Report to Planning Committee 19 June 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Julia Lockwood, Senior Planner, julia.lockwood@newark-sherwooddc.gov.uk

Report Summary			
Application No.	23/00317/FULM		
Proposal	Construction and operation of Battery Energy Storage System (BESS), transformer/sub-station and associated infrastructure.		
Location	Land off Staythorpe Road, Averham		
Applicant	SSE Staythorpe Battery Ltd	**Agent**	Emma Ridley – Pegasus Planning Group Ltd
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage		
Registered	7 March 2023	**Target Date** Extension of time	6 June 2023 21 June 2024
Recommendation	That full planning permission is APPROVED, subject to the completion of a S106 Agreement and the Conditions set out in Section 10 of the report.		

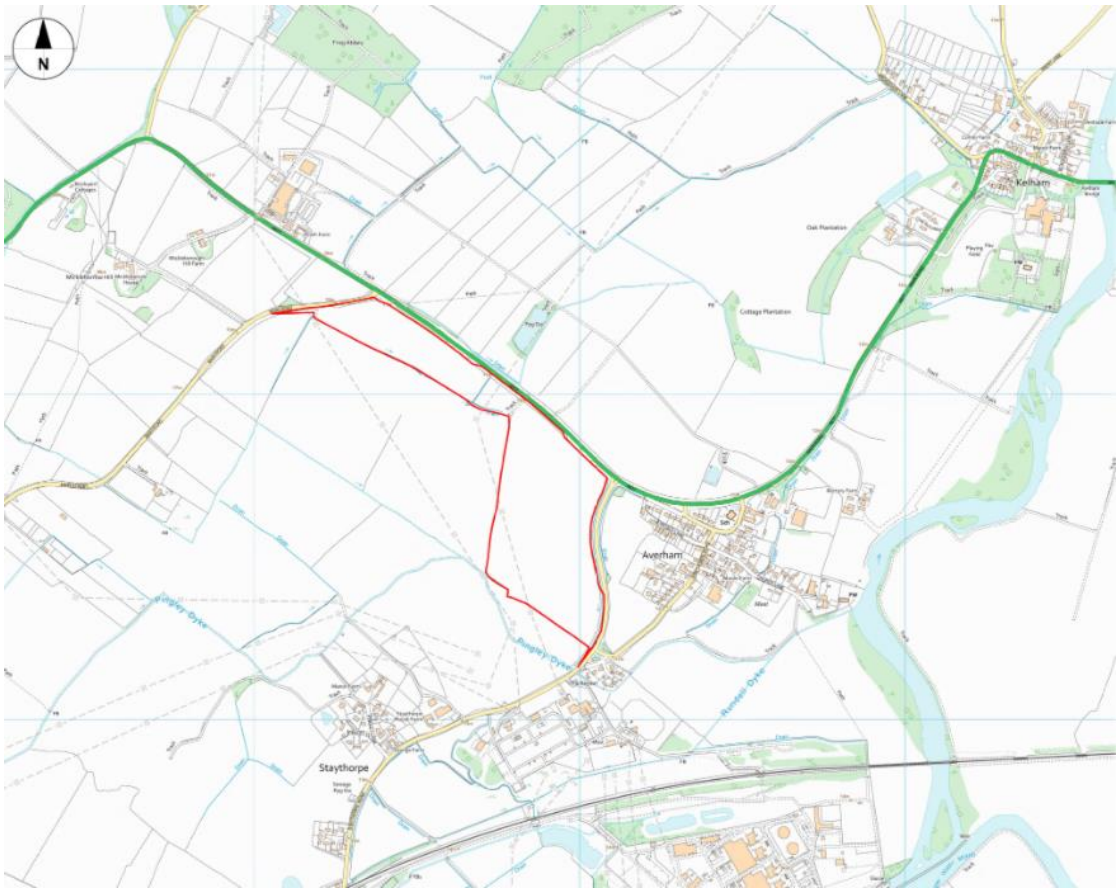
This application is presented to Planning Committee at the request of the Authorised Officer in line with the Council's Scheme of Delegation.

1.0 The Site

1.1 The site comprises approx. 25.77 hectares of flat, agricultural arable farmland situated to the west of the village of Averham and to the north-east of Staythorpe village. It is an irregular shape, comprising two larger fields immediately to the west of Staythorpe Road and south of the A617, extending to the west comprising a much narrower field continuing on the southern side of the A617 until its narrow western boundary joins Main Road (that runs westward towards Upton village).

1.2 The northern and eastern boundaries (along the main roads) are defined by mature tree and hedgerow planting, providing a strong enclosure to the land which is less defined along the southern and western field boundaries, where the planting along the field boundary is more sporadic. There are wet drainage ditches that run along the western boundary of the east field, which appears to drain into Pingley Dyke than runs

on land south of the application site. There are also a wet ditch running along the site boundary with Staythorpe Road.

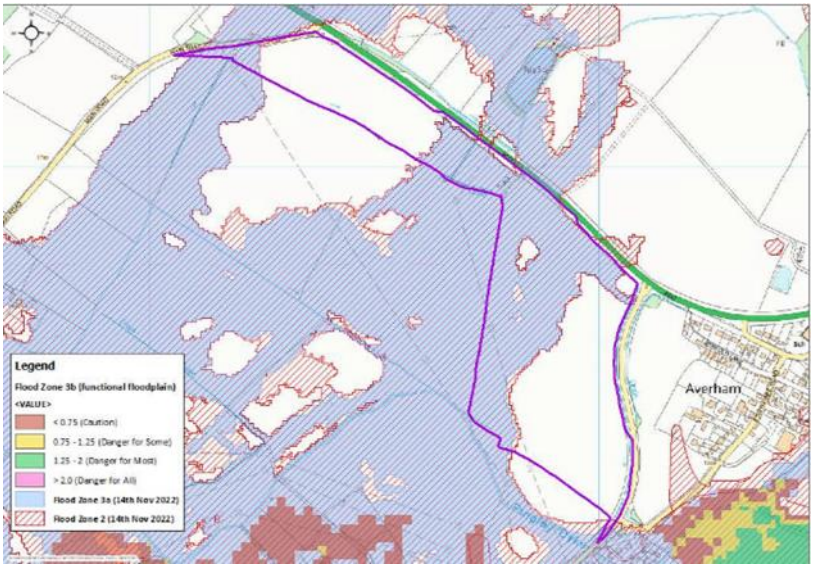


1.3 An existing 400kV overhead powerline crosses the site from north to south in two different positions and can be seen on the above location plan, depicted as a grey dashed line. Beyond this to the south-east is the existing National Grid Staythorpe Electricity 400 kW substation which is a substantial 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.

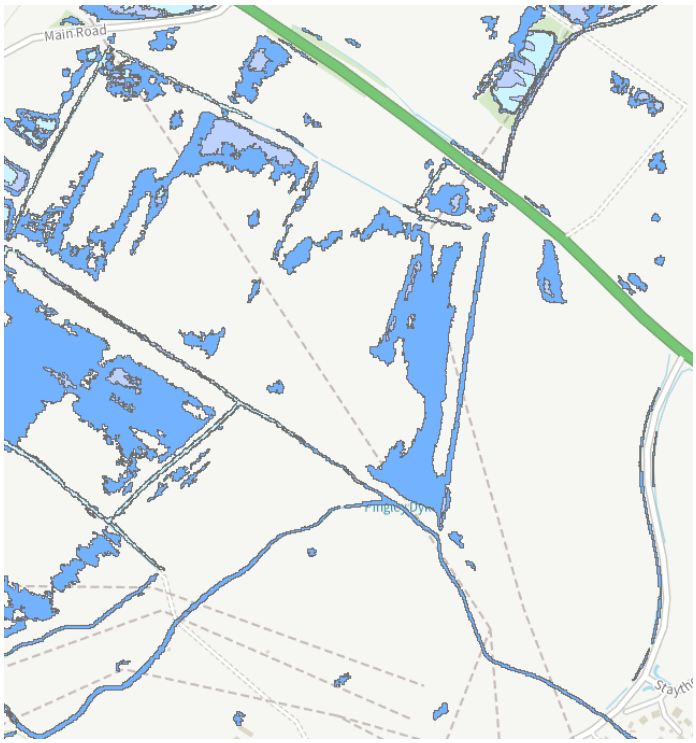
1.4 The land to the east, north and south beyond the site is fairly flat in its topography however, to the west the land increases in height at Micklebarrow Hill and further along Main Road to the west, towards the village of Upton. Ground levels at the site itself are relatively even with a relatively uniform gradient and ranges between 12.75m Above Ordnance Datum (AOD) at the northern end to 14.15m AOD at the southern end.

1.5 The site is defined as being within the full range of fluvial flood risk designations ranging from Flood Zone 1 (at low risk of main river flooding), within Flood Zone 2 (at medium risk of main river flooding). Flood Zone 3a (high risk of main river flooding) and Flood Zone 3b (Functional floodplain). Flood Zone 1 areas are mainly concentrated on the eastern part of the site (adjacent to Staythorpe Road) and at the far western end of the narrow part of the site, covering approx. half the area of the site. The central area of the site and its western tip lie within Flood Zone 3a. This is

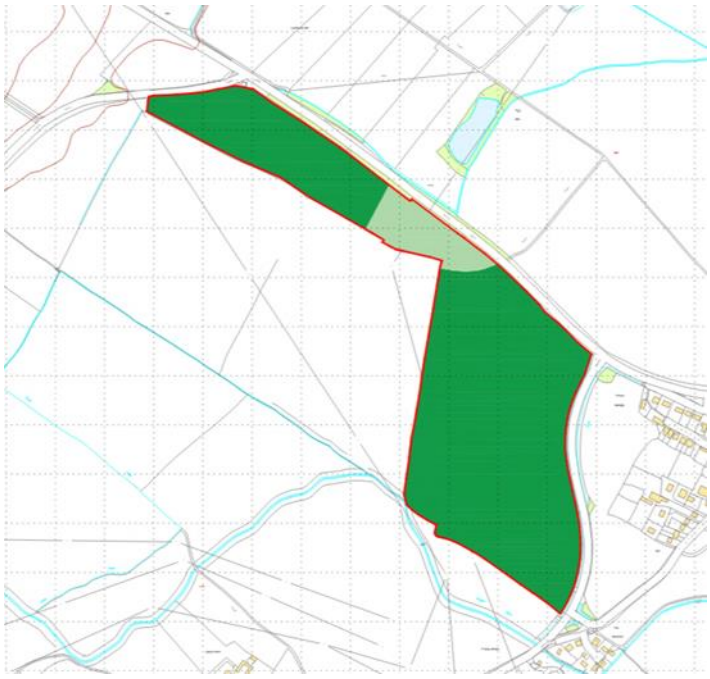
depicted in the site layout below, the white area depicts land in Flood Zone 1, the red diagonal shaded area is Flood Zone 2 and the blue area is Flood Zone 3a.



1.6 In terms of pluvial flood risk, the dark blue areas shown on the plan below identifies low risk of surface water flooding, the medium blue showing medium risk and the lightest blue showing high risk. There are small areas of low and smaller areas of medium risk towards the northern part of the site, as shown below.



1.7 An Agricultural Land Classification survey has been undertaken on the site (minus the visibility splays) which confirms that the majority of the site (92%) is classified as Grade 3a (dark green area on map below) and a smaller proportion (8%) as Grade 3b (light green area on map below). Grade 3a is defined by the National Planning Policy Framework as the Best and Most Versatile land (BMV) agricultural land. In comparison, Grade 3b is a lower grade of 'moderate quality agricultural land.'



1.8 In relation to heritage assets, there are some features identified in the Historic Environment Record (HER) on the site itself which are of potential archaeological interest.

1.9 There are also a number of designated heritage assets within nearby settlements, including the Conservation Areas of Averham (130m to east), Upton (1.3km to south-west) and Kelham (800m to north-east), outlined in red on the map below relative to the application site.

1.10 Heritage assets within Averham Conservation Area comprise:

- Averham moat and enclosure - Scheduled Monument (380m to east of application site);
- Church of St Michael - Grade I listed (720m to east of application site);
- Lyche Gate at Church of St Michael – Grade II listed (710m to east of application site);
- Yew Tree Cottage – Grade II listed (435m to east of application site);
- Rectory Cottage – Grade II listed (595m to east of application site);
- The Old Rectory – Grade II listed (665m to east of application site);

High Grade heritage assets within Kelham Conservation Area:

- Kelham Hall – Grade I listed (1.5km to north east of application site);
- Church of St Wilfrid – Grade I listed (1.4km to north east of application site);

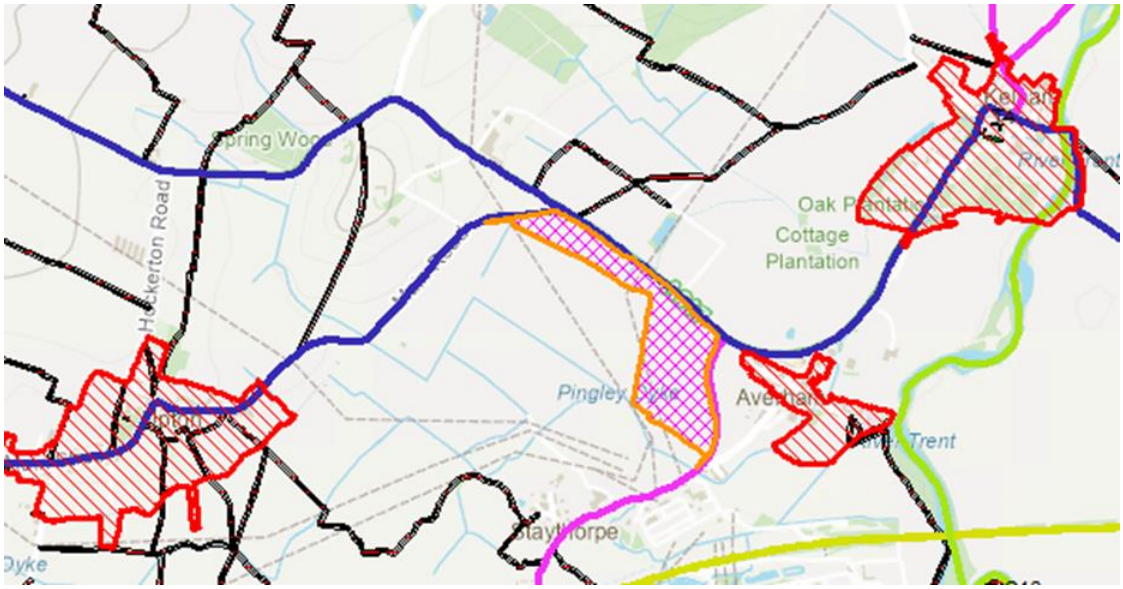
High Grade heritage assets within Upton Conservation Area:

- Church of St Peter and St Paul – Grade I listed (1.77km to south west of application site);
- Upton Hall – Grade II* listed (1.88km to south west of application site);

Other Heritage Assets:

- The Manor House in Staythorpe – Grade II listed (630m to south-west of

application site).



1.11 There are no Public Rights of Way within the site. Averham FP6 runs on the north side of the A617 opposite the site, (shown in black lines on the above map). Averham FP7 and FP8 is located 600m to the east, Staythorpe FP2 and FP3 700m to the south-west and Upton FP6 750m east of the boundary with Main Road which runs up Micklebarrow Hill on higher ground. Pingley Dyke is a watercourse that runs outside the site, on the southern side of the eastern field as shown on the map above. There is also a drain/open watercourse that run from west to east, along the southern boundary of the western field and a drain that runs in a north-south direction towards its eastern end. A drainage ditch runs between the eastern site boundary and Staythorpe Road and an existing culvert exists to provide agricultural access in the south-east corner of the site.

1.12 There are no international, national or local ecological or landscape designations within the boundary or within 1km of the site. The nearest is Farndon Ponds Local Nature Reserve, 1.8km 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). Other Local Wildlife Sites near to the site include Spring Wood LWS approx. 1km to the north-west, River Trent LWS approx. 1.1km to the south-east, Kelham Hall Shingle Bank LWS approx. 1km to the east, Kelham Hills LWS approx. 750m to the north-east. In mineral terms, the site is identified as being within an area of known sand and gravel deposits.

1.13 The nearest residential properties to the site are located on Hopwas Close, approx. 61m to the south-west. There are other properties found on Staythorpe Road approx 128m to the east, and The Close/Pinfold Lane 135m to the east, at the northern end of the site.

1.14 The site has the following constraints:

- Within Flood Zones 2 (medium risk) and 3a (high risk) for fluvial flooding on the Environment Agency Flood Maps;

- Within Grade 3a (Best and Most Versatile) Agricultural Land Classification;
- Within the setting of Heritage Assets and on site Archaeological Interest.

2.0 Relevant Planning History

2.1. 22/SCR/00014 - Screening Opinion – Construction of Battery Energy Storage System and associated infrastructure, Environmental Impact Assessment not required.

2.2. Partly on this application site and on adjoining land:

23/00810/FULM - Laying of an underground cable run linking Battery Energy Storage System to Grid Connection Point at Staythorpe Substation, pending consideration on this Committee Agenda.

2.3. On land approx. 620m to the south:

22/01840/FULM - Construction of Battery Energy Storage System and associated infrastructure, refused on 07.07.02023 for the following reason:

"The proposed development by virtue of its scale, size and design, proximity to adjoining dwellinghouses would have a harmful visual and amenity impact that would not be appropriately mitigated. The visual harm is exacerbated by the loss of the ancient hedgerow along the highway required in order to facilitate highway visibility spays. In addition, the development would result in the loss of agricultural land and it fails to meet the sequential test for flooding as there are alternative sites within the immediate locality at lower risk. Furthermore, there is a perceived risk to safety resulting from potential battery fires. It is considered that the harm and risk identified would not be outweighed by the benefits of the proposal.

The development therefore represents an unsustainable and unacceptable form of development and is considered to be contrary to Spatial Policy 3 (Rural Areas), Core Policy 9 (Climate Change) 4th and 5th bullet point, Core Policy 12 (Biodiversity and Green Infrastructure 2nd bullet point [conserve biodiversity] of the Amended Core Strategy (Adopted March 2019) and Policies DM4 (Renewable and Low Carbon Energy Generation) points 1 and 4, DM5 (Design) points 3, 4, 5 and 9, DM8 (Development in the Open Countryside) and DM10 (Pollution and Hazardous Materials) of the Allocations & Development Management Development Plan Documents (July 2013), in addition to the National Planning Policy Framework which is a material consideration."

Following a Public Inquiry, the appeal was allowed in a decision letter dated 03.05.2024. The appeal decision is attached as a link to view on the Background Paper listed at the end of this report. A partial award of costs was also awarded against the Council.

2.4. On land approx. 300m to the north-east:

23/01837/FULM – Proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work – pending consideration.

3.0 The Proposal

3.1 The application seeks permission for the construction and operation of Battery Energy Storage System (BESS), transformer/sub-station and associated 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.

3.2 The proposed site layout can be divided into two main areas, the narrow rectangular field on the west side and the deeper rectangular field to the east side of the site. The western field is to be largely retained in agricultural use (7.6ha), other than the formation of the main access to the site from Main Road in the west and an access track running along the whole southern boundary of this field. The eastern field accommodates the built development (approx. 6ha in area), concentrated on the western side, running from the northern to the southern boundaries; the rows of battery containers at the northern end and the transformers at the southern end. The rows of battery/pcs units are approx. 36m from the northern boundary and approx. 191m from the eastern boundary at their closest points. The transformers are set back approx. 95m from the eastern boundary of the site. A drainage pond and flood risk compensatory storage area are situated in the south-west corner. The eastern side accommodates an area to be retained for agricultural use (4ha) and a 28m deep landscaping buffer that runs along the eastern and part-northern, part-southern boundaries. Planting along the western boundary of the eastern field is a narrow band of larger tree-lined hedgerow and woodland scrub.

3.3 To summarise, the 25ha application site area, is broadly made up of:

- 6ha of built development;
- 11.6ha of retained agricultural land;
- 7.4ha of associated works (landscape bunds; landscaping buffer; drainage pond; compensatory flood storage area etc).

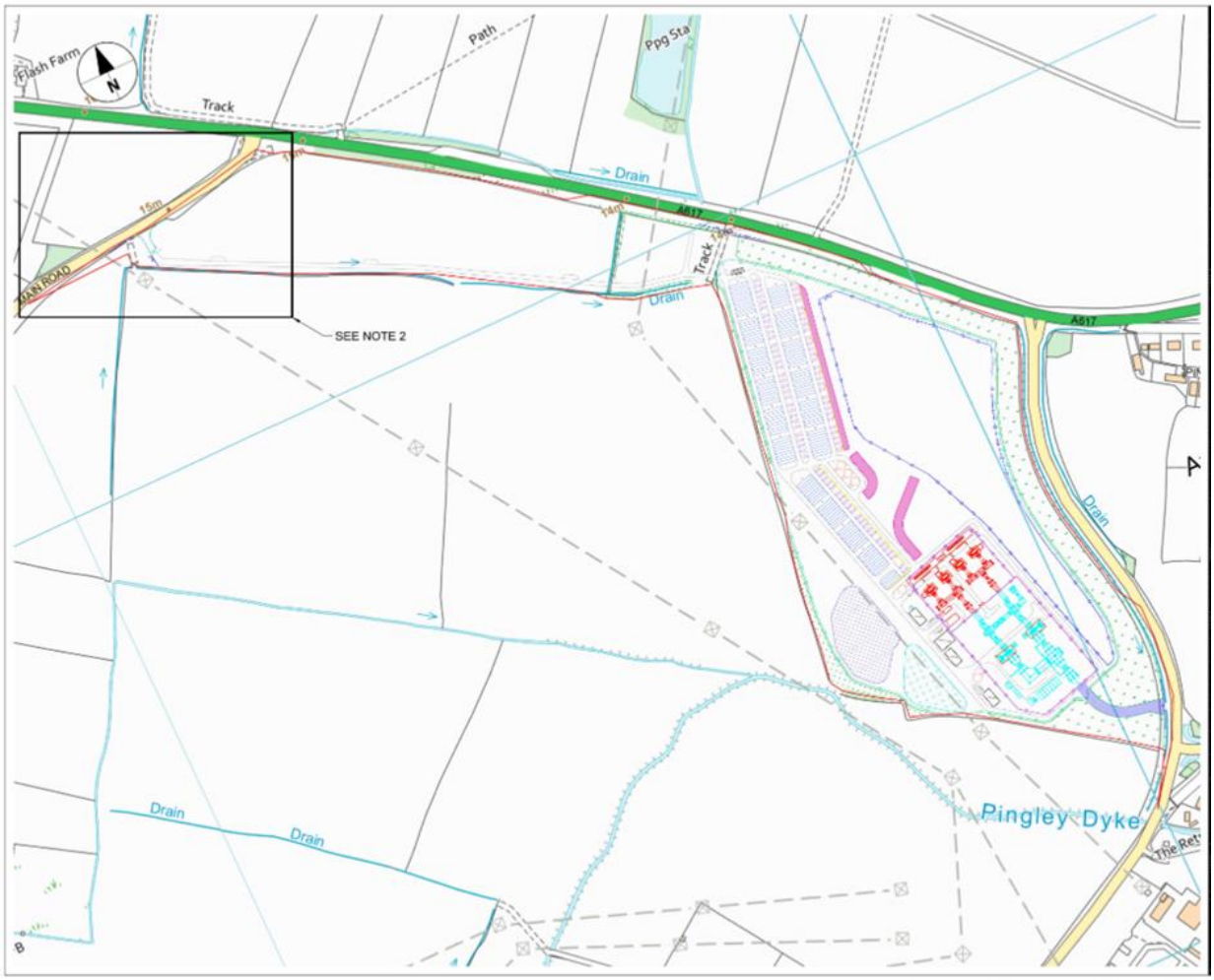
3.4 The site would be primarily accessed from Main Road to the north-west boundary both during construction and during operation. The other access to the site would be from Staythorpe Road in the south-east end of the site. This access point would be used for abnormal load access (during the construction and decommissioning phases for 6 loads only). Once those abnormal loads have been delivered, this access would become an emergency (and agricultural use) only. This also follows the line of the proposed underground cable installation to connect the infrastructure to the existing sub-station (the subject of a separate application that is to be considered at the same time as this). There is an existing field access that runs to the north onto the A617, but this will be retained for agricultural access only, as existing.

