawing No: 4951_DR_LAN_101E), which shall include all planting carried out in compliance with Condition 4 and a maintenance schedule of watercourses within the site for surface water disposal, with timescales embedded shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a ten-year maintenance programme for all planting. The approved LEMP shall be fully implemented and maintained for the lifetime of the development.

Reason: In the interests of biodiversity and the landscape character and rural amenities of the area.

016

The development hereby permitted shall be carried out in strict accordance with the pre, post and during construction mitigation and enhancement measures outlined in the Ecological Impact Appraisal (EclA) (Revision 2, dated May 2023), the Biodiversity Metric Assessment (BMA) (Revision 2, dated May 2023) Appendix 1, the Confidential Badger Annex (Revision 1, dated May 2023) and Section 7 (Embedded Mitigation Measures) of the Landscape and Visual Appraisal (Revision 2, dated May 2023) by Arcus. For the avoidance of doubt, this shall include compliance with the following the Ecological Mitigation and Enhancement Measures set out in Section 5 (Evaluation and Mitigation) of the EclA and those set out in Appendix 1 of the BMA as well as the ecological enhancements included to improve biodiversity and mitigate surface water runoff as set out in 3.2 of the submitted Outline Surface Water Drainage Strategy. Save for the installation of the bird boxes (which shall be installed September to November) the measures shall be installed in accordance with the timescales embodied within the Landscape and Ecological Management Plan (LEMP) to be approved by Condition 16, prior to the first import of electricity to the development. The mitigation and enhancement measures shall be implemented and maintained for the lifetime of the development.

Reason: In the interests of landscape character, visual and residential amenities and biodiversity.

017

Archaeology - Part 1

No development shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved in writing by the Local Planning Authority. The Mitigation Strategy will include appropriate Written Schemes of Investigation for evaluation trenching, open area excavation and provision for other mitigation work as necessary. These schemes shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e., preservation by record, preservation in situ or a mix of these elements);
2. A methodology and timetable of site investigation and recording;
3. Provision for site analysis;
4. Provision for publication and dissemination of analysis and records;
5. Provision for archive deposition; and
6. Nomination of a competent person/organisation to undertake the work.

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.

018

Archaeology - Part 2

The archaeological site work must be undertaken only in full accordance with the approved Written Scheme of Investigation. The developer shall notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation to the methods and procedures set out in the approved Written Scheme of Investigation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

019

Archaeology - Part 3

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the archaeological works hereby approved being completed. The post-investigation assessment must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.

020

No development (other than the main access and associated visibility splays shown on Drawing No: 4951_DR_P_0001 rev 2) shall be commenced until the main access and associated visibility splays are provided in accordance with the approved details and made available for use. Prior to the date of the first import of electricity to the site the emergency access and visibility splays shall be provided in accordance with the layout shown on Drawing No: 23065/GA/01 Rev B and shall be kept available for use at all times for the life of the development.

Reason: In the interests of highway and fire safety and residential amenity.

021

Prior to the date of the first import of electricity to the site, the development shall be fully implemented in accordance with the approved Fire Safety Management Plan Recommendations (Ref: 70109641.Rep.004) dated June 2023 by WSP and shall be retained and maintained as such for the lifetime of the development.

Reason: In the interests of fire safety and residential amenity.

022

Prior to the first import of electricity to the development, the two 4m high acoustic wooden fencing identified on the Site Layout Plan Drawing No: UK008_LYP_Rev I) and the noise enclosures identified on General Arrangement 400kV Transformer Bund (Drawing No: UKCG-RCL-UG-004 S1 Rev P4); General Arrangement 132kV Transformer Bund (Drawing No: UKCG-RCL-UG-005 S1 Rev P4); Elevations 400kV Transformer Bund (Drawing No: UKGC-RCL-UG-004 S3 Rev P1); Elevations 400kV Transformer Bund (Drawing No: UKGC-RCL-004 S4 Rev P1) and Elevations 132kV Transformer Bund (Drawing No: UKGC-RCL-005 S3 Rev P1) shall be fully installed in accordance with the details submitted. The approved structures shall be retained for the lifetime of the development.