3.5 The proposed site layout plan (see below) shows in the easternmost field:-

- 82 battery storage container units (measuring 22m x 3.5m x 4m high including concrete stilts up to a max of 0.85m high);
- 82 associated power control system (PCS) units (measuring 6m x 2.5m x 4m

high including concrete stilts up to a max of 0.85m high);

- laid out in rows down the site (approx. 2.5m between the sides and approx. 5m between the ends) along the western boundary;
- Substation compound comprising 4 No. 33/132kV transformers and 2 No. 132/400kV transformers, up to max 12m high, and associated high voltage equipment with acoustic enclosures in the south-east corner.



3.6 Ancillary Buildings/Structures comprising (typically grey but can be coloured green if required):-

- 1 Control Building comprising welfare facilities, office and control room (up to 20m x up to 15m x up to 5m high including 0.4m high concrete plinths)
- 3 storage buildings (up to 20m x 10m x up to 5m high building including 0.4m high concrete plinths) each with central vehicular access ramp
- 5 Water Tanks (10m in diameter x 2m high) and associated Pump Houses (up to 3m x 3m x 3m high)
- 16 fire hydrants
- 6 Auxiliary Transformers (5.6m x 5.6m x up to 4m high)
- 1 LVAC (10m x 4.3m x 5m high)

- Site fencing comprising:
    - security fencing and gate – up to 2.5m high mesh fencing (finished in green) external boundary around infrastructure, excluding landscaping, including central agricultural land;
    - palisade fencing and gate – up to 2.5m high (galvanised steel) around compound. This would be finished in green, subject to a planning condition;
    - agricultural fence – 1.5m high wire mesh fence supported on timber posts. Either a galvanised steel, or green finish – akin to typical agricultural fencing, subject to a planning condition;
    - agricultural gate – 1.5m high criss-cross design, galvanised steel material;
    - wooden acoustic fencing along the eastern boundary of the main battery infrastructure; - the northernmost line of fencing is to be 2m high but set on top of the 2m high bund;
    - the southernmost line of fencing is just 4m high acoustic fencing.
- 39 CCTV - mounted on poles up to 5m in height positioned a min of 2m from the security fence, around the inside of the buffer planting and compound area;
- Low level Passive Infra Red activated external lighting (but no further details provided at this stage, but can be conditioned);
- Creation of a new vehicular access point with visibility splays onto Main Road, emergency (and agricultural) access only onto Staythorpe Road along with temporary access for 6 abnormal loads during construction and 6 abnormal loads during decommissioning;
- Internal access tracks (including emergency only access) made up of impermeable surfaces; Substation compound to be uncompacted stone (beneath the three BESS islands will be permeable subbase but to be lined (to contain firewater) and will therefore be impermeable. Remainder of development (with no infrastructure) will remain permeable surfaces;
- 27 car parking spaces adjacent to the compound area and 6 car parking spaces at the northern end of the battery containers;
- Retention of 11.6ha for agricultural use;
- 3 landscape bunds (1 x 2m high (northernmost); 2 x 2m high (southernmost)); 2m high acoustic fence on top of northernmost bund and 4m high acoustic fence along the eastern and southern side of southernmost set of battery containers and surface water storage basin/pond and compensatory flood storage area in the south-west corner;
- 28m deep landscaping buffer of tree and hedgerow planting along the eastern and part northern boundaries of semi-mature species; new hedgerow/tree-lined planting along western boundary of eastern field along with new wildflower grassland planted in the south-western corner of the site (around

two drainage ponds) and narrow strips along southern and western boundaries of eastern field; planting along the northernmost acoustic bund/barrier;

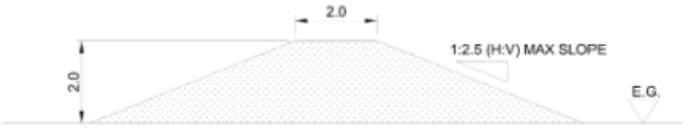
- underground cabling between units.

3.7 Despite the application being submitted prior to the statutory requirement to provide mandatory Biodiversity Net Gain, the proposed scheme has been assessed using the statutory metric which shows that it has a predicted overall net gain of 9.22 hedgerow units (40.94%) and 15.96 habitat units (28.09%) and no watercourse units of Biodiversity Net Gain.

3.8 It is acknowledged that some of the infrastructure will emit intermittent noise and this has been located to the western proportion of the site. 3 landscaped bunds (providing visual mitigation) and acoustic fencing (providing acoustic mitigation) at a height of up to 4m has been designed to the east and south of the rows of battery containers within the site's interior to provide mitigation to visual/noise sensitive receptors to residents within the village of Averham.

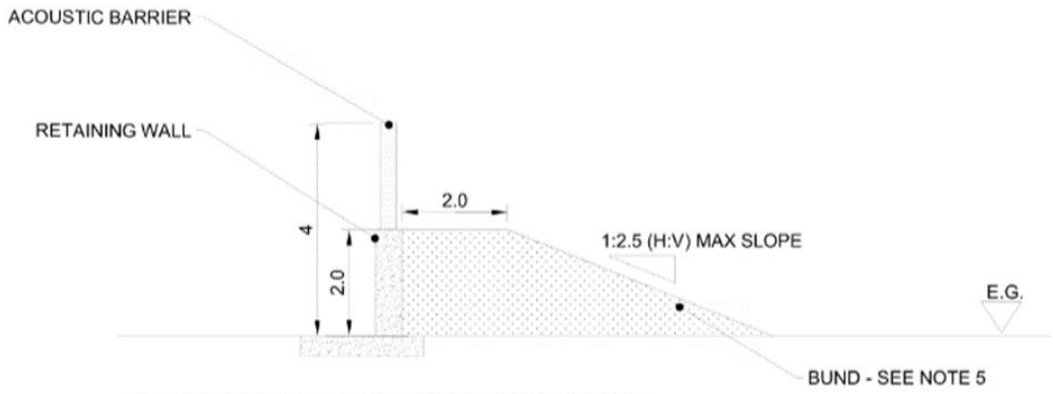
3.9 To mitigate intermittent noise and visual impact from the development 3 earth bunds are proposed within the site's interior (shown in pink on above site plan), two measuring 2m high with a 2m wide flat top with sloping gradients each side are proposed adjacent to battery containers at the southern end within the site's interior. Stand alone acoustic barriers are also proposed within the site would be 4m high.

INDICATIVE ACOUSTIC BARRIER ELEVATION



INDICATIVE BUND ELEVATION

3.10 The northernmost bund would comprise a combination of both 2m high bund with 2m high acoustic barrier sat on top, supported by a retaining wall on one side and sloping earth on the other, as shown below.



INDICATIVE ACOUSTIC BARRIER WITH BUND ELEVATION

3.11 The submission states that a connection to the grid (via Staythorpe Substation) from this site has been accepted with National Grid and is the subject of a separate planning application, also being considered on this agenda. The proposed connection of this site with the existing Staythorpe Substation comprises insulated cabling routed in channels, concealed through shallow trenches backfilled with fine sands and excavated materials to the original ground level at each end and cable running underneath Staythorpe Road using horizontal directional drilling (HDD).

3.12 In order to accommodate the existing 400kV overhead powerline, buffering has been provided in terms of development as well as height and planting proposed under the lines as a 15m offset is required each side of the overhead wire (as shown by the grey dashed line on the site plan above).

3.13 The submitted Construction Transport Management Plan states that the construction phase is anticipated to take between 20-24 months. A submitted Construction Compound Plan shows two temporary compounds, one adjacent to the A617, together with a car parking facility and the second one closer to the eastern boundary of the site, along with a temporary 'laydown' area within the retained agricultural land.

3.14 The proposed development would store electricity as chemical energy and impart and export electricity when required but would not generate electricity. It is anticipated to have a storage capacity of at least 600 Megawatt-hours (MWh) of energy and power of 300 Megawatt-peak (MWp) and enable energy to be stored and transferred into the National Grid via Staythorpe Substation.

3.15 The agent has set out that the red line around the site includes agricultural land in order to accommodate potential for further mitigations, should it be required, for example, for sky lark. The residual land could continue to be used for agricultural purposes.

3.16 The proposals have undergone a consultation with the community and local stakeholders, as set out in the accompanying Statement of Community Involvement by the applicant.

3.17 Documents assessed in this appraisal:

General Plans:

Site Location Plan (Drawing No: 60687996-ACM-XX-LAY-GEN-1004 Rev A)

Site Layout Plan (Drawing No: 60687996-ACM-XX-LAY-GEN-1001 Rev C)

400kV BESS Substation Layout Plan (Drawing No: 60687996-ACM-XX-LAY-EL-1015 Rev A)

400kV BESS Substation Elevation (Drawing No: 60687996-ACM-XX-LAY-EL-1016 Rev A)

132kV BESS Substation Layout Plan (Drawing No: 60687996-ACM-XX-LAY-EL-1005 Rev C)

132kV BESS Substation Elevation (Drawing No: 60687996-ACM-XX-LAY-EL-1006 Rev B)

Battery and PCS Unit Indicative Elevations (Drawing No: 60687996-ACM-XX-LAY-GEN-1002 Rev B)

Control Building and Storage Building Indicative Floor Plan (Drawing No: 60687996-ACM-XX-LAY-GEN-1007 Rev A)

Control Building, Storage Building and Water Tank Indicative Elevations (Drawing No: 60687996-ACM-XX-LAY-GEN-1003 Rev B)

Typical Details – Fencing, CCTV, Intercom, Auxiliary Transformer and Fire Hydrant (Drawing No: 60687996-ACM-XX-LAY-GEN-1005 Rev A)

Typical Details – Typical Access Track (Drawing No: 60687996-ACM-XX-LAY-GEN-1005 Rev C)

Indicative Acoustic Barrier and Bund Elevation (Drawing No: 60687996-ACM-XX-LAY-GEN-1008 Rev B)

Construction Compound Indicative only (Drawing No: 60687996-ACM-XX-LAY-GEN-1006 Rev A)

Proposed Landscape Plans:

Landscape Masterplan (Drawing No: P22-1211-EN.0003 Rev E)

Landscape Boundary Sections – Year 1 and 15 (Drawing No: P22-1211-EN.0002 – Sheets 1 and 2 Rev A)

Landscape Masterplan – Main Road Access (Drawing No: P22-1211-EN0004 Rev E)

Proposed Highway Plans:

Main Road Access (Drawing No: P22-1211TR-SK01 B) attached at the end of the Construction Traffic Management Plan Rev C by Pegasus Group

Main Road Access HGV Swept Path Analysis (Drawing No: P22-1211TR-SK02 A)

Staythorpe Road Access Geometric Parameters (Drawing No: P22-1211TR-SK05 Rev C)

Staythorpe Road Access Fire Tender Swept Path Analysis (Drawing No: P22-1211TR-SK06 Rev C)

Staythorpe Road Access Abnormal Load Swept Path Analysis (Drawing No: P22-1211TR-SK10 A)

Technical Documents:

Planning Statement V2 by Pegasus Group

Design and Access Statement V2 by Pegasus Group

Statement of Community Involvement V1 by Pegasus Group

Landscape and Visual Assessment (and Appendices) by Pegasus Group (as amended by Landscape and Visual Impact Assessment Addendum (Cumulative) by Pegasus Ref: P22-1211.ROO 4v1) dated March 2024)

Photomontages (P22-1211_3)

Heritage Desk Based Assessment V2 by Pegasus Group

Archaeological Evaluation Report: Trial Trenching dated July 2023 by Allen

Archaeology Ltd

Level 2 Flood Risk Assessment P01.2 by AECOM

Surface Water Management Strategy P02 by AECOM (as amended by Technical Note – Staythorpe Surface Water Management Strategy by AECOM dated 18 Sept 2023)

Preliminary Ecological Appraisal (and sensitive version) BG22.267 Rev 1 by Brindle and Green Feb 2023

Ecological Impact Assessment Rev2 by Brindle and Green Sept 2023

Addendum to Ecological Impact Assessment by Wright Environment Ltd dated May 2024

Biodiversity Net Gain Assessment Letter (Doc Ref: 201977 dated 1 December 2023)

Biodiversity Metric 4.0 Calculation Tool by Wright Environment Ltd

Staythorpe P22-1211 Indicative Measurements Based on Landscape Masterplan Rev E dated 23 May 2024

Arboricultural Impact Assessment Rev2 by Brindle and Green (as amended by Arboricultural Impact Assessment Report Addendum: Landscape Note by Pegasus dated 21.05.2024)

Agricultural Land Classification Report (and Appendices) dated Feb 2023 by Land Drainage Consultancy Ltd

Noise Impact Assessment Issue 3 dated 8 February 2024 by Environmental Noise Solutions Ltd

Construction Traffic Management Plan Rev C by Pegasus Group

Construction Traffic Management Plan NCC Comments Tracker received 3 October 2023

Traffic Survey – ATC Site 1 West of Access

Traffic Survey – ATC Site 2 East of Access

Traffic Survey – ATC Site 3 North of Access

Traffic Survey – Visibility Splay Calculation Summary (3/10)

Visibility Splay Calculations Summary (17/10)

Response to Highway comments received November 2023

Response to Highway comments received January 2024

Fire Strategy Management Plan Rev (2) dated September 2023 by AECOM

SSE Response to NFRS comments received 20.10.2023

Fire Safety Management Plan Addendum dated 10.11.2023

SSE Response to NFRS comments received 10.11.2023

Fire Safety Statement by SSE received 7.12.2023

Email from agent sent 15.09.2023

Responses to Planning Officer Comments received 7.12.2023

Email from agent sent 19.01.2024

Aecom Technical Note – February 2024 Planning Responses, including

- Appendix A – Flow Path Section (Drawing No: 60687996-ACM-XX-Lay-GEN-1015 Rev A)
- Appendices B and C are included in list of drawings above

Responses to Planning Officer Comments received 28.03.2024

Addendum to Ecological Impact Assessment (EcIA) by WEL dated May 2024

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 72 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

4.2 Site visit undertaken on 19.07.2023.

5.0 Planning Policy Framework

The Development Plan

5.1. **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 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

5.2. **Allocations & Development Management DPD (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

5.3. The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of all the above policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.4. **Nottinghamshire Minerals Local Plan (2021)**
Policy SP7: Minerals Safeguarding, Consultation Area and Associated Minerals Infrastructure

5.5. **Other Material Planning Considerations**

- National Planning Policy Framework (NPPG) 2023
- National Planning Practice Guidance (NPPG) online resource
- Newark and Sherwood Landscape Character Assessment SPD, 2013
- Newark and Sherwood Non-Designated Heritage Asset Criteria, 2021
- Newark Sherwood District Council's Climate Emergency 2019
- 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 Climate Change Act 2008
- The Clean Growth Strategy 2017
- Energy White Paper 2020
- The Environment Act 2021
- The Net Zero Strategy: Build Back Greener 2021
- UK Government Policy Paper - British Energy Security Strategy April 2022
- Energy Act 2013
- National Grid – Future Energy Scenarios (2022)
- Health and Safety Guidance for Grid Scale Electrical Energy Storage Systems, Department for Energy Security and Net Zero, March 2024
- Written Ministerial Statement 'Solar and protecting our Food Security and Best and Most Versatile (BMV) Land' - 15th May 2024

6.0 Consultations and Representations

Please Note: Comments below are provided in summary - for comments in full please see the online planning file.

Statutory Consultations

6.1. **Nottinghamshire County Council (Highways)** – No objection, subject to conditions relating to survey of Main Road to be undertaken prior to commencement of the development, measures to reduce mud and debris from being deposited on the highway, development shall not commence until the Main Road access has been provided, visibility splays to be provided, temporary car park for operatives shall be provided prior to commencement of development, the Staythorpe Road access shall be used only by Abnormal Load vehicles, escorting vehicles, emergency services and agricultural vehicles associated with continued farming use and the gates be closed at all other times, the Staythorpe Road access shall not be used for abnormal load deliveries until a comprehensive abnormal loading delivery plan (including temporary

signage to indicate construction traffic routing has been provided etc) has been submitted and.

6.2. **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.

6.3. **Nottinghamshire Lead Local Flood Authority** - No objection, subject to a condition, requiring a detailed surface water drainage scheme to be submitted and approved.

6.4. **Environment Agency** – No objection, subject to conditions requiring level for level floodplain compensation to be provided in accordance with details to be submitted, and the development is carried out in accordance with the submitted Flood Risk Assessment, requiring all battery and units within the flood extent be raised on concrete plinths to 300mm above modelled flood depths and compensatory storage shall be provided on a level-for-level basis, as outlined in the Flood Risk Assessment.

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

6.6. **Natural England** - No objection – no significant adverse impacts would result on statutorily protected nature conservation sites or landscapes. Generic advice offered on other natural environment issues set out at Annex A.

Town/Parish Council

6.7. **Averham, Kelham and Staythorpe Parish Council** (Host) – Object on following grounds:-

- Noise – the submitted Noise Assessment is considered to be inaccurate for a number of reasons (not recorded or presented the prevailing conditions when the surveys were carried out and these surveys were carried out over an extremely limited timeframe and equipment models of development have not yet been confirmed, so emitted levels have been assumed and reduced by a factor of 10 for reasons not stated). Furthermore, the planting of hedgerows and trees do not reduce generated noise from such development and which will be deciduous and therefore would have no effect for 5 months of the year;
- Road Safety – Traffic survey has not been carried out on Staythorpe Road access point from the blind side of right hand oblique bend onto a 50mph road with little visibility, which would be exacerbated more within construction phase. These hazards have not been taken into account;
- Localised Flooding – on land at high risk of flooding likely to lead to increased flooding to neighbouring properties and needs to pass the Sequential Test;
- Fire and Environmental Damage – development represents a large and unmanageable fire risk due to unstable nature and composition of batteries to be used. The Safety Management Plan seems wholly inadequate and appears to ignore the Allianz Risk Consulting recommendations in certain instances. Fires could not be extinguished and hazardous chemicals within the batteries

would pollute land, watercourses and gases into the air, which would then following prevailing winds from the south-west toxic gases would be blown over the surrounding villages of Averham, Kelham and Staythorpe as well as Newark Town and further afield. By approving the development NSDC would be accepting liability for claims and damages that would arise;

- Planning policy and national framework – the proposal contradicts several planning policies and would not result in a sustainable or environmentally aware development. There is a favourable view towards brownfield sites, thereby minimising impact on fertile land (and need for food security) and natural ecosystems and reduce urban sprawl. It would be contrary to CP13, CP9, SP3 and DM8 and the NPPF. Dismissive of cumulative effects with similar proposal at Staythorpe (22/01840/FULM) from noise, traffic, air pollution, impact on rural landscape, and flood plain;
- Light Pollution – limited reference is made but the impact would be significant if site lit 365 days a year and in hours of darkness, which will directly impact Averham and Staythorpe and no assessment has been completed;
- Size and Proximity of development is of primary concern and distance from dwellings;
- Sustainability – the development is not a source of renewable energy, but stores it and given proximity to Staythorpe Gas Powered Station is more likely to manage electricity generated from non-renewable sources.

6.8. **Upton Parish Council** (neighbouring parish) – Object on the following grounds:-

- Land Quality – land is too useful to loose as agricultural land;
- Conservation Area – site is too close to Upton Conservation Area which will suffer directly as a result;
- Highways and Transport – proposed access off Main Street is too close to the junction with the S617 and will need to vehicle restriction overridden;
- Noise – the noise generated by the plant will have an adverse affect on livestock in the vicinity;
- Fire – No substantive evidence has been put forward to alleviate the issue of lithium batteries and their associated risk from combustion;
- Lighting – insufficient consideration have been given to issues associated with lighting pollution.

Representations/Non-Statutory Consultation

6.9. **Cadent** – No objection, but informative note required.

6.10. **National Gas Transmission** – The area is outside the High Risk zone from National Gas Tranmission plc's apparatus and can proceed.

6.11. **Trent Valley Internal Drainage Board** – the Board maintains Pingley and Car Dyke, an open watercourse to the south of the site and other general comments made in relation to when the Board's consent is required.

6.12. **NCC, Policy** – Policy SP7 of the Minerals Local Plan has been satisfied. Due to the limited land take for the scheme and its temporary nature, any mineral resource present within the site will no be needlessly sterilized or pose a serious hinderance to future extraction in the area.

6.13. **NSDC, Conservation** – The proposal would negatively impact the rural and agricultural character and likely result in moderate levels of harm to the setting of Averham and Kelham Conservation Areas and very minor harm to the setting of Upton Conservation Area. The harm would be less than substantial, and it will be for the decision maker to determine whether any public benefits balance or outweigh the heritage harm identified.

6.14. **NSDC, Archaeology Consultant** – No objection, subject to conditions. The site is in an area of high archaeological potential associated with pre-historic and Roman settlement activity. A trial trench evaluation has been carried out. There is one small area of archaeological sensitivity which should be subject to further mitigation work comprising either avoidance or excavation. This is focused around trench 53 in the southern part of the site. This can be dealt with by condition.

6.15. **NSDC, Tree and Landscape Officer** – Insufficient information on Landscape Masterplan showing proposed mitigation planting, further information is required to establish whether the hedgerow to be removed is "Important," (Hedgerow Regulations 1997), use of the word "trimming" in relation to cutting back of H8 and trees is not defined and therefore impact unknown and please confirm whether the submitted 'Landscape Note' supersedes the Arboricultural Report.

6.16. **NSDC, Biodiversity and Ecology Lead Officer** – No Objection, subject to a condition requiring a Biodiversity Management Plan (or Landscape and Environmental Management Plan) which must be supported by final BNG calculations and plans, to include two skylark plots within the 6.5ha of retained cropland within the red line site, the proposal will be able to deliver an acceptable level of measurable net gain which would meet the guidance within the NPPF in relation to biodiversity and accord with CP12 of the Amended Core Strategy. A condition for a Construction and Environment Management Plan is also recommended.

6.17. **NSDC, Environmental Health** – No objection, I have reviewed the amended acoustic report and technical note in relation to the provision of a culvert below the acoustic barrier proposed. The report indicates that resultant noise levels at nearby receptors will not have an adverse impact.

6.18. **NSDC, Environmental Health** - Contaminated Land – No observations.

6.19. **NSDC, Emergency Planner** – No comments received.

6.20. **NCC, Nottinghamshire Fire and Rescue Service** – No objection in principle, subject to a condition requiring precise details to be submitted and approved.

6.21. Comments have been received from 151 third parties/local residents (including one from the Hopwas Close Residents' Association) that can be summarised as follows:

- Contrary to NPPF and Local Planning Policy Documents;
- Loss of very good grade agricultural land
- Inappropriate site selection and limited size of search radius;
- Unreasonable close proximity of large scale industrial development to residential properties;
- Adverse visual impact of a large scale industrial development on several rural communities and road users;
- 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 (create and conserve) and the rural nature of the local area;
- Increased risk of localised flooding;
- Serious risk of fire, consequential release of toxic fumes and the pollution of land, air and watercourses;
- Risks to road safety from increased traffic volume, noise and pollution, particularly if a number of local large scale proposals occur simultaneously;
- Duty to protect the local Conservation Areas, Heritage Assets and significant architectural buildings;
- 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 operational 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 on bats, great crested newts, otters, deer, badgers and red list birds such as Sky Larks;
- Risk to public safety through genuine fear of crime and apprehension over anti-social behaviour, including theft, fly tipping and potential terrorist target;
- 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;
- On site capacity to extend the battery storage site currently proposed;
- 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 flood zone;
- 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;
- 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 a wholly green energy project;
- To date the largest BESS development in the UK is 150MW, no large scale BESS developments (150-1000MW) have been built, so none are in operation and so no evidence to prove the viability of such a site particularly when it is so close to several

rural communities and residential properties;

- The size, scale and nature is disproportionate and justifiably inappropriate and would result in an overbearing intrusive large scale industrial development in this rural location;
- Unknown impacts from this 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;
- 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

7.1. The key issues are:

1. Principle of Development
2. Renewable Energy
3. Site Selection
4. Effect on the stock 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 Character and Visual Impacts
    a. Landscape Character
    b. Visual Impact (including impacts on Public Rights of Way)

7. Impact on Ecology, Biodiversity and Trees
    a. Survey Results and Mitigation
    b. Biodiversity Net Gain
    c. Trees
8. Impact on Heritage Assets
9. Impact on Archaeology
10. Impact upon Residential Amenity
11. Impact upon Highway Safety
12. Other Matters
    a. Cumulative Impacts
    b. Length of Temporary Consent
    c. Minerals
    d. Health, Safety, Fire Risk and Pollution

7.2. 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 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

7.3. 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."

7.4. 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.

Principle of Development

7.5. Paragraph 157 of the NPPF states that the planning system should support the transition to a allow carbon future in a changing climate, taking full account of flood risk and that it should help to shape places in ways that contribute to radical reductions in greenhouses gas emissions, minimise vulnerability and improve resilience, encourage the re-use of existing resources, including the conversion of existing buildings and support renewable and low carbon energy and associated infrastructure.

7.6. 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.

7.7. Policy DM8 of the ADMDPD is silent on the appropriateness of renewable energy in the open countryside but provides support for rural diversification projects which should be complimentary and proportionate to the existing business in their scale and nature. However, the main Development Plan policy considerations for this type of development are set out within Core Policy 10 and Policy DM4. 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, the proposal 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, and 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 listed criteria. The criteria include 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.

7.8. This approach is also echoed by the NPPF which states in para 163 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;
b. approve the application if its impacts are (or can be made) acceptable;…'

7.9. 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, as set out in para 8 of the NPPF. The Planning Practice Guidance states that electricity storage in Battery Energy Storage Systems can enable us to use energy more flexibly and re-carbonise our energy system cost-effectively – for example by helping to balance the system at a lower cost, maximising the usable output from intermittent low carbon generation (eg solar, wind), and deferring or avoid the need for costly network upgrades and new generation capacity. The PPG goes on to state that where planning permission is being sought for development of battery energy storage systems of 1

MWh or over, the local planning authority are encouraged to consult with their local fire and rescue service prior to deciding the planning application, so that their views for potential mitigations which could be put in place in the event of an incident, can be taken into account when determining the application.

7.10. 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.

7.11. 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

7.12 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.

7.13 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.

7.14 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.

7.15 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. It has also been recognised since the commencement of the war in Ukraine that the UK should seek to be more self-sufficient in its energy supplies to improve its energy security.

7.16 The Design and Access Statement states that through its good design, the proposals can be delivered in a sustainable manner to meet local and national objectives of addressing climate change, energy security, biodiversity enhancement and a prosperous rural economy.

7.17 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, produced by renewable sources, 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 high.

7.18 Battery Energy Storage Systems (BESS) and associated works are a key component in seeking to achieve a low carbon energy system. The batteries can store energy being generated across the UK's energy network by renewables, such as solar and wind farms, when demand is low, so that it is not wasted. This stored energy can then be discharged to balance the energy network when demand is high. The supporting information states that the batteries produce no emissions or pollution during normal operations and are considered to be a low carbon enabling technology.

7.19 The Planning Statement sets out that BESS are key enablers necessary for our Net Zero future and our security of supply. The Statement sets out the following key points:-

Renewable Energy Storage and a more balanced grid – ability to shift demand at appropriate times and the better integration of renewable energy into the electricity system.
Valuable Resource – Conventional generators can only supply power, whereas energy storage can both charge and discharge power and are completely flexible around the time of charge and discharge. This means it can provide double the resources and essentially twice the value to the National Grid for the same installed capacity.
Environment and Health – BESS help displace carbon-heavy generators traditionally used. Displacing CO2 has environmental and health benefits as burning fossil fuels release pollutants into the air.
Security of Supply – BESS' fast and dependable response reduces exposure of the electricity system to black outs and increases security of supply.
Cost savings for energy users – BESS deployment will allow for lower energy costs. Storing energy from low cost, intermittent renewables for use later, maximises the energy use from sources.

Farm Diversification – to provide a more secure long term sustainable source of income for farmers.

Site Selection

7.20 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.

7.21 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.

7.22 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.

7.23 In terms of site selection, the Planning Statement sets out that energy storage projects need to be sited in locations where there can be a cost effective and technically viable connection into the National Grid's transmission infrastructure, accommodating both the import (for charging) and export of electricity at the level which can be provided by the proposed storage facility. By connecting to the Staythorpe Substation wider works on the networks are avoided and the diversity of constraint management services that can be provided to National Grid are minimised. Short connection routes are highly desirable, ensuring efficiency and speed of transmission when required. As such, sites close to the Staythorpe Substation are most suited and this site meets the optimum requirements. The Planning Statement states "In order to identify potential locations for the proposed development within the Site Search Area (which is considered to be 1km from the Staythorpe substation), matters below have been considered." The principle of such an approach was not criticised by the Inspector in the recent Public Inquiry on the site to the south.

7.24 The Planning Statement states that the site selection process identified the proposed site for the following reasons:

- The site is of an appropriate size to consider and provide for the proposed development, whilst mitigating its environmental effects;

- The site is predominantly located within an area of Flood Zone 1 and the most 'high risk' substation infrastructure can be located within this area. Development of battery storage can be sited, mitigated appropriately and safely as detailed within the Flood Risk Assessment (FRA);
- The site is located adjacent to the existing Staythorpe Substation and a connection can be made across Staythorpe Road in order to access the Grid network;
- The land comprises Grade 3a and 3b agricultural land, a lower designation than prescribed on the Natural England Provisional Agricultural Land Classification Maps, which identified it as Grade 2;
- Emergency access has been sited to the south onto Staythorpe Road within Flood Zone 1 meaning that safe means of escape can be achieved on the site in emergencies.

7.25 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.

Effect on the stock of Agricultural Land

7.26 Paragraph 180 of the NPPF states planning decisions 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 footnote to paragraph 181 of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. It goes on to state that the availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.

7.27 The most relevant Planning Practice Guidance is the 'Guide to assessing development proposals on agricultural land' which states that the policies to protect agricultural land and soil 'aim to protect the best and most versatile (BMV) agricultural land and soils in England from significant, inappropriate or unsustainable development proposals.' It emphasises the role of Natural England as the statutory consultee in assessing the likely long term significant effects of development proposal on these resources. Section 6 of this part of the PPG states that site surveys of land should be used to: 'assess the loss of land or quality of land from a proposed development. You should take account of smaller losses (under 20 ha) if they're significant when making your decision. Your decision should avoid unnecessary loss of BMV land.'

7.28 A Written Ministerial Statement was made on 15 May 2024 entitled 'Solar and protecting our Food Security and Best and Most Versatile (BMV) Land.' The Government released this statement due to their concern that as large solar development proceeds at pace, more of our 'Best and Most Versatile' (BMV) land could be used for solar instead of food production and it sets out the Government's policy on balancing these competing priorities is intended to be applied. It states that

"*For all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary."* So greater weight should be attached to the loss of Grade 1 land (highest quality), lesser weight to the loss of Grade 2 and lesser weight to the loss of Grade 3a and the Statement observes that "*there is a greater onus on developers to show that the use of higher quality land is necessary.*". It also refers to the need to consider cumulative impacts. Whilst this is not a solar scheme, the principle is similar with BESS developments, although solar schemes do not have the same locational constraints, in that solar development do not need to consider proximity to substations that feed into the National Grid in their locational siting. Grade 3a is at the lower end of Best and Most Versatile land.

7.29 Policy DM4 is silent on the loss of best and most versatile agricultural land. Policy DM8 seeks a sequential approach in respect to the loss of the most versatile areas of agricultural land and requires proposal that cause the loss of such land to demonstrate environmental or community benefits that outweigh the land loss. The Inspector at the recent Public Inquiry concluded that *"This approach does not accord with the national policy as set out in the National Planning Policy Framework. Moreover, it is unclear as to whether the section on agricultural land within Policy DM8 is intended to apply to categories of development such as renewable energy that are not referred to in that policy. The most relevant policy to the appeal scheme is Policy DM4 which allows for renewable energy schemes subject to certain criteria and does not refer to agricultural land quality as a criterion. But whatever the intention of Policy DM8, it is relevant to consider the effect on agricultural land; the National Planning Policy Framework seeks to protect soils and recognises the benefits derived from natural capital, including the best and most versatile agricultural land."*

7.30 The Agricultural Land Classification Maps define agricultural land quality as being Grade 1-5 (1 being Excellent' and 5 Very Poor). The NPPF defines 'Best and most versatile agricultural land as being land in Grades 1, 2 and 3a of the Agricultural Land Classification.'

7.31 The application has been supported by an Agricultural Land Classification Report (and Appendices) dated Feb 2023 by Land Drainage Consultancy Ltd, qualified experts in this field. Natural England's ALC Map shows the site to be located within an area identified as Grade 3 land – which is good to moderate quality agricultural land. Whether the site is Grade 3a – good quality or Grade3b – moderate quality can only be determined by site and soil examination. The submitted report confirms that the fields were all in grassland used for conservation and grazing. It identifies that of the 25 ha of agricultural land within the site, 23ha (92%) is of Grade 3a, BMV status and 2ha (8%) is of 3b, moderate quality. A further 11.6ha of land will be retained within the site area with potential for agricultural use. The quantum of BMV land lost within the development will therefore be approx. 11.4ha, just under half of the total 23ha of Grade 3a not being kept within agricultural use (therefore below the 20ha threshold of consideration by Natural England).

Agricultural Land Classification Map

7.32 The site layout plan identifies that not of all the site would be developed as some area within the red line site would be retained for agricultural use. So a proportion (11.6ha) of land within the red line (which is Grade 3a- BMV land) would continue to be used for agricultural purposes. The proposal would therefore result in a loss of 12.6ha of Best and Most Versatile Agricultural Land.

7.33 In terms of applying the Sequential Test, the submitted Planning Statement sets out the following:

"A number of sites within the vicinity of Staythorpe substation were identified by the applicant and considered for the siting of the proposed development. These land parcels are located within the flood zone and discounted on the basis of a readily available, predominately on flood zone site being available (is the application site). In summary, the application site is considered to be the most preferable location for development at this time and when having regard to the relevant matters set out below and was therefore progressed to a planning application. The reasons are as follows:

- *The application site allows for a viable construction to the Electricity Network by connecting to the existing Staythorpe Substation.*
- *The site is predominantly located within Flood Zone 1.*
- *The land owner is willing to enter into an agreement to promote the land for an energy storage development and the application site is available to accommodate this development.*

- *This application site has been subject to a detailed Agricultural Land Classification study which confirms that site comprises 92% Grade 3a and 8% Grade 3b land. It is acknowledged that the site is predominantly Grade 3a and therefore comprises best and most versatile (BMV) land. It is however considered that the significant environmental benefits and location to a viable grid connection outweigh the loss of land.*

The specific land take and land characteristics guiding a battery energy storage development makes the application site the best and most viable site within the search area. It is considered that there are no alternatives that are more sequentially favourable, notably in respect of flood risk. Key to the suitability and viability is grid access. The site is located adjacent to the National Grid Staythorpe Substation providing the main point of connection. There are no brownfield sites available that can accommodate the proposal."

7.34 The Inspector's decision letter from the recent Public Inquiry states that the Council argued *"that since the general land classification does not distinguish between Grade 3a and 3b, intrusive samples of a wider spread of sites should have to be carried out to find out whether there are sites with a greater proportion of lower agricultural quality in the area. But – and notwithstanding other appeal decisions referred to by the Council – to insist on a widespread exercise of this sort on land not in control of the appellant would be impractical and unreasonable and would be entirely disproportionate given the small proportion of Grade 3a land that would be lost on the appeal site. In any case, the additional data that has been collected from the detailed surveys of PDAs 4, 5, 16 and 18 shows that it is unlikely that other possible sites would be better in this respect, even leaving aside their other constraints."*

7.35 The appeal site represented a loss of 2.4ha of BMV land. This site represents a loss of 12.6ha of BMV land. A rather limited and very general Sequential Test has been carried out within the submitted Planning Statement above which seeks to demonstrate that this site is sequentially preferable in this regard.

7.36 The Planning Statement states that it should not be considered that the presence of BMV land should be a predominant factor in determining the suitability of site selection and that this should be considered on balance with all benefits arising from the scheme.

7.37 The Inspector in their decision went on to acknowledge that the BESS would be decommissioned after 40 years and the land restored and the scheme demonstrates clear environmental benefits in terms of improved biodiversity and community benefits in supporting the transition to low carbon energy generation. In conclusion they determined that the loss of a small amount of Grade 3a agricultural land (2.4ha) during the lifetime of the development would not represent a significant loss in the stock of agricultural land and does not constitute a sound reason for dismissing the appeal.

7.38 However, in this case, the application would result in a loss of a larger amount of Grade 3a land (12.6ha) and the limited Sequential Testing carried out to demonstrate that the development could not be located on a lower grade of agricultural land weighs

against the proposal (were this latter part of Policy DM8 deemed to be applicable to this application). However, this negative weight is considered to be tempered by the fact that the loss would be for a temporary period of 40 years when land would be returned to agricultural use and that the scheme demonstrates clear environmental benefits in terms of improved biodiversity and community benefits in supporting the transition to low carbon energy generation that could be considered to outweigh the land loss, in line with the wording of Policy DM8. This factor is therefore reduced to moderate negative harm against the proposal in the overall planning balance, as discussed at the end of this report.

Impact on Flood Risk

7.39 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. Policy DM4 is silent on flood risk.

7.40 Paragraph 157 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 163 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.

7.41 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.

7.42 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." At the recent Public Inquiry, the Inspector accepted that this type of development would fall within the definition of essential infrastructure.

7.43 A Level 2 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, underground services and utilities, flood defence failure or artificial watercourses.

Surface Water Drainage

7.44 A Surface Water Management Strategy together with a later Technical Note have also been submitted. Land having a 1% or greater annual probability of surface water flooding is limited in nature on the site and appears at the point of lowest elevation close to the boundary with the A617 and the main access from Main Road. The development will maintain existing overland flow paths and provide appropriate sustainable drainage systems (SUDS) as detailed in the Surface Water Management Strategy to manage any increase in surface water run-off and provide treatment to these flows.

7.45 Access tracks would not be raised above existing ground levels and would therefore not affect flow routes nor require compensatory storage, however, the access tracks are to be impermeable and therefore surface water need to be stored and treated within the SUDS. The access tracks and substation would drain into the SUDS infrastructure; this would then terminate within the development at the attenuation pond in the west of the site before a controlled discharge at the appropriate green field rate into the field drain that runs along the western boundary of the site which would then feed into Pingley Dyke, via an existing 350mm drain that runs under the farm track. The controlled discharge would actively manage any increase in surface water run-off.

7.46 However, it has been acknowledged in the later submission of the Technical Note Addendum to the Surface Water Management Strategy that in the event of a fire incident, the areas accommodating the battery containers could no longer be fully permeable, but would be lined with an impermeable membrane (which would have a penstock release value), in order to contain and isolate any potential contaminants within the fire suppressing water run-off and prevent contamination of underlying soils, ground and surface water. Any firewater runoff from the BESS containers would represent contaminated water. The final drainage solution would be confirmed and modelling by the final contractor.

7.47 However, the case officer raised concern with regard to application of the Drainage Hierarchy within the submitted Surface Water Management Strategy. The Hierarchy states that infiltration to ground should be considered prior to discharge to a watercourse. The Strategy submitted states that infiltration was deemed unsuitable due to anticipated high ground water levels on site due to the clayey soils in the area, giving a naturally high water table. It stated that groundwater levels at the site are to be confirmed on-site by tests conducted at detailed design stage. The agent has confirmed to the officer during the consideration of the application that these tests have been carried out now and infiltration is not possible due to the high ground water levels. Given this, the agent has confirmed that appropriate lining of the SuDS features proposed on the site will be required to ensure ground water does not infiltrate in and to ensure the attenuation volume is met. It was also confirmed that the main access road across the western field would not be connected to the SuDS attenuation feature due to gradients and instead surface water would be treated and attenuated in smaller features such as filter drains and discharged to the small ditch along the western boundary of the development.

7.48 The Lead Local Flood Authority has not objected to these drainage principles but requires the detail of any future development would need to be submitted and

approved through a planning condition. The Internal Drainage Board has not objected but the works would require their separate consent.

Foul Water Drainage

7.49 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.

7.50 There is currently no foul drainage discharged from the site, being agricultural fields. No information has been submitted in relation to proposals for new facilities proposed as part of the development. No doubt during construction foul water would be disposed of via 'Port-a-loo' type facilities and disposed of via a licenced waste carrier. During the operational phase such welfare facilities would be provided within the Control Building. Due to the rural setting, it is unlikely that this could be feasibly discharged to a foul sewer. The development would therefore likely be served by a cesspit/porta-loo where waste would either be taken off site or managed through an appropriate permit from the Environment Agency. Ordinarily this type of solution would not be considered a sustainable option, however once constructed, the facility would be largely controlled remotely with only occasional visits to the site for maintenance and inspections. Foul water drainage details can be controlled by condition. On this basis, this is considered to be acceptable.

Fluvial Flooding

7.51 In relation to main river flooding, the submitted Flood Risk Assessment states 70% of the site is located predominantly within Flood Zone 1 and the remaining 30% within Flood Zone 3a (this is land having a 1% or greater annual probability of river flooding).

Sequential Test

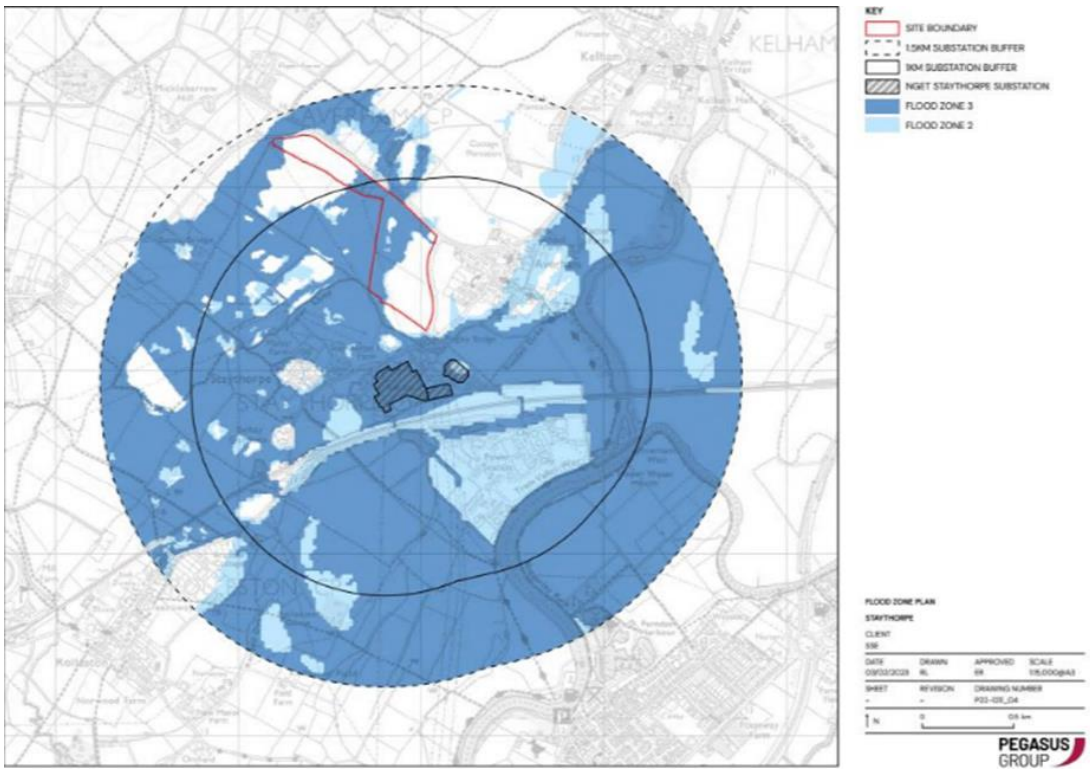
7.52 The National Planning Policy Framework (paragraph 165), states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. This is done through the application of the Sequential Test and development should not be permitted if there are reasonably available sites appropriate for the development in areas at lower risk of flooding.

7.53 The NPPG states *"For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. 'Reasonably available sites' are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such*

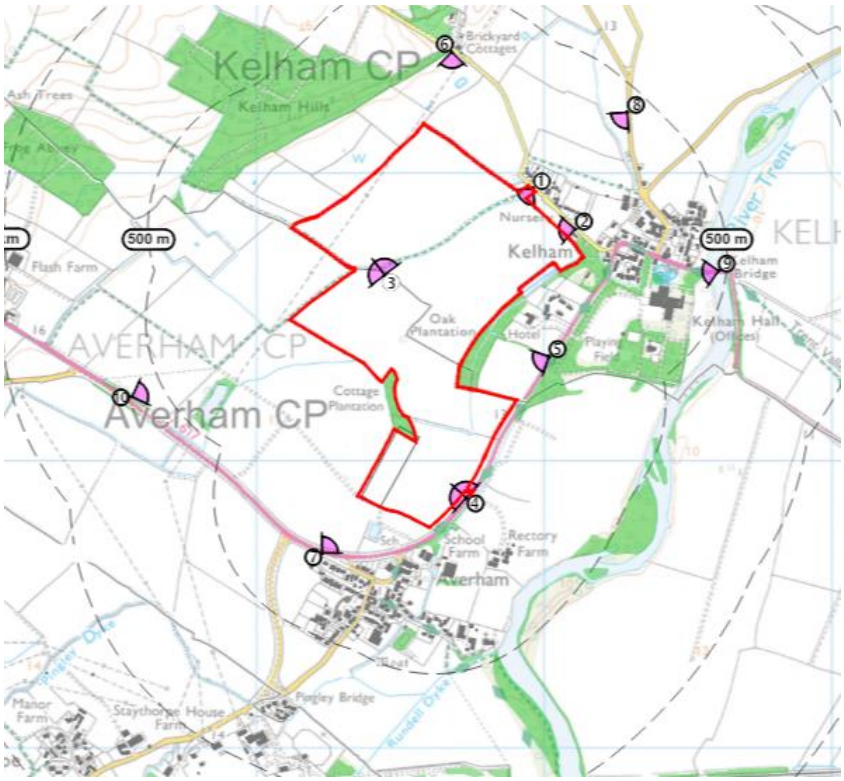
lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'."