Reason: In the interests of residential amenity.

023

Notwithstanding the Outline Lighting Plan (Drawing No: UK008_049_Rev C) which is not hereby approved, prior to the installation of any permanent external lighting to serve the operational use, full details of all external lighting proposed (to include methods to restrict times of illumination, luminance levels, glare potential) shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be designed to minimise the use of external lighting on the site, prevent light spillage and be directed away from sensitive receptors and high value and boundary habitats, such as woodland. External lighting for the operational phase shall be installed and thereafter maintained in accordance with the approved details for the lifetime of the development.

Reason: In the interests of residential amenity and biodiversity.

024

The development hereby permitted shall not be carried out except in accordance with the following approved plans,

General

- Site Location Plan (Red Line Boundary) Planning Drawing 1 (Ref: 4951-REP-040)
- Topographic Survey (Drawing No: 8859-1 Sheet 1 and Sheet 2)
- Site Layout Plan (UK008_LYP_ Rev I)
- Temporary Construction Compound Layout Planning Drawing 3 (Ref: 4951_DR_P_0006_P2)
- Landscape and Biodiversity Masterplan Planning Drawing 4 (Ref: 4951_DR_LAN_101E)

Access Drawings

- Site Entrance Junction – Visibility Splays Assessment (Drawing No: 4951_DR_P_0001 Rev 2)
- Emergency Access Junction Design (Drawing No: 23065-GA-01 Rev B)

BESS & Other Components

- BESS Battery Container Elevation Plan (Ref: UK008_31_Rev 05)
- DC Box & Inverter elevation plan (Ref: UK008_032_Rev 04)
- Transformer Station (Ref: UK008_033_Rev 04)
- Auxiliary Transformer Container (Ref: UK008_034_Rev 04)
- Smart Controller Elevation Plan (Ref: UK008_035_Rev 04)
- MV Control Unit (Ref: UK008_54_Rev 01)
- Fence Details (Ref: UK008_036_Rev 02)
- CCTV Elevation (Ref: UK008_037_Rev 02)
- Typical 33 kV Cable Cross Section (Ref: UK008_040_Rev 02)
- Temporary Warehouse/Workshop Elevation Plan (Ref: UK008_41_Rev 02)
- Wooden Acoustic Fence (Ref: UK008_042_Rev 02)
- Wooden Fence (Ref: UK008_043_Rev 01)
- Permanent Welfare Centre and Control Room Elevation Plan (Ref: UK008_44_Rev 02)
- Water Tank (Ref: UK008_046_Rev02)
- Typical 132 kV Cable Cross Section (Ref: UK008_048_Rev 01)

Civil Drawings

- Civils Site Layout (Drawing No: UKGC-RCL-UG-001 Rev P4)
- 400 kV & 132 kV Compound Layout SGT1 & SGT2 Circuit (Drawing No: UKCG-RCL-UG-002 Rev P7)
- 132kV / 33kV Compound Layout GT1 & GT2 Circuit (Drawing No: UKGC-RCL-UG-003 Rev P7)
- General Arrangement 400 kV Transformer Bund (Drawing No: UKCG-RCL-UG-004 S1 Rev P4)
- Sections 400 kV Transformer Bund (Drawing No: UKGC-RCL-UG-004 S2 Rev P3)
- General Arrangement 132 kV Transformer Bund (Drawing No: UKGC-RCL-UG-005 S1 Rev P4)
- Sections 132 kV Transformer Bund (Drawing No: UKGC-RCL-UG-005 S2 Rev P3)
- Sections 33 kV Transformer Bund (Drawing No: UKGC-RCL-UG-006 S1 Rev P3)