7.54 The Planning Statement sets out that in the case for BESS development, it is the proximity of the site to the Staythorpe substation that is considered to define the catchment area as the proximity to such a connection (i.e., as short as possible) is a fundamental site selection criterion this case. Consequently, the Statement confirms a catchment area of 1km (radius) from Staythorpe substation has been applied. It also states that "*the applicant has considered a range of sites in the area, based on site selection and environmental criteria. Noting the extent of flood zones within proximity to the Staythorpe substation, the applicant has sought out a site not with the flood zone and within the catchment area."* This principle was not criticised by the Inspector at the recent Public Inquiry.

7.55 The Fluvial Flood Map below shows there are only limited Flood Zone 1 sites (in white) in close proximity to Staythorpe substation, shaded in black. Those that are outside flood zones tend to be existing residential development, or of a limited size (not capable of accommodating this development) or close to other constraints (e.g. residential areas or heritage assets).



Fluvial Flood Map



7.56 The above Map shows the land included within the pending application 23/01837/FULM, and therefore cannot be considered as 'reasonably available' under the consideration of the Sequential Test.

7.57 The Planning Statement states that *"In assessing alternative sites…it is clear that the proposed development site is the most appropriate location for the development for the following reasons:*

- *The site is of an appropriate size to consider and provide for the proposed development, whilst mitigating its environmental effects.*
- *The site is predominantly located within an area of Flood Zone 1 and the most 'high risk' substation infrastructure can be located within this area. Development of battery storage can be sited and mitigated appropriately and safely as detailed within the submitted Flood Risk Assessment.*
- *The site is located adjacent to the existing Staythorpe Substation and a connection can be made across Staythorpe Road in order to access the Grid Network.*
- *The land comprises Grade 3a and 3b agricultural land, a lower designation than that previously prescribed as Grade ".*
- *Emergency access has been sited to the south of the site onto Staythorpe Road within Flood Zone 1 for use during both construction and operational phases of development meaning that safe means of escape can be achieved on the site."*

7.58 The inclusion of factors that go beyond flood risk matters or that do not directly relate to why other sites at lower flood risk are 'reasonably unavailable' means that the Sequential Test has not be applied correctly in this case.

7.59 However, on the site just to the south of this site, the Inspector in the Public Inquiry considered that for a similar development, where 70% of the development was to be located within Flood Zone 3b (functional flood plain) and the rest within Flood Zone 2 (medium risk), and that for a variety of reasons, other sites around the Staythorpe Substation were not sequentially preferable on flood risk grounds due to: size, access, difficulty of connection to the grid, unavailability and fragmentation by power lines. The appellant presented credible arguments as to why there are practical constraints to combining groups of smaller sites or developing sites fragmented by power lines. On this basis, the Appellant and the Inspector ultimately concluded that the scheme passed the Sequential Test. Many of the sites considered during this process would also be applicable to the application of the Sequential Test at this application site. In particular, this included the white land to the south of the western field of the application site which was ruled out on the basis of the site being fragmented by power lines and the white land between this application site and the application site under 23/01837/FULM which was not available because of a mines and minerals option agreement being placed on the land (as identified on the maps above).

7.60 Giving material weight to the stance taken at the Public Inquiry and in the light that 70 % of the land within the red line boundary of this application site is located within Flood Zone 1 and taking into account that without mitigation 86% of the proposed development would be within Flood Zone 1, resulting in a limited amount of built development being located within Flood Zone 3a, it is considered a reasonable pragmatic approach should be taken in this case and therefore the development is considered to pass the Sequential Test.

Exception Test

7.61 Paragraph 170 of the NPPF states that to pass the Exception Test, it should be demonstrated that:-

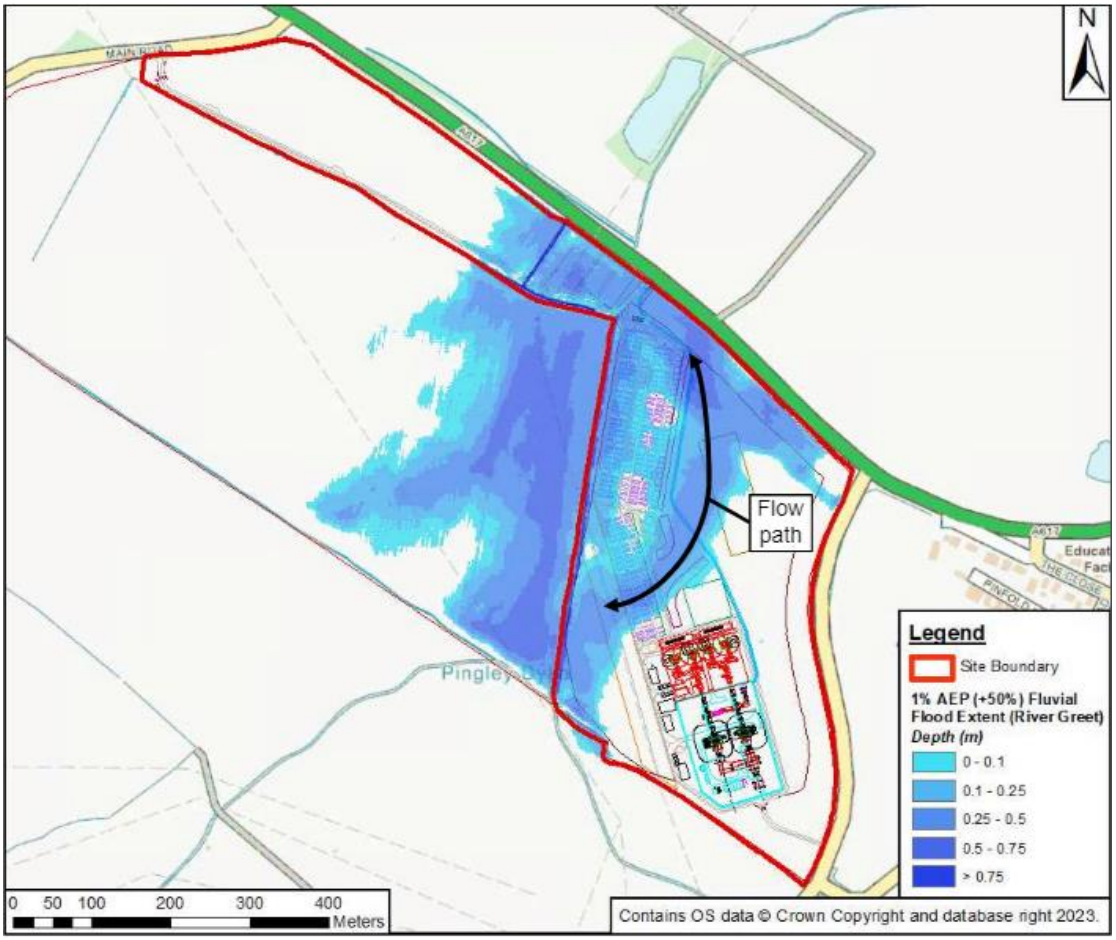
a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and

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.

Both elements of the Exception test should be satisfied for developments to be permitted.

7.62 The Inspector considered at the Public Inquiry that energy storage system development falls within the definition of 'essential infrastructure.' Table 2 of the National Planning Practice Guidance entitled 'Flood Risk Vulnerability and Food Zone 'Incompatibility,' sets out that essential infrastructure within Flood Zone 3a needs to apply the Exception Test and should be designed and constructed to remain operational and safe in times of flood.

7.63 The FRA identifies that the main river flooding on the site comes from the River Greet with flood levels generally consistent at 13.304m AOD across the site. The map below shows the resulting flood depth map for the site assuming the above flood level.



7.64 The proposed sub-station compound is situated out of the flood extent, however, the majority of the battery storage units and associated PCS units are at risk of flooding, as shown on the plan above. To ensure the development remains operational and safe in times of flood, it is proposed to place all battery and PCS units within Flood Zone 3a on concrete plinths to raise them 300mm above modelled flood depths. This also allows flood water beneath the units to limit reduction in floodplain storage. The units would be a maximum of 0.85m above ground level.

7.65 Where new development is proposed within the flood extent, it has the potential to increase flood risk elsewhere. To counteract reduction on floodplain storage the National Planning Practice Guidance mandates the provision of on-site compensatory storage on a level-for-level basis. Contained within Flood Zone 3a (+39% uplift for climate change allowance) are 42 proposed battery units, each raised on seven 0.5m wide concrete plinths and 18 PCS units each raised on three 0.5m wide concrete plinths. In total these will occupy an area of 609m^2. The required volume compensatory storage has been calculated to be 669.9m^3. This is an initial estimate and will be re-calculated once detailed design is complete, but this shows there is space on site to accommodate compensatory storage as necessary. To ensure the compensatory storage for the landscape bunds is provided locally on a level-for-level basis, the bund is to be created using a cut-and-fill solution. The resulting 'cut' excavation will take place adjacent to the location of the proposed bunds and will remain partially unfilled such to provide the required compensatory storage of 615m^3.

7.66 The black arrow represents the direction of river flooding flow travelling across the site. In order to accommodate this, the proposed landscape bunds incorporate a break sufficient in size to maintain the flow path. The need to accommodate this flow also causes an issue for a continuous acoustic barrier for noise mitigation purposes. However, as outlined in the Residential Amenity section below, an amended Noise Impact Assessment has been submitted which demonstrates that by raising the acoustic screen above a box culvert at ground level (see drawing below), would not undermine the protective robustness of the acoustic barrier to any significant extent and would maintain the flow path across the site.

Opening required if located within the flow path

7.67 The fluvial flood maps of the site show that the main access from Main Road is also within Flood Zone 3a and at high risk of fluvial flooding. Whilst not ideal, this is not considered to be fatal to the scheme. It is acknowledged that once operational, the development would be largely operated remotely and as such an emergency plan could be conditioned so risk to personnel would be very low. A similar approach was taken by the Inspector at the Public Inquiry on land to the south.

7.68 The fluvial flood risk to the site is deemed high without the implementation of the mitigation and resilience measures set out above. However, with them it has been demonstrated that the development is safe for its lifetime without increasing flood risk elsewhere and therefore, with the community benefits already acknowledged, the Exception Test is passed.

7.69 The agent has confirmed that the site would only be occupied for maintenance purposes and in normal conditions there would be no operatives on site and an emergency plan would be in operation so risk to personnel would be very low. An operational stage flood incident plan and a detailed surface water management plan can be required by condition. It is noted that the access for emergency vehicles from Staythorpe Road in the south-east corner of the site that would be used by Nottinghamshire Fire and Rescue Service is located wholly within Flood Zone 1.

7.70 To conclude, the scheme passes the Sequential Test and would not cause flooding or worsen flood risk elsewhere in any practical sense. The scheme is essential infrastructure, would be safe for its lifetime, and would provide sustainability benefits to the community in helping to contribute towards the transition towards renewable

energy and the reduction in carbon emissions. None of the relevant consultees, including the Environment Agency, the Lead Local Flood Authority or Trent Valley Drainage Board, object to the proposal. Having regard to all the above, the proposal would accord with Core Policy 9 and 10 of the Amended Core Strategy and Policy DM5 (9) of the Allocations and Development Management DPD and with the guidance within the NPPF and PPG.

Landscape Character and Visual Impacts

7.71 **Landscape Character** (effect on the physical and perceptual characteristics of the landscape and its resulting character and quality).

7.72 Paragraph 180 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.

7.73 Para 180 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.'

7.74 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.

7.75 Policy DM4 states that the landscape character from the individual and cumulative impacts of proposals should be assessed and DM5 states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing or proposals for new development and will be considered against the assessments contained in the Landscape Character Assessment SPD.

7.76 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, the most comparable development to battery storage, consideration should be given to the 'potential to mitigate landscape and visual impacts through, for example, screening with native hedges'.

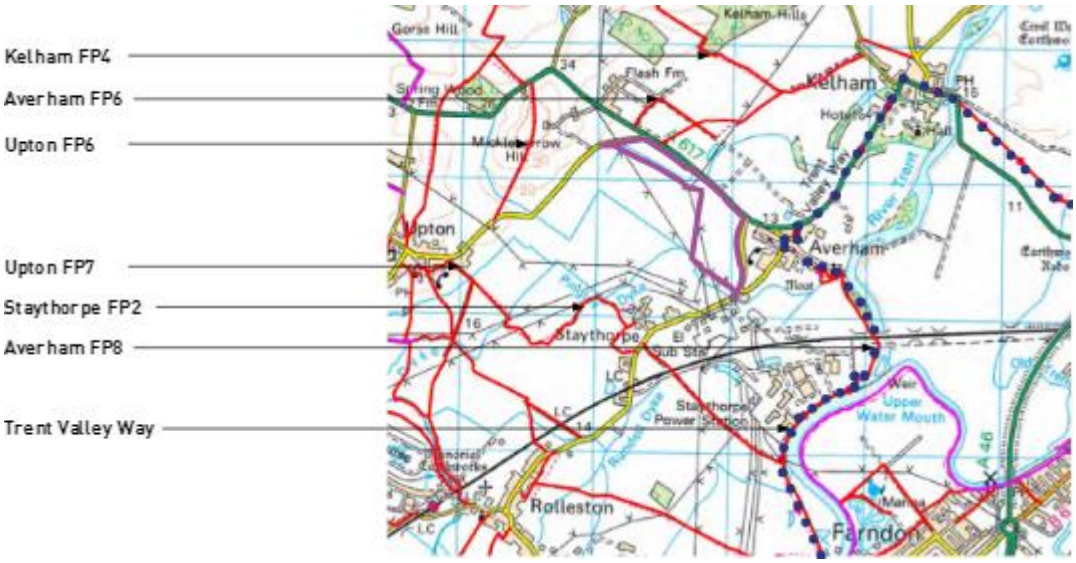
7.77 The application has been supported by a Landscape and Visual Assessment (LVA) together with some photomontages as well as a Landscape and Visual Impact Assessment Addendum (Cumulative). Landscape and visual impacts are provided by three photomontages around the site both in the winter year 1 (the year in which the development is completed) and the summer of year 15. Schematic cross-sections of the site have also been submitted.

7.78 The site is crossed by large-scale pylons with associated overhead powerlines which terminate at the nearby the Staythorpe substation south of the site, on the opposite side of Staythorpe Road and more visible further along Staythorpe Road to the south-west. There are other large pylons and overhead powerlines beyond the site to the south and south-west that cross the open agricultural fields, all heading towards Staythorpe substation. At the south-east corner of the site, when looking in a south-east direction where Staythorpe Road splits into two, it is possible to glimpse the very tops of the chimneys of Staythorpe power station beyond the small group of houses around Hopwas Close. The site is also influenced by the traffic along the 50mph A617 along the northern boundary and to some degree by Staythorpe Road (to the east) and Main Road (to the west).

7.79 The hamlet of Staythorpe is located to the south-west of the site, with Rolleston further along Staythorpe Road in the same direction. The village of Kelham is located over 1km to the south-east of the site and Upton village over 1.5km to the west.

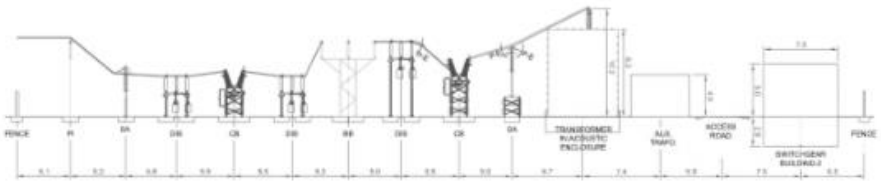
7.80 Field boundaries within and around the site are generally well established, with the exception of the western boundary which is defined by an agricultural ditch, having an open aspect to the adjacent fields.

7.81 The surrounding landscape is generally flat, located within the River Trent valley, with land rising further to the north-west (Micklebarrow Hill). Pingley Dyke passes close to the southern boundary and an agricultural ditch runs along the eastern boundary aligning with Staythorpe Road.

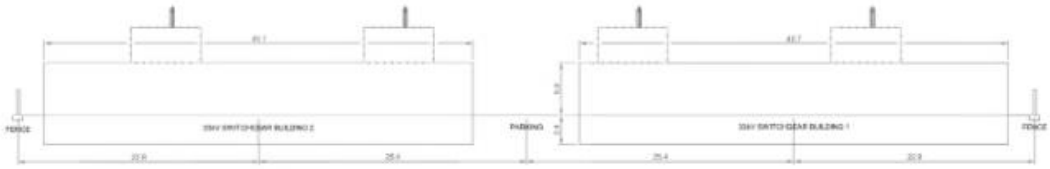


7.82 There are no Public Rights of Way within the site although a number are located in proximity to the site, shown in red lines on the map above. Averham FP6 runs on the north side of the A617 opposite the site. Averham FP7 and FP8 is located 600m to the east (the latter forming part of the Trent Valley Way (shown as a dotted blue line on the map above). There is also, Staythorpe FP2 and FP3 700m to the south-west and Upton FP6 750m east of the boundary with Main Road which runs up Micklebarrow Hill on higher ground.

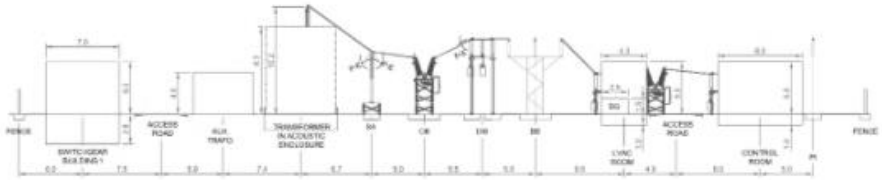
7.83 The highest proposed feature on the site would be the substation which would be a max of 12m high. Below are elevation drawings of some of that infrastructure.



ELEVATION A - A
SOUTH - NORTH



ELEVATION B - B
EAST - WEST

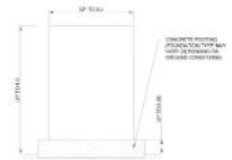


ELEVATION C - C
NORTH - SOUTH

Below are elevations of the battery units and PCS units:

BATTERY UNIT SIDE ELEVATION

BATTERY UNIT FRONT ELEVATION



PCS UNIT SIDE ELEVATION

PCS UNIT FRONT ELEVATION

7.84 The site is not covered by any national, regional or local landscape designations. The site is not of a nature which is rare in the local landscape. It is therefore not considered to be a 'valued landscape' as discussed within the NPPF.

7.85 The submitted LVA has made an assessment using the Guidelines for Landscape and Visual Impact Assessment, 3rd edition (GLVIA3) making judgements on susceptibility

to change and its value. Both the susceptibility and value are described as very high, high, medium, low or very low. These are then combined in order to establish an overall nature or sensitivity which has also been described as very high, high, medium, low or very low.

7.86 The assessment of Landscape Effects deals with the changes to the landscape as a resource. Different combinations of the physical, natural and cultural components (including aesthetic, perceptual and experiential aspects) of the landscape and their special distribution create the distinctive character of landscape in different places.

7.87 Within the submitted Landscape Visual Assessment (LVA) effects are considered in relation to both landscape features and landscape character during construction, at Year 1 and at Year 15 and beyond. Sensitivity is a function of both the susceptibility and value. A summary of landscape effects included within the LVA are set out in the table below.

Landform and Topography

7.88 The landform is generally flat and is not unusual in the locality, being typical of the area and is therefore deemed to have a medium-low value. The landform would be subject to some minor changes in level to accommodate access tracks, hard surfaces areas, gates and fencing, therefore, is deemed to have a medium susceptibility to change. Overall, the sensitivity is judged to be no greater than medium.

7.89 There would be some changes to the landform to accommodate foundations of the battery storage and substation and other structures, including CCTV. Some artificial earth bunds and attenuation features to assist with drainage. The magnitude of change is considered to be medium during construction due to the quantum of earth moving within the site, resulting in a short-term and temporary Moderate level of effect.

7.90 At Year 1 and Year 15, all proposals would be in place with earth bunds and attenuation features either seeded or planted. Therefore, the magnitude of change is considered to be low at Year 1 and Year 15, which would result in a Minor adverse level of effect.

Water Features and Drainage

7.91 The drainage ditches surrounding the site are typical of the local area and have limited landscape value, deemed to have a low value. Due to existing crossings over the ditches, the susceptibility to change of these features is deemed to be low. Overall, it is considered to have a low sensitivity to the type of development proposed. All drainage would be retained and respected as part of the proposed development with access tracks utilising existing culverts across them. The proposed development would have no direct or indirect effects of the River Trent or Pingley Dyke. New attenuation features would be created within the site, which would receive appropriate landscape treatment and would be managed to maximise their wildlife value, offering some benefits. Levels of effect would be Neutral during construction. At Year 1 and Year 15, a very low beneficial magnitude of change is predicted, resulting in a Minor level of effect.

Land Use, Buildings and Infrastructure

7.92 Although the site is greenfield, being typical of the nearby agricultural landscape, it is influenced by the nearby A-road, electricity infrastructure, Staythorpe power station and residential development, including the pylons and associated overhead power lines over the site and therefore has limited scenic qualities. The site is not publicly accessible and therefore has no recreational value in the local area and is deemed to have a medium to low value. However, the extents of the proposed development do cover a large proportion of the site leading to a change in land use. Therefore, its susceptibility to change is deemed to be high. On balance it is deemed to have a medium sensitivity to the proposed development.

7.93 The proposals would represent a change to the current land use from predominantly agricultural fields to an operational battery storage facility with substation and associated infrastructure. However much of the peripheral areas would be planted with native species, therefore, the perception of the primary land use would be reduced. The magnitude of change is assessed as medium to high upon the site itself, resulting in a Moderate adverse level of effect during all periods.

Vegetation

7.94 The vegetation pattern within the site is similar to the surrounding agricultural landscape. Although the site features some trees and hedgerows along its boundaries, these are of limited value and are absent along western edges. Therefore, the vegetation on site is considered to have no greater than a medium to low value. As the proposed development respects the location of existing vegetation with the ability to be managed and enhanced, a low susceptibility of change is assigned. Vegetation is deemed to have a low sensitivity to the proposed development.

7.95 During construction, trees and hedgerows within and surrounding site would be protected. There would be some limited loss of existing hedgerows as a result of the proposed development in order to incorporate the proposed access tracks, however, elsewhere access point utilise existing tracks and breaks in vegetation. The proposed development is therefore predicted to have a very low magnitude of change during construction, resulting in a Minor adverse level of effect.

7.96 At Year 1, all proposed mitigation planting would be in place, with extensive woodland planting around the perimeter of the site, including some mature stock providing instant height and stature. As a result, a low beneficial magnitude of change would occur at Year 1 resulting in a Minor level of effect. With the benefit of maturing planting, the proposed vegetation would integrate the development within its surroundings resulting in further localised benefits within the site. At Year 15, a medium to low beneficial magnitude of change is predicted, which due to its low sensitivity would result in a long-term Minor beneficial effect level of effect.

Receptor	Value	Susceptibility	Sensitivity	Development Phase	Magnitude of change	Level of Effect
Landscape Features						
Landform and topography	Medium to Low	Medium	Medium	Construction	Medium	Moderate adverse
				Year 1	Low	Minor adverse
				Year 15	Low	Minor adverse
Water features and drainage	Low	Low	Low	Construction	Very Low	Neutral
				Year 1	Very Low	Minor benefit
				Year 15	Very Low	Minor benefit
Land use, buildings and infrastructure	Medium to Low	High	Medium	Construction	Medium to High	Moderate adverse
				Year 1	Medium to High	Moderate adverse
				Year 15	Medium to High	Moderate adverse
Vegetation	Medium to Low	Low	Low	Construction	Very Low	Minor adverse
				Year 1	Low	Minor benefit
				Year 15	Medium to Low	Minor benefit
Landscape Character						
TW PZ 11	--	--	Medium	Construction	Medium to Low	Moderate to Minor adverse
				Year 1	Low	Minor adverse
				Year 15	Low	Minor adverse
The site itself	Low	High	Medium	Construction	Medium to High	Moderate adverse
				Year 1	Medium to High	Moderate adverse
				Year 15	Medium to Low	Moderate to Minor adverse

7.97 The proposed site is located in Natural England's 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. The proposed development is not considered to have the potential to result in any perceptible effects on landscape character at this national scale and to remain proportionate to the small scale of the site relative to the National Character Area.

7.98 The site is located within the Trent Washlands Regional Character Area in the Newark and Sherwood Landscape Character Assessment SPD (2013). The majority of the site falls within the 'Cromwell, North and South Muskham Kelham, Averham, Staythorpe and Rolleston Village Farmlands' (TW PZ 11) character area although the very westernmost end of the western field falls within the 'Manor Farm River Meadowlands' (TW PZ 13). The landscape generally within the main zone is

predominantly flat, large scale intensive arable landscape, medium to large-sized semi-regular fields with hedgerows intact but fragmented in places, landscape fragmented by busy roads and railway and winding roads between villages within strong hedgerows. The landscape condition is described as moderate, with a moderate sense of place and a moderate degree of visibility, leading to a moderate landscape sensitivity. The policy action for the zone is to 'Conserve and Create' with landscape actions to include:-

Landscape features:-

- Conserve and restore the traditional pattern of hedged fields- seek opportunities to restore historic field pattern;
- Seek opportunities to restore arable land to permanent pasture/wet alluvial grassland close to the River Trent;
- Promote measures for strengthening the existing level of tree cover;
- Conserve historic field pattern by containing new development within historic enclosed boundaries, restoring hedgerow boundaries where necessary;
- Strengthen the continuity and ecological diversity of stream corridors;
- Conserve the historic woodland and parkland setting around Kelham Hall;

Built features:-

- Conserve 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 sites within the landscape including Scheduled Monuments and associated earthworks;
- 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.

7.99 In order to mitigate against landscape and visual impacts, the landscape proposals take account of the identified areas of sensitivity by providing additional planting where required. Care has been taken to retain existing trees and hedgerows where possible, to retain the character of the local area, to maintain existing visual buffers and to maintain biodiversity value. The proposal would result in some loss of existing hedgerow along the field boundary adjacent to Main Road to the north-west in order to accommodate the proposed access road and visibility splay.

7.100 Landscape mitigation proposals include the following:

- Retention, protection and enhancement of the existing networks of trees and hedgerows along field boundaries and temporary protective fencing during construction;
- provision of new native woodland planting with some evergreen species along the northern, eastern, south-eastern and south-western boundaries, to supplement existing field boundary vegetation and provide visual enclosure. Planting to include a mix of semi-mature planting along with other sizes of planting;

- Creation of a new tree lined hedgerow along the parts of the western boundary, with tree planting avoiding the overhead powerline offsets;
- Existing hedgerow planting along the southern boundary to be supplemented by new native planting to provide additional visual enclosure;
- proposed earth bunds to the east of the development to be planted with new native planting;
- all existing and proposed native hedgerows managed to a height of 3m or above to enhance visual enclosure;
- creation of an attenuation pond seeded with appropriate species rich grassland tolerant of seasonally wet conditions; and
- ongoing landscape management of planting during the lifetime of the proposed development.

The table above identifies by Year 15 minor benefits to water features and drainage and minor benefits to vegetation, however, there are minor adverse impacts to landform and topography and moderate adverse impacts to land use, buildings and infrastructure.

Effects on TW PZ 11

7.101 The site is similar in some aspects to the policy zone being a flat, large-sized irregular arable field with boundary hedgerow fragmented in places and in proximity to a busy road. The Landscape Character Assessment SPD defines this policy zone as having a moderate sensitivity, which is the equivalent of a medium sensitivity within this assessment.

7.102 Due to the scale of the proposed development within the character area, the proposals would introduce a man-made feature into an agricultural landscape, albeit one that is already influenced by existing electrical infrastructure within the site and by road, rail and energy infrastructure, as well as residential development in proximity to the site. The proposed development would change the physical and perceptual attributes of the site and immediate surrounding landscape however would retain and enhance existing features, with the proposed landscape mitigation strengthening the level of tree cover, a specific landscape action for this landscape policy zone. Bearing in mind the size and scale of this landscape policy area, it is predicted that the proposed development would give rise to a medium to low magnitude of change upon the wider character area during construction which would result in a Moderate to Minor adverse level of effect.

7.103 The existing landscape features within the site would be retained and protected with the proposed development introducing extensive areas of tree and woodland planting around the periphery of the development providing longer term enclosure. However, the proposals would introduce a man-made minor alteration to the physical and perceptual attributes of the character area. However, a low magnitude of change is predicted upon the wider character area at Year 1 and Year 15 resulting in a Minor adverse level of effect.

7.104 The sensitivity of the site itself and immediate surroundings is similar to the landscape policy zone with the susceptibility to change of the site and immediate surroundings

is judged to be high, however with a low value. Therefore, on balance, the overall sensitivity is assessed as medium, which matches the SPD.

7.105 The landscape character of the site and surroundings has the potential to be influenced by the proposed development. The proposed development would introduce a new man-made feature into the landscape which would incorporate most of the site area, therefore adversely alter the physical and perceptual attributes of the site. It is acknowledged however that the layout would allow retention of all valuable features within and surrounding the site and reinforced with extensive areas of tree and woodland planting around peripheral areas of the site. The influence upon the surroundings would be limited by the flat nature of the landscape, by the network of surrounding vegetation and by nearby built form including nearby substation and power station. That magnitude of change to the site and surroundings is assessed as medium to high, which when combined with its medium sensitivity would result in a Moderate level of effect upon the landscape character of the site during construction and at Year 1. With the introduction of extensive areas of tree and woodland planting around peripheral areas of the site, including areas of mature plant stock, there would be some improvements to the physical and perceptual attributes of the site in the longer term, a medium to low magnitude of change would occur at Year 15, resulting in a Moderate to Minor level of effect.

Landscape Masterplan

7.106 **Visual Impact** (effects on specific views experienced by visual receptors and on visual amenity more generally)

7.107 The aim is to establish the area in which the development maybe visible, the different groups of people who may experience views of the development and places where they will be affected, and the nature of the views and visual amenity (meaning the overall quality and pleasantness to a view).

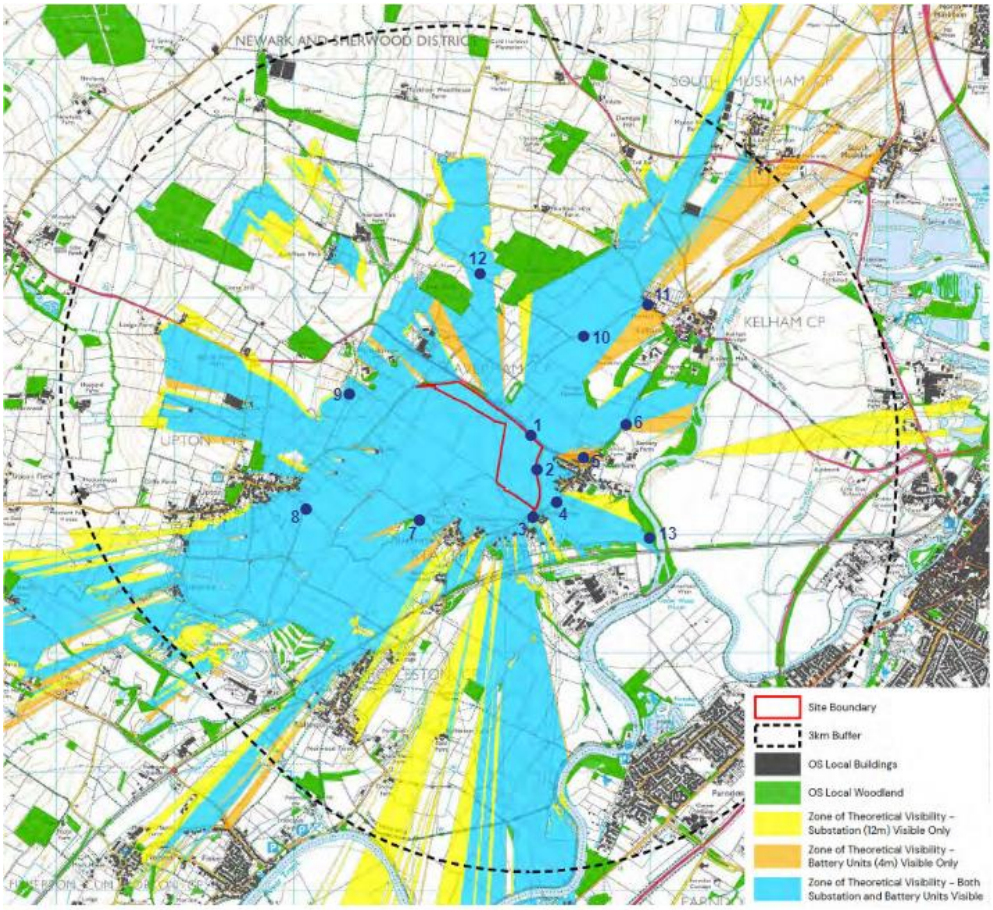
7.108 A Screened Zone of Theoretical Visibility (SZTV) is shown below and identifies the potential locations from which the development may be visible. Existing built development (8m tall) and larger blocks of woodland (15m tall) has been modelled to take account of the screening effect that these would provide. However, the screening effect provided by smaller blocks of woodland and hedgerows and trees, particularly those surrounding the site, have not been taken into account and consequently the actual extent of the area from which the proposed development is visible is likely to be smaller in reality than depicted. The SZTV has been run at two main heights - 12m for the substation located at the south of the site which represents the highest part of

any structure within the application site and 4m for the battery storage units to the north of the site, which provides scope for the units to be raised to avoid flooding issues as well as taking account of fence heights. The theoretical visibilities then divided into three main categories which include:

- theoretical visibility of the substation only (yellow)

- theoretical visibility of the battery storage units only (orange) and

- theoretical visibility of both the substation and the battery storage units (blue).



7.109 Residential receptors, users of the public rights of way (PROW) network including the Trent Valley Way and visitors to the parkland surrounding Kelham Hall are considered to have a high visual sensitivity to the change proposed. In all cases they were considered to have a high susceptibility to changes in their views and that these views were of a high value. Users of local roads, where the view is not the focus of the activity are considered to have medium sensitivity which is a combination of medium susceptibility and medium value associated with the views from these routes. People using the A617 are considered to have low sensitivity reflecting the low susceptibility and value associated with the views from these routes.

Residential Receptors

7.110 Despite the proximity to the site, there is no visibility from residential properties to the east of Staythorpe Road within Averham, due to intervening properties and their associated surrounding vegetation and fencing obscuring direct views. Therefore, these properties have not been considered any further in their LVA.

7.111 White Cottage located off Staythorpe Road to the south of the site, directly adjacent to Staythorpe substation, despite the SZTV showing theoretical visibility, the property is surrounded by mature vegetation, preventing outward views. Visual effects are likely to fall below the level of effect required to register even a minor adverse level of effect, therefore it has not been considered further in the applicant's assessment.

7.112 Although theoretical visibility covered parts of Rolleston and surrounding farmsteads, due to the distance from the site and intervening buildings and areas of vegetation, again visual effects are likely to fall below the level of effect required to register even a minor adverse level of effect and therefore these properties have not been considered further in the applicant's assessment.

7.113 Again, effects are considered during construction, Year 1 and Year 15 and beyond. A summary of visual effects is included below, on particular residential receptors that have been identified a being main affected properties. Recreational Receptors on Public Rights of Way and Kelham Hall parkland have been identified and assessed as well as Road Users (Staythorpe Road, A617 and Main Road).

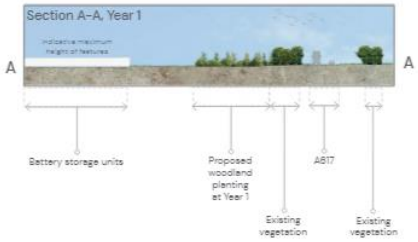
7.114 The NPPF highlights the important of public rights of way and access, as the effect of a development on a right of way is a material planning consideration. Public Rights of Way (PRoW), although the minor highway element of the public highway network, is afforded the same level of protection and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

Receptor	Sensitivity	Development Phase	Magnitude of change[x]	Level of Effect[x]
Residential receptors				
Averham				
Pinfold Cottage, Averham	High	Construction	Medium to High	Moderate to Major adverse
		Year 1	Medium to High	Moderate to Major adverse
		Year 15	Medium to Low	Moderate to Minor adverse
Properties along Pinfold Lane, Averham	High	Construction	Medium to High	Moderate to Major adverse
		Year 1	Medium to High	Moderate to Major adverse
		Year 15	Medium to Low	Moderate to Minor adverse
Properties along The Close, Averham	High	Construction	Medium to Low	Moderate to Minor adverse
		Year 1	Medium to Low	Moderate to Minor adverse
		Year 15	Low	Minor adverse
Properties west of Staythorpe Road, Averham	High	Construction	Medium to High	Moderate to Major adverse
		Year 1	Medium to High	Moderate to Major adverse
		Year 15	Medium to Low	Moderate to Minor adverse
Properties off Hopwass Close	High	Construction	Medium to Low	Moderate to Minor adverse
		Year 1	Medium to Low	Moderate to Minor adverse
		Year 15	Low	Minor adverse
Staythorpe				
Staythorpe House Cottage	High	Construction	Medium to High	Moderate to Major adverse
		Year 1	Medium to High	Moderate to Major adverse
		Year 15	Medium to Low	Moderate to Minor adverse
Staythorpe House Farm	High	Construction	Medium to Low	Moderate to Minor adverse
		Year 1	Medium to Low	Moderate to Minor adverse
		Year 15	Low	Minor adverse
Properties within Staythorpe	High	Construction	Medium	Moderate adverse
		Year 1	Medium	Moderate adverse
		Year 15	Medium to Low	Moderate to Minor adverse
Other properties within the surrounding area				
Flash Farm	High	Construction	Low	Minor adverse
		Year 1	Low	Minor adverse
		Year 15	Low	Minor adverse

Receptor	Sensitivity	Development Phase	Magnitude of change[x]	Level of Effect[x]
Properties on Mickleberrow Hill	High	Construction	Low	Minor adverse
		Year 1	Low	Minor adverse
		Year 15	Low	Minor adverse
North-eastern edge of Upton	High	Construction	Medium to Low	Moderate to Minor adverse
		Year 1	Medium to Low	Moderate to Minor adverse
		Year 15	Low	Minor adverse
Behay Gardens	High	Construction	Low	Minor adverse
		Year 1	Low	Minor adverse
		Year 15	Low	Minor adverse
Properties along Broadgate Lane, Kelham	High	Construction	Medium to Low	Moderate to Minor adverse
		Year 1	Medium to Low	Moderate to Minor adverse
		Year 15	Low	Minor adverse
Brickyard Cottages, Broadgate Lane	High	Construction	Low	Minor adverse
		Year 1	Low	Minor adverse
		Year 15	Low	Minor adverse
Properties at Averham Park	High	Construction	Low	Minor adverse
		Year 1	Low	Minor adverse
		Year 15	Low	Minor adverse
Recreational receptors				
Trent Valley Way (to the north-east)	High	Construction	Medium	Moderate adverse
		Year 1	Medium	Moderate adverse
		Year 15	Low	Minor adverse
Trent Valley Way (to the south-east)	High	Construction	Low	Minor adverse
		Year 1	Low	Minor adverse
		Year 15	Low	Minor adverse
PROW Kelham FP4	High	Construction	Medium to Low	Moderate to Minor adverse
		Year 1	Medium to Low	Moderate to Minor adverse
		Year 15	Medium to Low	Moderate to Minor adverse
PROW Averham FP6	High	Construction	Medium to Low	Moderate to Minor adverse
		Year 1	Medium to Low	Moderate to Minor adverse
		Year 15	Low	Minor adverse
PROW Averham FP8	High	Construction	Low	Minor adverse
		Year 1	Low	Minor adverse
		Year 15	Low	Minor adverse

Receptor	Sensitivity	Development Phase	Magnitude of change*	Level of Effect*
PROW Staythorpe FP2	High	Construction	Medium to Low	Moderate to Minor adverse
		Year 1	Medium to Low	Moderate to Minor adverse
		Year 15	Low	Minor adverse
PROW Upton FP7	High	Construction	Medium to Low	Moderate to Minor adverse
		Year 1	Medium to Low	Moderate to Minor adverse
		Year 15	Low	Minor adverse
PROW Upton FP6	High	Construction	Medium to High	Moderate to Major adverse
		Year 1	Medium to High	Moderate to Major adverse
		Year 15	Medium	Moderate adverse
Kelham Hall Parkland	High	All periods	Very Low	Minor adverse
Road Users				
Staythorpe Road	Medium	Construction	High	Moderate adverse
		Year 1	High	Moderate adverse
		Year 15	Medium to Low	Moderate to Minor adverse
Staythorpe Road (through Averham)	Medium	Construction	Medium to High	Moderate adverse
		Year 1	Medium to High	Moderate adverse
		Year 15	Medium to Low	Moderate to Minor adverse
A617	Low	Construction	High	Moderate to Minor adverse
		Year 1	High	Moderate to Minor adverse
		Year 15	Medium to Low	Minor adverse
Main Road/Main Street (between A617 & Upton)	Medium	Construction	Medium	Moderate adverse
		Year 1	Medium	Moderate adverse
		Year 15	Low	Minor adverse

7.115 There are some residential properties in Averham and Staythorpe that during Construction and Year 1 the visual effect is moderate to major adverse. By Year 15 the effect is moderate to minor adverse effect, which means the harm is not totally removed. The general pattern seems to be that whilst there are mostly Moderate impacts during construction and Year 1, by the time the development reaches Year 15, it is stated that all mitigation planting would be successfully doing its job and the visual harm consequently reduces. This is apart from Upton FP6, where the initially at construction and Year 1 it is defined as Moderate to Major adverse, at Year 15 it is assessed to be Moderate adverse due to its elevated position on Micklebarrow Hill. Below are three cross sections across the site showing the predicted Year 1 and Year 15 scenarios.



Landscape Boundary Sections, Year 1
Staythorpe Battery Storage Ltd.

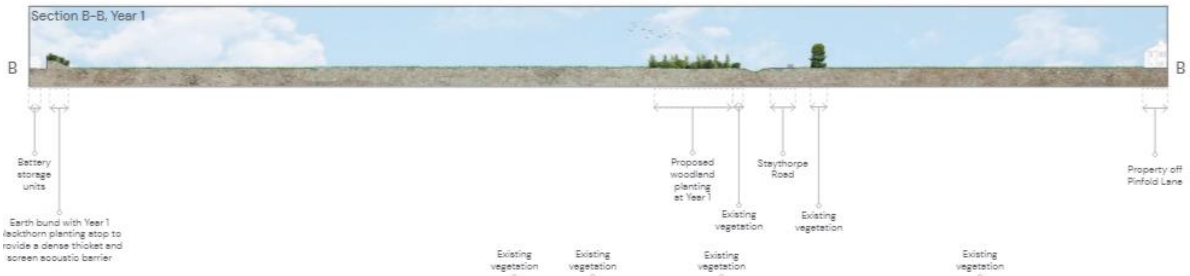
Client: SSE Staythorpe Battery Ltd
DWG No: P22-1211-EN-0002 Sheet 1
Drawn by: VR Approved by: HS/DT
Date: 14/02/23 Rev: A
Scale: 1:1,000 @ A3

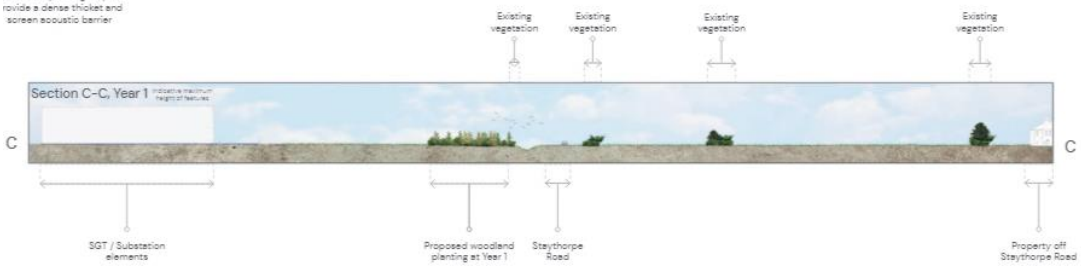
PEGASUS GROUP

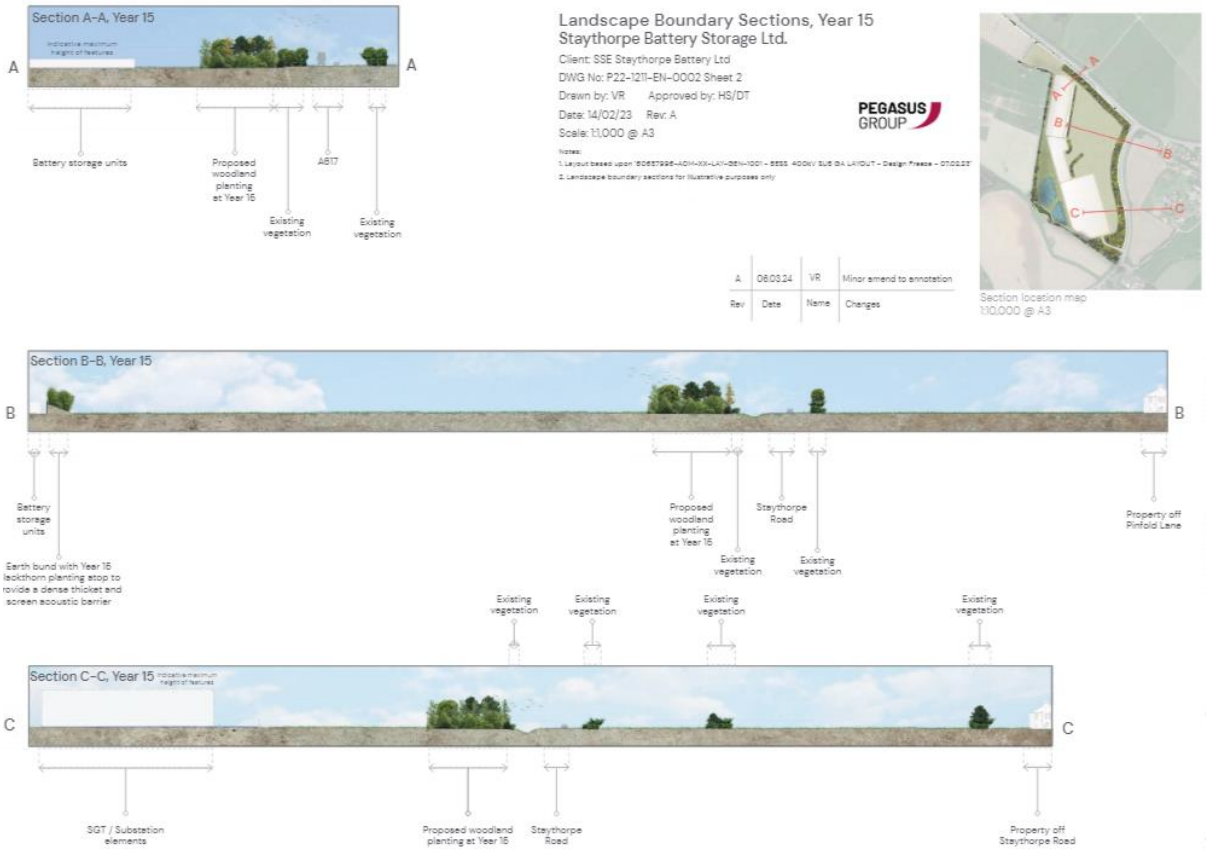
Notes:
1. Layout based upon "60657996-ACM-XX-LAY-DEN-1001 - SSES 400kV SUB GA LAYOUT - Design Freeze - 07.02.23"
2. Landscape boundary sections for illustrative purposes only

Rev	Date	Name	Changes
A	06.03.24	VR	Minor amend to annotation

Section location map
1:10,000 @ A3







7.116 To conclude in terms of the impact on landscape character, the relevant table above recognises that there are a range of impacts at Year 15, ranging from minor benefits

to moderate adverse. Although the proposed development would introduce extensive areas of tree and woodland planting around the periphery of the development providing longer term enclosure, the proposals would form a man-made alteration to the physical and perceptual attributes of the character area. Therefore, a Minor adverse level of effect would occur in the longer term, which weighs against the proposal and is discussed in the planning balance at the end of this report.