- Standard Elevations & Details CAT2 Mesh Fence (Drawing No: UKGC-RCL-UG-007 Rev P2)
- Standard Elevation CAT2 5.5m Wide Mesh Gate (Drawing No: UKGC-RCL-UG-008 S1 Rev P2)
- Standard Elevation CAT3 Mesh Pedestrian Gate (Drawing No: UKGC-RCL-UG-008 S2 Rev P2)
- Oil Interceptor Tank 400/132 kV Circuit (Drawing No: UKGC-RCL-UG-010 Rev P2)
- Oil Draw-off Details 400/132 kV Circuit (Drawing No: UKGC-RCL-UG-011 Rev P2)
- 33 kV Switchroom and Distribution Substation for LV supply to site (Drawing No: UK008_051_Rev 01)
- Primary Compound Elevations 400/132 kV Circuit Sheet 1 of 3 (Drawing No: UKGC-RCL-UG-012 S1 Rev P6)
- Primary Compound Elevations 400/132 kV Circuit Sheet 2 of 3 (Drawing No: UKGC-RCL-UG-012 S1 Rev P5)
- Primary Compound Elevations 400/132 kV Circuit Sheet 3 of 3 (Drawing No: UKGC-RCL-UG-012 S1 Rev P3)

Additional Plans and Drawings

- Elevations 400 kV Transformer Bund (Drawing No: UKGC-RCL-UG-004 S3 Rev P1)
- Elevations 400 kV Transformer Bund (Drawing No: UKGC-RCL-UG-004 S4 Rev P1)
- Elevations 132 kV Transformer Bund (Drawing No: UKGC-RCL-005 S3 Rev P1)
- Standard Elevations Relay and Control Rooms 400/132 kV Circuit (Drawing No: UKGC-RCL-UG-009 S1 Rev P2)
- Standard Elevations Relay and Control Room 132/33 kV Circuit (Drawing No: UKGC-RCL-UG-009 S2 Rev P3)
- Standard Elevations Statcom Building 400/132 kV Circuit (Drawing No: UKGC-RCL-UG-009 S3 Rev P1)
- Emergency Access Gate Elevation (Drawing No: UK008_52_Rev 01)
- Wooden Acoustic Gate Elevation (Drawing No: UK008_53_Rev 01)
- Internal Site Layout Swept path analysis with NFRS Fire Tender (Drawing No: 23065/A/TR/02).

Reason: So as to define this permission.

Informatives

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated.

02

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with the EA at the earliest opportunity.

04

Should a Temporary Closure of Staythorpe FP1 be needed, this may be granted to facilitate public safety during the construction phase, subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section contact countryside.access@notsscc.gov.uk, as least 5 weeks' notice is required to process the closure.

05

In order to carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the

Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties. Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 278 Agreement is issued.

06

Planning permission is not permission to work on or from the public highway. In order to ensure all necessary licences and permission are in place you must contact licences@viaem.co.uk

07

Severn Trent Water advise that although their statutory sewer records do not show any public sewers with the area specified, there may be sewers that have been recently adopted under, The Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

08

At no time shall the railway crossing be used during the construction phase of the development unless previously agreed in advance with Network Rail. Should use of machinery or any construction be required within 10m of the railway boundary, the developer should liaise with Network Rail's Asset Team in advance of such work commencing. The developer must ensure that loose materials are properly secured so that they do not blow onto the railway track. (assetprotectioneastern@networkrail.co.uk.)

09

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network

Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Access to the Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

010

With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 07880420410, email Matthew.Adams@lincolnshire.gov.uk to discuss the requirements and request preparation of a brief for the works.

It is recommended the resulting written schemes of investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.

011

National Highways have requested that that the develop to consult with the A46 Newark By-Pass Team in the event that their detailed plans incorporate new or diverted services with the verges of the A617, to ensure the impacts to the A46 Newark Bypass scheme proposals for the flood compensation area are taken into consideration. Contact details: a46newarkbypass@nationalhighways.co.uk

BACKGROUND PAPERS

Application case file.

Committee Plan - 22/01840/FULM