7.117 The site's landscape quality is not especially high and is already influenced by existing power infrastructure. The Landscape and Visual Assessment states in term of landscape character, the harm ranges from Minor adverse effect (to landscape character) to Moderate adverse level of effect (upon land use in the longer term). The Assessment also identifies benefits through the introduction of new woodland and hedgerow planting around the site as well as local watercourse through the creation of new attenuation features. Limited adverse effect was found to local landform and topography.

7.118 In visual impact terms, the proposed layout has sought to retain and augment existing field boundary vegetation and would introduce new trees, hedgerow and woodland around peripheral areas of the site in order to minimise harmful visual effects. Due to the generally flat nature of the surrounding landscape network of surrounding vegetation and woodlands, the visibility of the proposed development is limited in nature, the exception being the locally elevated land to the northwest.

7.119 Some inevitable adverse effects would occur to residential properties along the western edge of Averham, the northern edge of Staythorpe, the Trent Valley Way (where it follows A617) and to adjacent roads including the A617 and Staythorpe Road, especially in the short term. However, with the benefit of trees and woodland around the periphery of the site, most views of the proposed development would be filtered in the longer term.

7.120 Due to the elevated nature of Upton FP6, the proposed development would be notable feature within the landscape, albeit seen in context of the numerous electricity pylons across the landscape as well as other features such as Staythorpe power station and substation. With the benefit of new planting along site boundaries particularly along the western edges, some direct views would be filtered towards the proposed development however a Moderate level of effect would occur in the longer term which represents a negative in the planning balance.

The submitted LVA concludes "From a landscape and visual perspective, 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 and the proposed mitigation planting around the periphery of the site. Overall, and despite the extent of the proposed development, the total extent of the landscape and visual effects would be localised and limited in nature."

Notwithstanding, this conclusion, Officers conclude overall, that there would be an average moderate-minor adverse impact on landscape character and an overall average minor effect on visual impact that weighs against the proposal in the overall

balance below.

Impact on Ecology, Biodiversity and Trees

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

7.122 Paragraph 180 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by:

a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);….
d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

7.123 Paragraph 186 of the Framework states that when determining planning applications, local planning authorities should apply the following principles:

a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

7.124 The following documents have been submitted with the application in this regard:

- Preliminary Ecological Appraisal (and sensitive version) BG22.267 Rev 1 by Brindle and Green Feb 2023
- Ecological Impact Assessment Rev2 by Brindle and Green Sept 2023 (EcIA)
- Addendum to Ecological Impact Assessment by Wright Environment Ltd dated May 2024
- Biodiversity Net Gain Assessment Letter (Doc Ref: 201977 dated 1 December 2023)
- Biodiversity Metric 4.0 Calculation Tool by Wright Environment Ltd

7.125 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).

7.126 The nearest Site of Special Scientific Interest (SSSI) is located approx. 5 kilometres to the north-west of the site (Mather Wood).

Survey Results and Mitigation

7.127 The PEA identified the site as three fields (two arable and one smaller unmanaged

field of improved grassland in the centre of the site). It recognises that the hedgerows around the site are "likely to qualify" as "Important" hedgerows under the Hedgerow Regulations, and lists the species found within the hedgerows. It identifies that only 3 of the 8 hedgerows could possibly be "Important" due to the presence and number of different "woody species." These are H1 (eastern half along A617), H2 (along Staythorpe Road) and H5 (along southern boundary of small central field), as shown on the plan below. However, in order to create the proposed access from Main Road a 114m section of hedgerow needs to be removed to create the required visibility splay and the hedgerow to the west of the proposed access is not included within the PEA. Therefore, there was no information submitted to confirm whether this particular part of hedgerow is "Important" or not under the Hedgerow Regulations 1997. A matter identified by the Council's Tree and Landscape Officer. It was therefore requested that a survey be undertaken to clarify this factor. This has been undertaken and the agent has confirmed that the surveyor found the hedgerow to be removed was predominantly hawthorn with some blackthorn, mixed with ivy and brambles. This demonstrates that because of the lack of "woody species" this hedgerow does not fall under the definition of "Important." However, in any event, rather than loose the ecological value of this hedgerow altogether, the applicant has confirmed that this hedgerow would be translocated, rather than replaced altogether with new hedgerow. This matter is discussed further in the Trees section of the report below. The PEA acknowledges that the site provides habitats suitable for supporting breeding and wintering birds, reptiles, badgers, water vole and otter as well as considering the usual impacts associated with other species of principle importance listed under Section 41 of The Natural Environment and Rural Communities (NERC) Act 2006.

7.128 Further protected species surveys carried out during the active season of 2023 did not record presence of otter or water vole within the zone of influence (within 500m) of the application site. However, constraints were recorded for breeding birds, reptiles and badger. Despite these identified constraints the EcIA states that subject to appropriate mitigation, the scheme is not considered to negatively impact these species groups.

7.129 Three skylark territories were identified within the site. Two of these will be lost to facilitate the scheme. The EcIA identifies how two of the three recorded skylark territories will be lost and a third one will be retained. The inclusion of the existing cropland within the red line site, means that there is no need for the proposed two skylark plots to be in sub-optimal locations as set out in para 6.2.9 of the EcIA, as the retained cropland would provide a more suitable location. From the report, the locations of these retained and proposed territories are not clear, but it is understood that created territories will be located in the narrow field forming the northwest part of the site, and the retained territory will be in the area of 'retained grassland' located to the east of the battery storage area and sub-station, as shown on the Illustrative Landscape Masterplan. The report indicates that this mitigation would reduce the

residual impact arising from the scheme to Neutral (not significant).

7.130 A low population of grass snake was identified associated with the grassland margins to the western boundary of the site. Mitigation is proposed through a Reptile Mitigation Strategy, detailing Reasonable Avoidance Measures (RAMs) that must be adhered to by all site personnel during clearance and construction activities. This will reduce the residual impact on this species arising from the scheme to Neutral (not significant).

7.131 There is evidence of impact to badgers which, with appropriate mitigation would cause a negative (Not Significant) impact. This mitigation would include prior to works commencing on site, a Site Specific Method Statement to be submitted and approved which will outline the mitigation requirements, works schedule and Reasonable Avoidance Measures (RAMs) to be followed during construction to safeguard badgers both during construction phase and site operation.

7.132 The Council's Biodiversity and Ecology Lead Officer (BELO) considers that the Preliminary Ecological Appraisal has been undertaken in accordance with best practice guidelines and reported accordingly, which recommended that additional ecological surveys be carried out. These have been undertaken and reported via the Ecological Impact Assessment (EcIA), in accordance with best practice, except for the way the BNG was initially undertaken.

7.133 The EcIA has identified a range of measures required to mitigate the potential impacts of the proposal on a range of notable habitats and species. The Council's BELO confirms that overall, these are proportionate and acceptable. Provided the above mitigations are secured by condition, it is therefore concluded that the development would not result in any significant impact on Biodiversity and protected species.

Biodiversity Net Gain

7.134 In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. However, this application was validated prior to February 2024 and is therefore exempt from mandatory BNG but as set out below, in any event, the applicant has chosen to provide BNG for habitats and hedgerows above the 10% minimum requirement and which can be secured, maintained and monitored through a S106 obligation.

7.135 The Biodiversity Metric 4.0 Calculation tool submitted, demonstrates that the proposal would provide an on-site net gain change of 15.96 units (28%) of habitat, 9.22 units (40.9%) of hedgerow but no watercourse units.

7.136 The Council's Biodiversity and Ecology Lead Officer requested a second BNG calculation be submitted to include the c.6.5ha of agricultural land within the red line application site. The initial iteration included the creation of arable field margins using

a game bird mix, however this has now been removed from the current calculation. The initial calculation involved the creation of areas of mixed scrub, now the proposal is for a single species of 'blackthorn scrub' to be planted. The initial calculation involved the inclusion of 'modified grassland' in 'good' condition within the suite of proposed habitats. The current calculation has no 'modified grassland' but higher value 'other neutral grassland.' This would be delivered in two forms:

- 3.81ha, created with a target 'moderate' condition; and
- 0.72ha, with a target of 'good' condition by enhancing existing 'modified grassland' in 'good' condition.

7.137 The latter would be delayed for 5 years as the area would be used as a temporary construction compound. It is considered this is unrealistic as use of this area for this period of time will likely destroy the existing habitat and may need temporary loose-fill surfacing. Consequently, this 0.72ha should represent a loss, with a subsequent 5-year delay before creating 'other neutral grassland,' according to the Council's Biodiversity Officer. In addition, they do not consider creation of this habitat type in 'good' condition to be realistic without the need for significant effort to reduce nutrient levels given the long term existing use of the land for agriculture – 'moderate' condition would be more realistic. If this 0.72ha were changed to be more realistic, the calculated net gain for the area Habitats would be reduced from 28.09% to 23.86%.

7.138 The Biodiversity Officer considers it important that any proposals relating to a BNG calculation must be realistic and deliverable and it is evident that irrespective of a satisfactory resolution of these issues, the proposal will be able to deliver an acceptable level of net gain that would meet the requirements of the NPPF and CP12. This is welcomed given that this application is not bound by the provision of mandatory BNG given that it was submitted before the legislation came into force. However, it is still expected that all matters must be resolved as part of the process of approval of a Biodiversity Management Plan, which must be secured through a planning condition and this Plan would have to be supported by a final BNG calculation and plans reflecting the proposals within the scheme. The Biodiversity Management Plan condition would also need to reflect the more appropriate location for the proposed two skylark plots, to be acceptable. Furthermore, the applicant would need to enter into a S106 Agreement requiring the retention, long term maintenance and monitoring of Biodiversity Net Gain, landscape and ecological mitigation measures. The monitoring fee will be £3,420 to cover the Council's costs over a 30 year period.

Trees

7.139 Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The following documents have been submitted in this regard:-

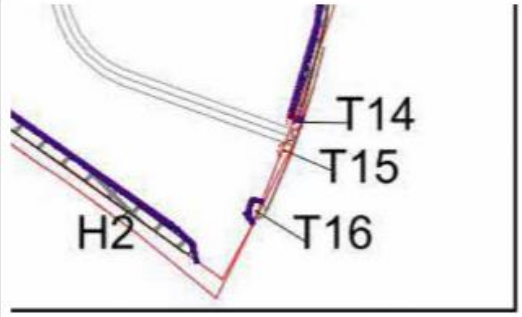
- Arboricultural Impact Assessment Rev2 by Brindle and Green

- Arboricultural Impact Assessment Report Addendum: Landscape Note by Pegasus dated 21.05.2024
- Staythorpe P22-1211 Indicative Measurements Based on Landscape Masterplan Rev E dated 23 May 2024
- Landscape Note from agent dated 21.05.2024

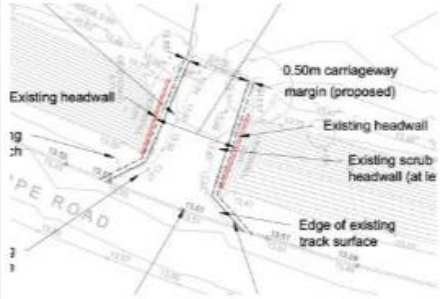
7.140 The existing hedgerows on the road sides would be maintained at a height of 3m.

7.141 The Arboricultural Impact Assessment Survey (Feb 2023) set out the following removals would be required to facilitate the development:-

- Removal of Trees T14 and T15 in order to provide the necessary access improvements at Staythorpe Road. One is a young field maple and the other a young horse chestnut. They have both been identified as Category C trees within the Arboricultural Report. The Staythorpe Road access is already a field access and so would not require the removal of any of the hedgerow identified as having a potential to be "Important" in relation to the Hedgerow Regulations.



Extract of Brindle & Green Tree Protection Plan

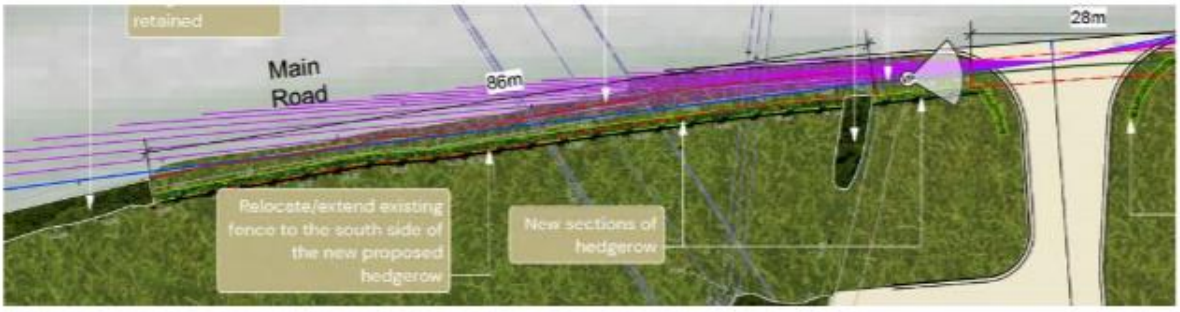


Extract of Pegasus Group Road Access Geometric Parameters TR-SK05 C

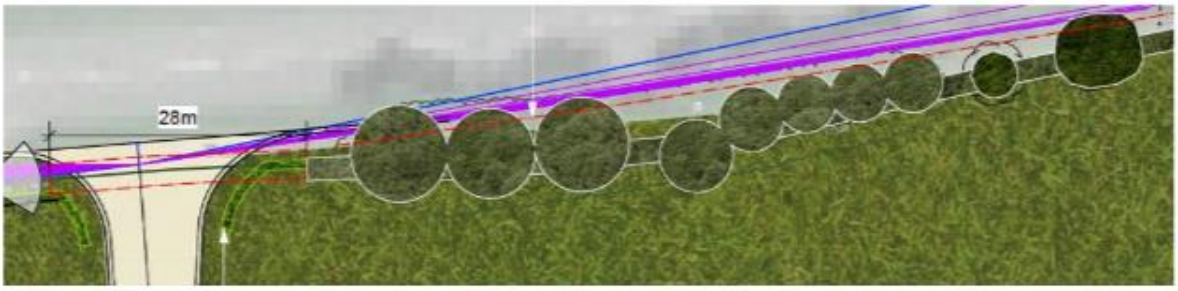
- Hedgerow 1 – remove a section (approx. 5m) to allow upgrading works to the A617. This proposed access has been removed through negotiation from the scheme and therefore, this hedgerow does not need to be altered in any way.
- Hedgerow H3 – removal a small section (13m). This hedgerow sits internally within the site and is required to allow vehicular access from one agricultural field to the other.

7.142 A Landscape Note has been submitted that states in order to form the main access to the site on Main Road, that 114m of hedgerow is required to be removed (86m for the

western visibility splay and 28m for the access itself – see extract of plans below). The plan states that the hedgerow lost to form the access itself would be replaced with new hedgerow to be planted behind the visibility splay to line the entrance way on each side.



Extract of Pegasus Illustrative Masterplan – Main Road Access Rev E



Extract of Pegasus Illustrative Masterplan – Main Road Access Rev E

7.143 As stated in the Biodiversity/Ecology section of the report above, in relation to the loss of 86m of hedgerow to the west of the proposed new access, a survey has now been carried out that demonstrates that this section of hedgerow is not "Important" as defined within the Hedgerow Regulations 1997. In any event, a condition requiring the existing hedgerow to be translocated, can be imposed which would maintain any inherent biodiversity value the existing hedgerow may have, and it can include an increased wider variety of species that can also add betterment. This was an approach accepted by the Inspector at the Public Inquiry. The long-term maintenance and monitoring of the new hedgerow could be secured through a planning obligation.

7.144 In addition to confirmation of trees/hedgerow that is proposed to be lost, the application has also submitted the table below, which outlines planting to be removed, as well as new trees and hedgerow that are proposed to be provided as part of the landscape mitigation scheme. This demonstrates significant benefits over and above the existing planting on the site.

Total site area of proposed planting (Including perimeter, bunds and hedges etc)	Number of large trees	Number of native shrub plants in bund planting	Number of woodland scrub plants	Linear metre of retained hedgerow	Linear metre of removed hedgerow	Linear metre of translocated hedgerow	Linear metre of new hedgerow	Non-developable area (Grass/meadow)
32390	3131	16,835	1384	2319	5	114	754	124987

7.145 The comments of the Council's Tree and Landscape Officer have been noted, and additional survey work undertaken as a result. I also note the concern that the Landscape Masterplan does not contain sufficient detailed information. This Masterplan provides an overall planting strategy for the location and scale of the proposed mitigation planting. It is considered that full details of the species, size, density etc of vegetation can be secured through condition and a S106. Subject to the translocation of the existing hedgerow to the west of the Main Road proposed access, which would be secured through condition/S106, it is considered that there would be no significant harm to trees and hedgerows as a result of the proposed development in accordance with Policy DM5 and substantial mitigation that provides betterment.

Impact on Heritage Assets

7.146 By virtue of the scale, form and appearance of the proposed development, it is capable of affecting the historic environment. As the application concerns the settings of designated 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."

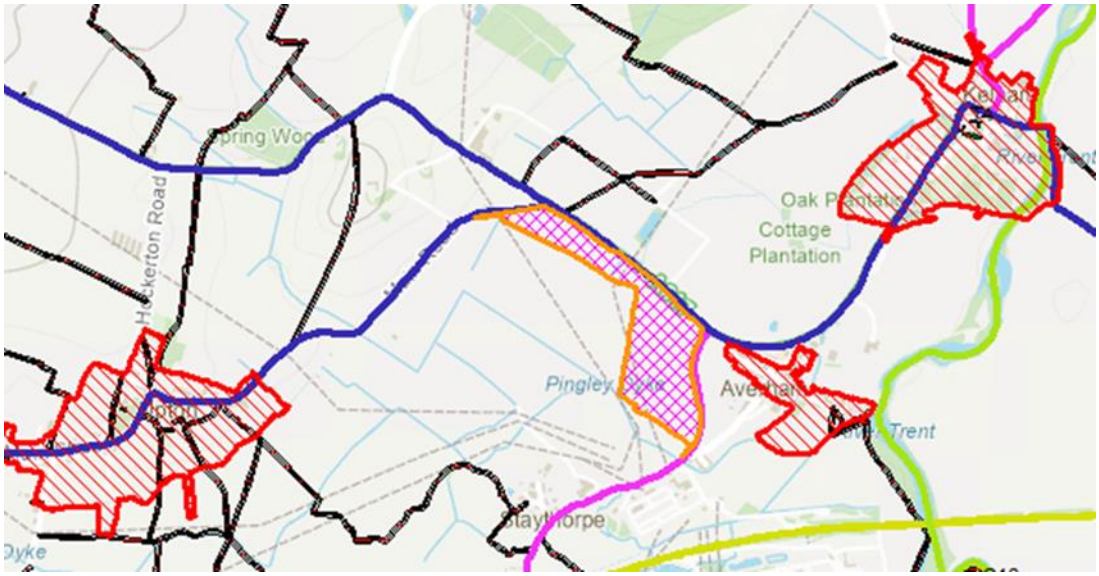
7.147 The duty in s.66 of the Listed Buildings Act does not allow a local planning authority to treat the desirability of preserving the settings of listed buildings as a mere material consideration to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development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

7.148 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."

7.149 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).

7.150 In relation to heritage assets, there are some features identified in the Historic Environment Record (HER) on the site itself which are of potential archaeological interest and this is considered in the Impact on Archaeology section below.

7.151 There are also a number of designated heritage assets within nearby settlements, including the Conservation Areas of Averham (130m to east), Upton (1.3km to south-west) and Kelham (800m to north-east), outlined in red on the map below relative to the application site.



7.152 Heritage assets within Averham Conservation Area:

- Averham moat and enclosure - Scheduled Monument (380m to east of application site);
- Church of St Michael - Grade I listed (720m to east of application site);
- Lyche Gate at Church of St Michael – Grade II listed (710m to east of application site);
- Yew Tree Cottage – Grade II listed (435m to east of application site);
- Rectory Cottage – Grade II listed (595m to east of application site);
- The Old Rectory – Grade II listed (665m to east of application site);

High Grade heritage assets within Kelham Conservation Area:

- Kelham Hall – Grade I listed (1.5km to north east of application site);
- Church of St Wilfrid – Grade I listed (1.4km to north east of application site);

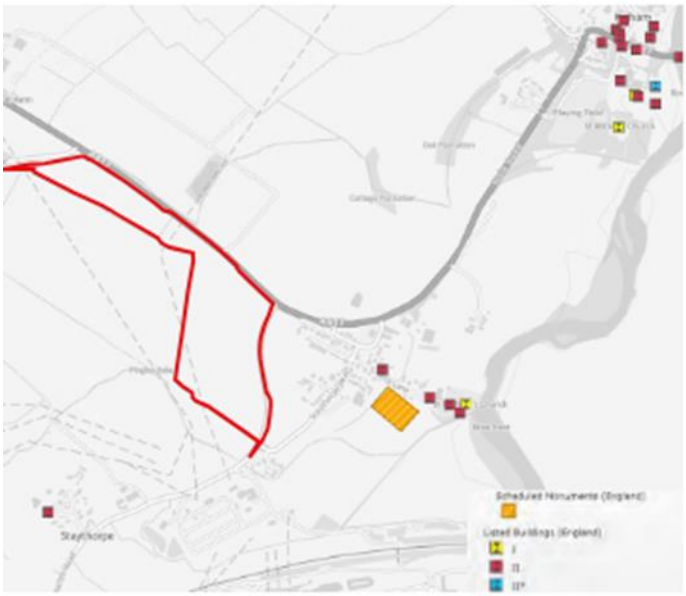
High Grade heritage assets within Upton Conservation Area:

- Church of St Peter and St Paul – Grade I listed (1.77km to south west of application site);

Other Heritage Assets:

- The Manor House in Staythorpe – Grade II listed (630m to south-west of application site).

7.153 The proposal is situated in close proximity to Averham Conservation Area and within the wider setting of Upton and Kelham Conservation Areas and various Listed Buildings. There are no registered parks and gardens within or close to the site. Below is an extract from Magic Map showing listed buildings and scheduled monuments in proximity of the site – there are none within the application site.



Conservation Areas

7.154 Averham Conservation Area was designated for its medieval origins some archaeological remains, linear layout of the village, retention of 18th and 19th century houses and cottages, medieval church, overriding traditional vernacular character of buildings primarily constructed in red brick walling and pantile or slate roofs. To the north and west, setting is characterised by open agricultural fields which make a positive contribution to the significance Conservation Area as they enhanced and the area's rural character.

7.155 Kelham Conservation Area was designated for its medieval origins, radial plan form with two distinctive parts; the fine grain of traditional 17th to 19th century farmhouses, barns, cottages and pub to the north of the village and the sparsely laid out buildings for Kelham country hall (including ancillary and associated buildings and structures) to the south. Predominantly, buildings are constructed in brick walling, with some rendered and lime washed buildings to the north with pantile and slate roofs. The Conservation Area is also characterised by the abundance of greenery which enhances the designed seclusion of Kelham Hall. The setting is provided by the proximity to the river and surrounding open agricultural fields, the openness of which accentuates the landmark dominance of Kelham Hall.

7.156 Upton Conservation Area was designated for its medieval origins as a manor, curved linear arrangement, retention of medieval church (Grade I), retention of late-Georgian houses and cottages following period of enclosure, overriding vernacular impression with modest size buildings constructed in red brick and pantile roofs interspersed with some grand landmark buildings such as Upton Hall (Grade II*) and Upton Grange (Grade II). The setting is surrounded by open agricultural fields which contribute to the rural character and significance of the Conservation Area. The village is situated on raised topography and within the Conservation Area there are key views looking south and east over the surrounding open agricultural landscape.

Listed Buildings

7.157 There are a number of listed buildings within the wider setting of the application site, the below is not an exhaustive list but are ones identified from their prominence in the landscape or proximity to the site.

7.158 Kelham Hall consists of the principal hall (Grade I) which is a mid-19th century Gothic revival country house designed by notable architect Sir Gilbert Scott. The building is constructed in red brick with stone ashlar dressings, slate roofs, stone parapets and tall chimney stacks. The irregular skyline created by the towers creates an impressive silhouette in the surrounding landscape. Immediately adjacent to the hall is the former monastic buildings (Grade II) dating c.1927-29 and designed by Charles Clayton Thompson in a Byzantine style with a prominent dome structure.

7.159 The Church of St Wilfrid at Kelham Hall (Grade I), and Church of St Michael at Averham (Grade I) and Church of St Peter and Paul at Upton are all medieval parish churches which have been restored in the 19th and 20th centuries. Their significance relates to their retention of historic fabric, illustrative phases of development, Gothic detailing and designed prominence. For St Wilfrid's views of the church are secluded and screened by mature trees and vegetation. St Michael's is in quite a prominent position along the River Trent and, whilst, views within the village are limited, there are wider views and appreciation of the building looking over the river. St Peter and Paul's at Upton is situated on higher topography and there are wider vantage points from the churchyard and the surrounding landscape to appreciate the building's architectural interest.

7.160 Within Averham, there are a collection of Listed Buildings situated to the north and east of the village. Yew Tree Cottage (Grade II) is a former pair of cottages, now one house, dating from the 18th and 19th centuries and constructed in brick with a pantile roof. Rectory Cottage (Grade II) is a 18th century house constructed in brick, some render, with a tiled roof. The Old Rectory (Grade II) is a c.1838-39 rectory house constructed in brick, stuccoed finish with a slate roof.

Scheduled Monument

7.162 Averham Moat and Enclosure are situated to the south-west of the village and include visible earthworks and brick remains, possibly from a building. The site is protected for its remains as a medieval moated dwelling which often served aristocrats and were used as a status symbol for the residents, rather than a military defence purpose.

Non-designated Heritage Assets

7.163 Within the site and adjacent fields there are a number of features identified on the Historic Environment Record, including the Farmstead at Averham (HER ref: M8312), Enclosure and Linear feature (HER ref: L2999) and Linear feature (HER ref: L3159).

7.164 The application has been supported by a Heritage Impact Assessment (HIA) and a Landscape and Visual Impact Assessment (LVIA). The former has made an assessment of the impact on the setting of Averham Conservation Area. It concludes that "the site has been divorced from its historic relationship with Averham, due to effective screening into the Conservation Area, changing field patterns and the construction of relief road between the site and the asset. Furthermore, proposed screening

measures will limit any co-visibility or intervisibility between eh Conservation Area and the proposed built form within the site. As such, the proposed development will not result in any harm to Averham Conservation Area through changes to setting."

7.165 The Council's conservation officer has made comments on the proposal, as set out below.

Impact on Averham CA:

7.166 The proposed substation would be situated to the south-east of the development site, immediately alongside Staythorpe Road. It would be a large, dominant structure up to 12 metres in height. The height and scale of this structure would overbear the modest scale of the traditional style buildings in Averham CA. The proposed development would negatively impact wider views looking north-west from southern edges of the Conservation Area and on the approach to the village from the A617. Whilst there have been modern 20th century alterations within the setting of Averham village (with the development of Staythorpe power station and substation), these features are situated at a distance whereas this proposed development would be situated in close proximity to and in more prominent views of Averham Conservation Area.

7.167 The proposed battery storage units are lower rise than the substation but their form, appearance and regular arrangement in the site would create an engineered landscape and this would erode the rural setting of the adjacent Conservation Area. It is noted that the battery storage units would be situated to the south-west of the site and there would be lots of trees planted along the northern and eastern edges to reduce the impact on views from Averham. However, views on the approach from Upton and Hockerton would still be disrupted by the storage units in the longer term as there is limited screening proposed on this aspect.

Impact on Kelham CA:

7.168 The centre of the village and Conservation Area, including Kelham Hall (Grade I) and St Wilfrid's Church (Grade I) is screened by mature trees which limits inter-visibility with these particular heritage assets. From the south-west of Kelham, the character of the Conservation Area starts to transition into more open agricultural context surrounding the village. There is a field to the south-west of the Conservation Area where it is possible that this proposed development would be visible from, notably the substation. This does not appear to have been assessed in the Landscape and Visual Impact Assessment (LVIA) or the Heritage Impact Assessment (although the latter provides limited acknowledgement in para 6.6 HIA). In response to this omission, the agent has responded by saying this is because this is an agricultural field with no public access and so there are no visual receptors located in the area. Whilst this is noted, Historic England's guidance in the 'The Setting of Heritage Assets" it states that impact on setting is not limited to public vantage points and there is still potential for the proposed development to affect the experience/appreciation of this part of the Conservation Area. It is likely that this dominant engineering and industrial feature would have harmful impact on the setting and experience of the Conservation Area as it would be starkly contrasting feature to Kelham's character and appearance.

Impact on Upton CA:

7.169 As noted in the LVIA and HIA, there may be some intermittent views form the south-east part of Upton Conservation Area but this would be quite limited. The development would still have some impact on the wider setting of the Conservation Area as it would erode and encroach upon the open agricultural character, but this would be a minor harmful impact due to the distance from the application site.

Impact on Listed Buildings and Scheduled Monument:

7.170 Due to the height and form of the proposed substation, this structure has the potential to be disruptive to wider views and appreciation of prominent Listed Buildings in the landscape. This aspect of the proposed development may impact brief or transitional views of the Listed Buildings identified above, such as views looking across the river towards the Church of St Micheal (Grade I) and the Olde Rectory (Grade II) and glimpses of Kelham Hall (Grade I) from various vantage points within the vicinity. This would likely cause a degree of harm as it would compete with their designed and/or fortuitous prominence and district from their high architectural value. It is, however, recognised that some of these wider views have already been negatively impacted by the industrial appearance of Staythorpe power station and substation.

7.171 The proposed development would unlikely impact the setting of the Scheduled Monument at Averham as its significance primarily relates to earthworks and, therefore, would not distract from the appreciation of this interest.

Impact on Non-designated Heritage Assets

7.172 This is set out in the Impact on Archaeology section below.

7.173 To conclude, the proposed development would result in overtly industrial character, the buildings/structures contrasting in form and scale in the landscape which would dominate and distract from the surrounding designated heritage assets by encroaching upon their historic, open, agricultural setting. Due to the proximity to Averham Conservation Area, the visual harm to its setting would be moderate-high in the short-medium term. There would likely be a moderate level of harm to the setting of Kelham Conservation Area and very minor harm to the wider setting of Upton Conservation Area.

7.174 It is noted that the proposed development seeks to minimise and reduce the visual impact of these structures in the long-term by siting them to the south-west of the site and providing screening to the north and eastern boundaries. These measures would reduce some of the visual contrast from the industrial-looking structures in the long-term. However, as noted in Historic England's 'The Setting of Heritage assets,' often the screening of development can have an intrusive impact on the landscape character itself. In this instance once matured, the proposed trees to screen the site would alter and diminish this open agricultural character itself and its association with the nearby Conservation Areas and setting of heritage assets in the longer term. This would diminish some of the historic association with these settlements.

7.175 In summary, the proposed development would negatively impact the rural and

agricultural character of the setting of a number of Conservation Areas and possible Listed Buildings. The proposal would likely result in a moderate level of harm to the setting of Averham and Kelham Conservation Areas and very minor harm to the setting of Upton Conservation Area. With reference to the planning policies, this would be 'less than substantial harm' to the designated heritage assets. Any harm to the significance of a designated heritage asset should require clear and convincing justification. Less than substantial harm should be weighed against the public benefits of the proposal. This harm weighs against the proposal. A clear and convincing justification has been provided in terms of the need for this development to be in close proximity to Staythorpe Substation and any identified public benefits are considered and weighed in the overall planning balance in the conclusion below.

Impact on Archaeology

7.176 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'.

7.177 There are some features identified in the Historic Environment Record (HER) on the site itself which are of potential archaeological interest. 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 acknowledges that the site is in an area of some archaeological interest, with activity from the Iron Age and Romano-British periods up to the medieval era represented by several scattered pottery sherds and features, primarily observed to the east of the proposed development area. A geophysical survey of the proposed development area suggested limited archaeological interest, mostly revealing architectural features, ferrous debris and a potential former watercourse.

7.178 The Council's Archaeology Consultant has advised that there is one small area of archaeological sensitivity which should be subject to further mitigation work comprising either avoidance or excavation. This is focused around trench 53 in the southern part of the site. The Council's Archaeology Consultant raises no objection to the application subject to the further work being required by planning condition.

7.179 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

7.180 Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing

impacts, loss of light and privacy.

7.181 Paragraph 135 of the NPPF (2023) seeks to ensure a high standard of amenity for existing and future users and do not undermine the quality of life or community cohesion and resilience.

7.182 The nearest dwellings are those on the opposite side of Staythorpe Road to the south-east of the site. The shortest distance between the substation compound boundary and a residential dwelling is approx. 195m which forms part of a group of dwellings that front Staythorpe Road and extend into Hopwas Close to the south-east of the application site. There are also dwellings directly to the east on Church Lane and The Close which face away from the site and comprise part of the main built-up area of Averham, the closest of which is approx 220m from the site compound. Further residential dwellings are found to the south-east on Pingley Dyke and to the south-west on Pingley Lane.

7.183 A Noise Impact Assessment (NIA) dated May 2024 has been submitted which describes existing noise sources in the area as being from the A617 to the north and Staythorpe Road to the east. Further noise sources in the vicinity include the Staythorpe substation which lies approx. 80m south of the site boundary.

7.184 The NIA has included the following fixed plant within their noise modelling:

- 82 PCS Inverter units – 87 dB LwA
- 360 battery storage units – 83 dB LwA
- 4 x 132/33kV transformers – 73 dB LwA
- 2 x 400/132kV transformers – 77 dB LwA

7.185 Clearly this does not reflect the current site plan which only shows 82 battery storage units. The applicant wanted to model the worst case scenario (up to 360 battery storage units), even though this is not what is currently proposed. The Assessment states sound power levels data for each item has been derived from information supplied by the equipment manufacturers. Noise emissions from the battery containers and transformers are primarily a result of the fans to cool the equipment. The transformers will include attenuators and/or enclosures to reduce noise levels at source. Noise barriers are included in the noise model with a height of 4m above ground level (acoustic fence); this also includes a drainage culvert at low level, approx. 30cm deep with a length of approx. 50m. This culvert will provide an unobstructed path for water to flow beneath the noise barrier. The Assessment states that direct noise transmission through the culvert is relatively low and is not significant in comparison with noise transmission over the barrier. A small increase in noise level may occur within 1m of the noise barrier, however, for distances greater than 1m from the barrier it is predicted that no increase in noise is predicted compared to the barrier without the culvert.

7.186 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 by more than 5 dB at the nearest, and therefore all noise-sensitive receptors, either during day

or night-time periods.

7.187 The Council's Environmental Health Officer raises no objection to the proposal.

7.188 In terms of external lighting the agent has stated "*the design and specification of the complete light system has not been completed at this phase of the project. However, lighting at access points would be of passive infrared kind [motion sensitive], with a suitable distance of sensitivity to reduce nuisance lighting when not required. Additional lighting through-out the site shall be only active whole there is a need eg workers on site, and this will be controlled via switch at the access points of the site. All external lighting will be in accordance with CIBSE LG06 [Lighting Guide for the Outdoor Environment by the Chartered Institution of Building Services Engineers] and use appropriate LUX levels for use. Ultimately this matter can be subject to a planning condition."*

7.189 It is acknowledged that the development has potential to cause particular amenity impacts to local residents during the construction process. Dust control measures, general construction traffic and deliveries to site, hours of operation and these aspects can be controlled to a certain extent by conditions requiring Construction Traffic and Environmental Management Plans to be submitted and approved. The submitted CTMP states that the construction phase is anticipated to take between 20-24 months.

7.190 All construction traffic will access the site using the main access point on Main Road, apart from the 6 Abnormal Loads, which would only access the site via the Staythorpe Road access.

7.191 In principle the operational phase would be automatically/remotely controlled so operational traffic would be very limited relating to maintenance and inspections. The operational phase would not result in any emissions and a condition can be imposed which would control external lighting in this countryside location.

7.192 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 DM4 and DM5 of the DPD.

Impact upon Highway Safety

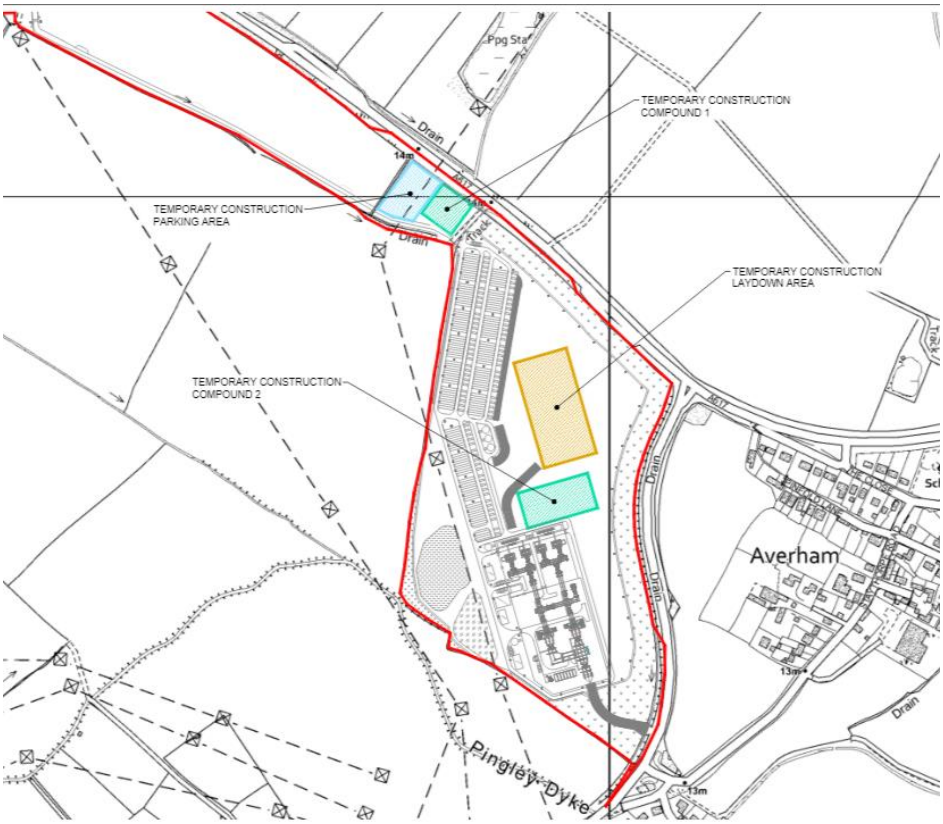
7.193 Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the ADMDPD requires the provision of safe access to new development and appropriate parking provision.

7.194 Paragraph 110 of the NPPF (2023) states, amongst other things, that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.

7.195 Paragraph 111 of the NPPF (2023) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.196 The proposal seeks to provide the main access (both for construction and operational purposes) to be via Main Street. As originally submitted the proposal also sought to provide a temporary access from the A617 just for the 6 abnormal loads. However, concern was raised with regard to the environmental harm of this, including taking out of hedgerow for such a temporary process. Through negotiation, therefore the abnormal loads are now going to use the access from Staythorpe Road for emergency purposes only, for the 6 abnormal loads during the construction and decommissioning periods.

7.197 A Construction Traffic Management Plan has been submitted with the application, which shows the following compounds/parking provision during the construction process. Traffic to and from the site during the 20-24 month construction period would be considerable but after that visits to the site would only be for maintenance/inspection purposes.



7.198 The Highway Authority raise no objection subject to a number of conditions. One of the conditions relating to the need for Conditions surveys to be carried out before and after the construction process relating to the section of Main Road between the A617 and a point 20 metres to the west of the development access has been undertaken and any damage created to the road any defects made good. However this was not considered to pass the tests for conditions det out in legislation and so therefore this is recommended to be added to the S106 legal agreement. As such, on this basis, it is considered that the application is acceptable in relation to highway safety and is considered to be acceptable when having regard to the requirements of Spatial Policy 7 of the Amended Core Strategy, Policies DM4 and DM5 of the Newark and Sherwood Allocations & Development Management Development Plan Document (2013) and the guidance set out at paragraph 110 of the NPPF (2023).

Other Matters

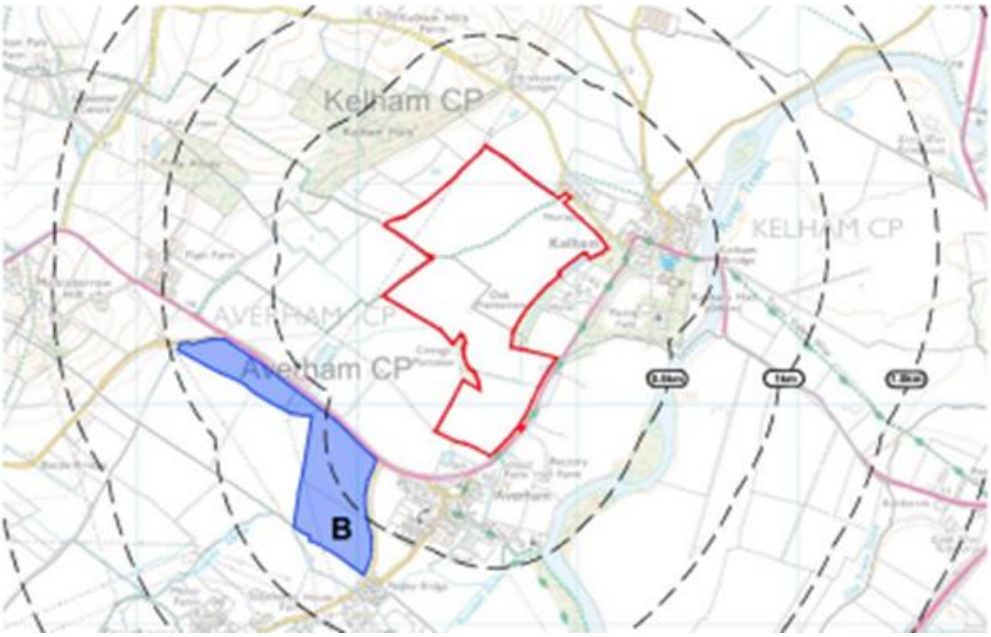
7.199 Cumulative Impacts

7.200 Given that the proposed BESS development on land to the south of this site (22/01840/FULM - Construction of Battery Energy Storage System and associated infrastructure) has been granted planning permission on appeal, this application must now consider the cumulative impacts of potentially having two BESS developments in relatively close proximity to one another would be acceptable. The submitted LVA acknowledges that there would be an inevitable increase in impacts on landscape character, however, these would be limited to the local area and would not impact widely to the surrounding countryside. It also considers that there would be relatively limited additional visual effects if both schemes were to come forward, although it recognises that Staythorpe House Farm and Staythorpe House Cottage has the potential for both developments to be visible in opposing directions from these receptors. This would represent visual harm at a moderate level, given the distance. It considers that due to the proximity of both sites to Staythorpe and associated properties, that neither development would be the cause of additional visual effects over the other. The table below sets out the cumulative impact of both schemes. With the addition of both scheme in totality, the report states there would be additional visual affects upon Averham village, the A617 and Trent Valley Way, however, the proposed mitigation associated with both schemes would reduce the visual effects in the longer term.

Receptor	Level of Effect for Proposed Development		Level of effect for Land South of Staythorpe Road		Combined Effects	
	Year 1	Year 15	Year 1	Year 15	Year 1	Year 15
Properties off Hopwass Close / Pingley Bridge (R1)	Moderate to Minor	Minor	Negligible	Negligible	Moderate to Minor	Minor
White Cottage (R2)	No effect (not assessed)	No effect (not assessed)	Negligible	Negligible	Negligible	Negligible
Staythorpe House Farm / Staythorpe House Cottage (R3)	Moderate to Major/ Moderate to Minor	Moderate to Minor/Minor	Moderate to Major	Moderate to Minor	Moderate to Major	Moderate to Minor
Staythorpe	Moderate	Moderate to Minor	Moderate to Major	Minor-Moderate-Major	Moderate to Major	Minor-Moderate-Major
Averham	Moderate to Major	Moderate to Minor	Negligible	Negligible	Moderate to Major	Moderate to Minor
Trent Valley Way	Moderate	Minor	Negligible	Negligible	Moderate	Minor
PROW Staythorpe FP2	Moderate to Minor	Minor	Minor	Minor	Moderate to Minor	Minor
A617	Moderate to Minor	Minor	Negligible	Negligible	Moderate to Minor	Minor
Staythorpe Road	Moderate	Moderate to Minor	Moderate	Minor	Moderate	Moderate to Minor
Main Road/Main Street	Moderate	Minor	Negligible	Negligible	Moderate	Minor

7.201 In relation to the pending scheme to the north-east of this site, under refence 23/01837/FULM for 'Proposed ground mounted photovoltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and

ancillary work', the agent has submitted an LVA Addendum to deal with the cumulative effects of this scheme at Kelham with this proposed scheme. Below is a plan that shows the relationship of this application site to proposed development under ref 23/01837/FULM that is pending consideration. The southern-most part of the red outlined site is where the proposed sub-station compound as well as solar panels would be sited. This would result 12m high transformers being located both to the north and the south-west of the village. If both were visible in both directions from Averham, this has the potential to result in some cumulative visible harm, however, little weight can be given to this within the consideration of this application, as no permission has been granted on this proposal at the current time.



Length of Temporary Consent

7.202 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/S106 would be imposed on any consent relating to the decommissioning and restoration of the site at the end of the 40 year period.

Minerals

7.203 The proposed development falls within a Minerals Safeguarding and Consultation Area for sand and gravel and therefore Policy SP7: Minerals Safeguarding, Consultation Areas and Associated Minerals Infrastructure of the Nottinghamshire Minerals Local Plan needs to be addressed. This policy along with para 212 of the NPPF requires non-mineral development within the minerals safeguarding area to

demonstrate it will not needlessly sterilise the minerals resource. Where this cannot be demonstrated and there is a clear need for non-mineral development, prior extraction will be sought where practical.

7.204 The applicant has submitted a brief Mineral Resource Assessment, which states that considering the scale of the development, and that it is a temporary permission for 40 years and the restricted nature of the scheme in needing to be in close proximity to the existing substation, there would be no unacceptable impact on the potential to extract the sand and gravel from the site at the end of the 40 years period. Therefore, provided the development is only for a temporary period and there is a condition that requires the total restoration of the site at the end of the life of the development, there would be no undermining of the future mineral resource on the site.

Health, Safety, Fire Risk and Pollution

7.205 It is clear from the comments received from local residents that there is significant local concern in relation to fire risk, thermal runaway in the scheme, and about the discharge of fumes and groundwater contamination from such an event.

7.206 The applicant has submitted a Fire Strategy Management Plan, a Fire Strategy Management Plan Addendum, a Fire Safety Statement from the applicants as well as the applicant's responses to specific queries raised by the Nottinghamshire Fire and Rescue Service.

7.207 It is clear from these documents that the final supplier of this development has yet to be chosen. However, the proposed development has had regard to all the relevant British Standards, guidance and policy is respect of fire safety and is considered to comply with all current legislation, guidance and best practice. The applicant is committed to only selecting suppliers with battery systems certified under UL9540, which is subject to tests under UL9540A at system level. UL9540A is a test methodology at battery cell, battery module and battery system level to assess the level of fire propagation between subcomponents. This is the strictest test under the UL9540A test group.

7.208 The scheme would be in a secure compound and would be a considerable distance from the nearest home. (195m to the south-east of the site). It would not contain hazardous substances. Any fire would be contained to a single container, which is a robust structure. Fire propagation would be mitigated by the current spacing of 2.5m between containers together with 1 hour fire walls to be included within the BESS unit designs to support these spacings and prevent internal fire propagation. This would result in adjacent containers being unaffected by such an event and the incident would remain within the confines of the site boundary. This builds on best practice and lessons learnt from past incidents such as the 2019 McMiken and 2020 Carnegie Road incidents which have been referred to by residents.

7.209 Best practice for managing a fire event is for the Fire Services to let the container burn from a safe inaccessible distance. As regards the smoke plume from burning lithium-ion batteries, the toxicity of the fumes from a burning BESS are generally accepted as being comparable to those from burning diesel or petrol vehicles. There would be

more hydrofluoric gas, but this is highly reactive, and residues have not been found in the analysis of fire incidents at BESS sites. There is no evidence of contamination or high concentrations of toxic gases from either the limited number of BESS fires that have taken place or in laboratory assessments, including large-scale tests by a leading expert in the field. The only recorded BESS incident in the UK at Carnegie Road, Liverpool in 2020 which led to no damage to the environment or any personal injury. The Hazardous Materials Environmental Protection Officers undertook a comprehensive assessment following the event and did not record any high concentrations of toxic gases.

7.210 The BESS is designed to remain fully operational during a flood event and would be designed so that it could be safely accessed by the fire and rescue services. If a container were to enter thermal runaway during a flood event, the project would have a detailed management of State of Discharge, where the number of BESS containers at 100% charge would be minimised. The affected container alongside its power control system would be isolated and electronically disconnected from the grid and the fire services would cool the area with water surrounding the container. An impermeable membrane would capture fire water, which would be pumped away in a controlled manner by a licenced operator. The Fire Management Plan estimates that the probability of a container fire and design flood event (an event that would occur on average once in 100 years) occurring at the same time would be very small indeed.

7.211 A Fire Strategy Management Plan has been evolved through collaborative working between the applicant and Nottinghamshire Fire and Rescue Service (NFRS). The plan includes consultation, pre-fire planning, signage, emergency response plans and provision for a post-incident and recovery plan.

7.212 Table 6 and of the Fire Strategy Management Plan and the response to the NFRS received 10 November 2023 demonstrates that the proposed development and accompanying fire safety management plan would meet, and in a number of instances, go beyond, the recommended good practice measures set out in para 3.4.1 of the newly issued good practice guidance document "Health and Safety Guidance for Grid Scale Electrical Energy Storage Systems," listed in paragraph 5.5 of this report.

7.213 NFRS has no objection to the scheme subject to a condition requiring an updated Fire Safety Management Plan. The same approach to this aspect was taken by the Inspector during the recent Public Inquiry. Subject to the condition, the scheme would be acceptable in terms of fire safety and would accord with Policy DM10 of the Allocations and Development Management DPD which seeks to control the potential for pollution from development proposals.

S106 Obligation

7.214 Any permission granted should be subject to a S106 obligation to which would secure the long-term maintenance of the proposed landscape and biodiversity mitigation measures (including the provision of two sky lark breeding areas and translocation of the hedgerow along Main Road), proposed until the development is decommissioned or for a period of 30 years from the date of the full implementation of the biodiversity

net gain measures, whichever is the later. The applicant would need to enter into a S106 Agreement requiring the retention, long term maintenance and monitoring of Biodiversity Net Gain, landscape and ecological mitigation measures. The monitoring fee will be £3,420 to cover the Council's costs over a 30 year period. The obligation would also include decommissioning details.

8.0 Implications

8.1. 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 Conclusion

9.1. The significant concerns raised within the objections received both from local Parish Councils and local residents have been read and understood.

9.2. 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.

9.3. The scheme would have very significant benefits in supporting the transition to net zero and in helping to secure stability and security in energy supply. This attracts significant positive weight. Planning policies both nationally and locally support such development, subject to its impacts being acceptable. The scheme would accord with Core Policy 10 of the Amended Core Strategy and Policy DM4 of the Allocations and Development Management DPD and paragraph 157 of the Framework.

9.4. The site consists of 25ha of flat agricultural land mainly laid out in two fields. It would largely be contained behind hedgerows along its public facing boundaries, although where occasionally sporadic and through the 3 existing field accesses, the site can be glimpsed. Its open agricultural character is also influenced by the presence of nearby Staythorpe substation and associated electricity infrastructure, including overhead wires and pylons, one of which crosses the site with others on adjacent fields. Its main visual contribution to the character and appearance of the area are therefore its agricultural use, its openness and associated electrical infrastructure.

9.5. The proposed BESS scheme would be substantial and it would clearly change the visual appearance of the site, taking away its open agricultural character and giving it an industrial appearance. This has been found to have a Moderate adverse impact on the landscape character that reduces to Minor in Year 15 due to the impact of mitigating landscaping. The impact visually would be reduced to a certain extent by the flat topography; however it would be clear from FP6 on raised ground to the north-west. Overall, the visual impact is Moderate-Major adverse from some receptors during construction and Year 1, however this largely reduces to Moderate-Minor once the proposed mitigating landscaping around the site boundaries is established by Year 15. Although the harm to FP6 would remain as Moderate adverse harm. The harm identified would be for a temporary 40 year period. The proposal is therefore

considered to result in an overall moderate-minor landscape character and minor visual harm, that would be higher during the construction period and Year 1 but reduced to these levels over time as planting matures. This moderate-minor effect and minor effect level weighs negatively against the proposal.

9.6 The loss of 12.6ha of Grade 3a (BMV) agricultural land and the limited Sequential Testing carried out to demonstrate that the development could not be located on a lower grade of agricultural land weighs significantly against the proposal (were this latter part of Policy DM8 deemed to be applicable to this application). However, this negative weight is considered to be tempered by the fact that the loss would be for a temporary period of 40 years when land would be returned to agricultural use and that the scheme demonstrates clear environmental benefits in terms of improved biodiversity and community benefits in supporting the transition to low carbon energy generation that could be considered to outweigh the land loss. This harm is therefore reduced to moderate.

9.7 In flood risk terms, the scheme passes both the Sequential Test and Exceptions Test. With appropriate mitigation, the scheme would not cause flooding or worsen flood risk in any practical sense. The proposal would therefore accord with Core Policies 9 and 10 of the Amended Core Strategy and Policy DM5 (9) of the Allocations and Development Management DPD and with paragraphs 165 to 175 of the NPPF.

9.8 The scheme would be acceptable as regards fire safety and potential pollution and would accord with Policy DM10 of the Allocations and Development Management DPD.

9.9 With appropriate mitigation for skylarks and the translocation of the hedgerow required to be moved for a visibility splay along Main Road, protected species would not be adversely affected and there would be significant enhancements to biodiversity through the provision of Biodiversity Net Gain. The proposed woodland and hedgerow planting would provide betterment as and such the proposal is in accordance with Core Policy 12 of the Amended Core Strategy and Policy DM5 (7) of the Allocations and Development Management DPD.

9.10 The proposed development would result in moderate-high harm to the setting of Averham Conservation Area, moderate harm to Kelham Conservation Area and minor harm to the setting of Upton Conservation Area and possible listed buildings, which would be less than substantial. Clear and convincing justification has been made for the need for this type of development to make better, more efficient use of energy generated by renewables. Furthermore, considering the scheme demonstrates clear environmental benefits in terms of improved biodiversity and community benefits in supporting the transition to low carbon energy generation, it is considered that the harm identified would be outweighed by these identified public benefits. Furthermore, the harm would for a limited time only, for the 40 year lifetime of the development. Therefore, overall, the proposal would accord with Core Policy 14 of the Amended Core Strategy and the policy guidance set out with the NPPF in this regard.

9.11 Other neutral impacts include highway safety, residential amenity, archaeology, drainage, minerals, noise and lighting which are matters that can be acceptably controlled through the imposition of conditions and/or S106 agreement. All concerns and objections raised within the representations received, including from the Parish Councils, have been fully considered.

9.12 Moderate harm has been found with regard to the loss of BMV land, landscape character and visual impact (including cumulatively) and a range of less than substantial harms to the setting of heritage assets. However, the benefits of the proposal would be very substantial both in terms of energy efficiency, reducing carbon emissions and biodiversity and trees and hedgerows, and none of the scheme's impacts, taken either individually or together, would be so significant so as to justify refusal of planning permission. All material planning considerations, including the recent appeal decision on land to the south of this site, have been considered and weighed within the planning balance in the recommendation reached.

9.13 Approve, subject to:

a) the completion of a S106 Agreement for the following:-

i) to secure, maintain and monitor Biodiversity Net Gain, landscape and ecological mitigation measures (provisions for skylarks and translocation of the hedgerow),

ii) decommissioning details and

iii) details of a Highway Condition Survey of Main Road between the A617 and a point 20 metres to the west of the development access to be undertaken and once construction has completed and the site is operational, a further Condition Survey report be submitted, together with measures to address any defects identified, and a timetable for implementation, and

b) subject to the conditions set out below.

10.0 <u>Conditions</u>

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 ("the first import date"). Written confirmation of the first import of electricity date shall be provided to the Local Planning Authority within one month after the first import date.

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

03

No later than 12 months prior to the expiry of the planning permission, or within 18 months of the cessation of electricity storage in the site, whichever is the sooner, a decommissioning scheme shall be submitted to and approved by the Local Planning Authority in writing. The decommissioning scheme shall include a programme and a scheme of work and shall be implemented in accordance with the approved details.

The operator shall notify the Local Planning Authority in writing within five working days following the cessation of electricity storage.

All buildings, structures and associated infrastructure shall be removed within 12 months of the approval of the decommissioning scheme, and the land restored, in accordance with the approved details.

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

04

The battery containers, substation, fencing and associated structures shall not be installed until details of the external materials have been submitted to and approved in writing by the Local Planning Authority. The details shall include an updated site layout plan that shall be in accordance with Site Layout Plan (Drawing No: 60687996-ACM-XX-LAY-GEN-1001 Rev C) and at a scale of not less than 1:500. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

05

No development shall be commenced until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall be prepared in accordance with the Construction Traffic Management Plan Rev C by Pegasus Group and shall confirm the following details:

i) deliveries shall not take place outside 08:00 to 18:00 hours Monday to Fridays and 08:00 to 14:00 hours on Saturdays,
ii) an indicative programme for the number of HGV and Articulated Indivisible Load (AIL) movements;
iii) approved access and egress routes for HGV and AIL movements;
iv) Traffic Safety Management Plan showing the location and type of traffic management signage and the location of any traffic marshals required to oversee the access and egress of HGVs and AILs;
v) Parking details of vehicles of site operatives and visitors;
vi) Wheel washing facilities to prevent mud and debris from migrating on to the adjacent highway; and
vii) A timetable for the implementation of each constructional element of the plan.

The construction of the site shall be carried out only in accordance with the approved CTMP.

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

06

No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall contain the following details:

i) A scheme to control noise and dust;
ii) Construction working hours, which shall be limited to 08:00 to 18:00 hours Mondays to Fridays and 08:00 to 14:00 hours on Saturdays;
iii) Loading and unloading of plant and materials;
iv) Storage of plant and metal used in constructing the development;
v) Details of the temporary compounds area, including fencing;
vi) Full details of any temporary external lighting;
vii) A construction stage flood incident plan;
viii) Measures for the protection of habitats and species before and during construction and a timetable for provision in accordance with the submitted Ecological Impact Assessment by Brindle and Green dated September 2023;
ix) Construction stage emergency response plan and incident response system(s), including responsible persons and lines of communications.

The construction of the site shall be carried out only in accordance with the approved CEMP.

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

07

Prior to commencement of development, a detailed hard and soft landscaping scheme for the site has been submitted in writing to the Local Planning Authority for approval. The submitted landscape scheme shall be in accordance with the details set out in the Landscape Master Plan (Drawing No: P22-1211-EN.0003 Rev E) and shall include details of proposed landscape and ecology works, including:

i) Soft landscape details (to include the western and southern boundaries);
ii) Harding surfacing materials;
iii) Proposed finished ground levels;
iv) Species, type, size and planting density;
v) Vehicular and pedestrian access;
vi) Soil management measures;
vii) Tree protection measures set out in an Arboricultural Method Statement and a Tree Protection Plan prepared in accordance with BS5837;
viii) How a biodiversity net gain of at least +23.86% net gain for habitat units and +40.9% net gain for hedgerow units calculated using Metric 4.0 published by the Department for Environment, Food & Rural Affairs will be achieved;
ix) A landscape and ecological mitigation, management and maintenance plan in accordance with the submitted Ecological Impact Assessment by Brindle and Green dated September 2023; and
x) An implementation timetable.

The planting proposed adjacent to Staythorpe Road shall be implemented in the first available planting season following the approval of the landscaping scheme, and the remainder of the approved landscaping scheme shall be implemented in its entirety no later than the first available planting season following completion of the development. The approved landscaping scheme shall be retained and managed in accordance with the approved landscaping scheme for the lifetime of the development.

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

08

No development shall be commenced until a statement of Reasonable Avoidance Measures Statement (RAMS) and timetable has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify appropriate measures for the safeguarding of protected and locally important species and their habitats and shall include:

a) an appropriate scale plan showing protection zones where construction activities are restricted and where protective measures will be installed or implemented;

b) details of protective measures (both physical measures and sensitive working practices) to avoid impact during construction;

c) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);

d) details of a person responsible for the management of the protection zones.

The content of the Statement should be guided by BS42020:2013: Biodiversity - Code of Practice for Planning and Development.

Development shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of maintaining and enhancing biodiversity and ecological assets.

09

The proposed new access to Main Road shall not be commenced until details of the Hedge Translocation (shown on Drawing No:**) [to be inserted by Late Items Schedule] including a translocation method statement and timetable for the works, which shall be prepared in compliance with BS5837, has been submitted to and approved in writing by the Local Planning Authority. The translocation of the hedgerow shall thereafter be carried out only in accordance with the approved details.

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

010

No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in substantial accordance with the principles set out in the Surface Water

Management Strategy Rev P02 (dated February 2023), as amended by the Technical Note Staythorpe SWMS Addendum dated 18 September 2023.

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 175.

- 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 the open drainage ditch along the western boundary of the site, shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

The approved surface water drainage scheme shall be implemented and maintain for the lifetime of the development.

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.

011

No development shall be occupied until details of the means of foul drainage disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal.

012

The development shall be implemented and maintained for its lifetime in accordance with the following flood risk mitigation measures:

i) finished floor levels for all battery containers located on land indicated to flood during the design flood event (1 in 100 AEP event plus 50% allowance for climate change) shall be 300mm above peak flood level during the design flood event;

ii) level-for-level compensatory flood storage shall be provided in accordance with Appendix A and B of the Level 2 Flood Risk Assessment (dated February 2023);

iii) the scheme shall be fully implemented and subsequently maintained in accordance with the scheme's timing/phasing arrangements that shall first be agreed in writing by the Local Planning Authority.

Reason: In the interests of mitigating against flood risk.

013

The development shall not be brought into use until an operational stage incident plan has been submitted to and approved by the Local Planning Authority in writing. The plan shall be prepared in accordance with the Level 2 Flood Risk Assessment (dated February 2023). The development shall be implemented in accordance with the approved operational stage flood incident plan.

Reason: To provide appropriate mitigation in a flood event.

014

No development shall be commenced until details of the site access have been submitted to and approved by the Local Planning Authority. The details shall be in accordance with the details shown on Main Road Access (Drawing No: P22-1211 TR-SK01 rev B) and Staythorpe Road Access Geometric Parameters (Drawing No: P22-1211TR-SK05 Rev C) and include details of necessary vegetation clearance, culverts and a programme for the delivery of the site access works, of which the access on Main Road shall comprise the first part of the development to be implemented. All works shall be carried out in accordance with the approved details.

Reason: In the interests of general highway safety.

015

The visibility splays shown on drawing P22-1211 TR-SK01 rev B shall be provided prior to the Main Road access being brought into use. For clarity, any hedging within 1 metre to the rear of the splay shall be removed and the splays then kept clear of all obstructions of 0.26 metres above carriageway level for the lifetime of the development.

Reason: In the interests of highway safety.

016

The Staythorpe Road access shall be used only by Abnormal Load vehicles, any associated escort vehicles, emergency services and agricultural vehicles associated with the existing farming use. No other vehicles are permitted to use it for access or egress related to the construction of development and the gates must be closed at all times other than to allow passage of aforementioned vehicles.

Reason: For the avoidance of doubt, and general interests of highway safety.

017

The Staythorpe Road access shall not be used for abnormal load deliveries until a comprehensive abnormal loading delivery plan, including temporary signing, construction traffic routing and structural assessments for any highway structures affected by delivery has been submitted to and approved in writing by the Local Planning Authority. Any abnormal load deliveries shall then be implemented in accordance with the approved plan.

Reason: In the interests of highway safety.

018

Part 1

Except for archaeological works, no development shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority in writing. The Mitigation Strategy shall include appropriate Written Schemes of Investigation for each phase of archaeological work as necessary. These schemes shall include the following:

1. An assessment of significance and proposed mitigation strategy (ie preservation by record, preservation in situ or a mix of these elements);

2. A methodology and timetable of site investigation and recording;

3. Provision of site analysis;

4. Provision for publication and dissemination of analysis and records;

5. Provision for archive deposition;

6. Nomination of a competent person/organisation to undertake the work.

The scheme of archaeological investigation shall 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.

019

Part 2

The archaeological site work shall be undertaken only in full accordance with the approved Mitigation Strategy and written schemes referred to in the above Condition. The developer shall notify the Local Planning Authority of the intention to commence at least 14 days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without the 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.

020

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 commenced. The post-investigation assessment shall 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.

021

No development shall take place until a Fire Safety Management Plan has been submitted to and approved by the Local Planning Authority in writing. The Plan shall include expected gas concentrations at ground level during a fire event; design details justifying BESS unit spacing and fire suppression systems selected and shall be prepared in accordance with the Fire Strategy Management Plan Rev (2) dated September 2023 by AECOM and the operational stage flood incident plan (Condition 12). The development shall be implemented in accordance with the approved updated Fire Safety Management Plan.

Reason: In the interests of fire safety and flood risk.

022

The development hereby approved shall be implemented in full accordance with all the noise mitigation measures and the rating levels of noise due to the operation of the development on the three identified noise sensitive receptors set out within the submitted Noise Impact Assessment Issue 3 dated 8 February 2024 by Environmental Noise Solutions Ltd. The operational noise mitigation measures shall be maintained for the lifetime of the development.

Reason: In the interests of residential amenity.

023

No permanent external lighting shall be installed on the site until details have been submitted to and approved in writing by the Local Planning Authority. Lighting shall be designed to prevent light spillage and be directed away from sensitive receptors and habitat, such as woodland. Any external lighting shall be installed in accordance with the approved details for the lifetime of the development.

Reason: In the interests of residential amenity, the character of the open countryside and biodiversity.

024

The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans/drawings:

General Plans:

Site Location Plan (Drawing No: 60687996-ACM-XX-LAY-GEN-1004 Rev A)
Site Layout Plan (Drawing No: 60687996-ACM-XX-LAY-GEN-1001 Rev C)
400kV BESS Substation Layout Plan (Drawing No: 60687996-ACM-XX-LAY-EL-1015 Rev A)
400kV BESS Substation Elevation (Drawing No: 60687996-ACM-XX-LAY-EL-1016 Rev A)
132kV BESS Substation Layout Plan (Drawing No: 60687996-ACM-XX-LAY-EL-1005 Rev C)
132kV BESS Substation Elevation (Drawing No: 60687996-ACM-XX-LAY-EL-1006 Rev B)
Battery and PCS Unit Indicative Elevations (Drawing No: 60687996-ACM-XX-LAY-GEN-1002 Rev B)
Control Building and Storage Building Indicative Floor Plan (Drawing No: 60687996-ACM-XX-LAY-GEN-1007 Rev A)
Control Building, Storage Building and Water Tank Indicative Elevations (Drawing No: 60687996-ACM-XX-LAY-GEN-1003 Rev B)
Typical Details – Fencing, CCTV, Intercom, Auxiliary Transformer and Fire Hydrant (Drawing No: 60687996-ACM-XX-LAY-GEN-1005 Rev A)
Typical Details – Typical Access Track (Drawing No: 60687996-ACM-XX-LAY-GEN-1005 Rev C)
Indicative Acoustic Barrier and Bund Elevation (Drawing No: 60687996-ACM-XX-LAY-GEN-1008 Rev B)
Construction Compound Indicative only (Drawing No: 60687996-ACM-XX-LAY-GEN-1006 Rev A)

Proposed Landscape Plans:

Landscape Masterplan (Drawing No: P22-1211-EN.0003 Rev E)
Landscape Boundary Sections – Year 1 and 15 (Drawing No: P22-1211-EN.0002 – Sheets 1 and 2 Rev A)
Landscape Masterplan – Main Road Access (Drawing No: P22-1211-EN0004 Rev E)

Proposed Highway Plans:

Main Road Access (Drawing No: P22-1211TR-SK01 B) attached at the end of the Construction Traffic Management Plan Rev C by Pegasus Group
Main Road Access HGV Swept Path Analysis (Drawing No: P22-1211TR-SK02 A)
Staythorpe Road Access Geometric Parameters (Drawing No: P22-1211TR-SK05 Rev C)

Staythorpe Road Access Fire Tender Swept Path Analysis (Drawing No: P22-1211TR-SK06 Rev C)
Staythorpe Road Access Abnormal Load Swept Path Analysis (Drawing No: P22-1211TR-SK10 A)

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

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.

04

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.

05

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

06

Correspondence with the Highway Authority should be addressed to hdc.north@niottscc.gov.uk

07

The routing and approval of abnormal loads on the highway network within Nottinghamshire is managed by Via East Midlands on behalf of the Highway Authority. Prior to discharge of condition 7, we strongly recommend contacting the Abnormal Loads Officer at abnormalloads@viaem.co.uk to discuss to your proposals.

08

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 Archaeology@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.

09

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

010

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

011

Comments from National Gas Transmission plc - It is the developer's responsibility to take

into account whether they are required to or would benefit from referring to the HSE Land Use Planning App (LUP), available from HSE's website. (Please note for some works this is a requirement for them to take place). More information on the LUP is available at http://www.hse.gov.uk/landuseplanning/

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

- Appeal Decision Letter relating to application 22/01840/FULM dated 03.05.2024 in link below
- BESS Appeal decision

Committee Plan - 23/00317/FULM