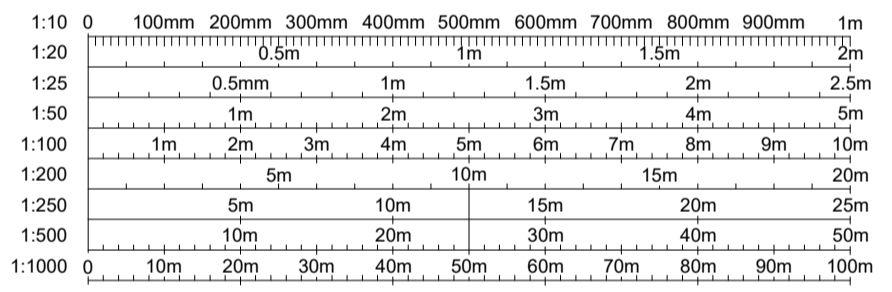


- ### LEGEND
- LANDLORD'S PROPERTY
 - OPTION AREA
 - - - EXISTING OVERHEAD LINE
 - - - FENCE LINE
 - PROPOSED PLANTING
 - SUPER GRID 220MVA TRANSFORMER
 - CLIENT CONTROL ROOM
 - CLIENT SWITCHROOM
 - GRID CONTROL AND SWITCHROOM
 - BATTERY MODULE
 - TX & INVERTER CONTAINER
 - CONTROL CABINET
 - AUX TRANSFORMER
 - CCTV & LIGHTING COLUMN

NORTH WARWICKSHIRE
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 PLANNING & DEVELOPMENT
 DIVISION



REV	DESCRIPTION	ISS BY	DATE
C	ACCESS ROAD CONTROL ROOM AMENDED	TP	27.07.2021
B	COMPOUND AND ROAD AMENDED	TP	18.07.2021
A	ORIGINAL	TP	31.03.2021

Revision Schedule			

Status: **FOR PLANNING**

Hartham Park
Corsham Wiltshire
United Kingdom
SN13 0RP

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Project Number: _____






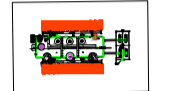



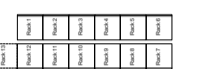




Project Title: **HAMS HALL BATTERY STORAGE**

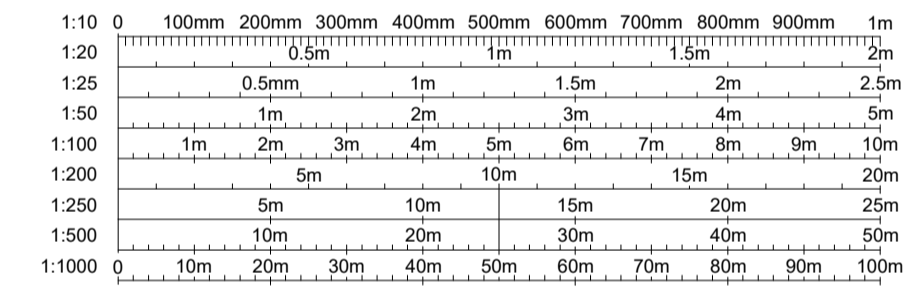
Drawing Name: **Site Location Plan**

DRAWN	TP	CHKD	EW	APPD	EW	SCALE (@ A1) Scale 1:2500	SHEET No. 1 of 1
Drawing Number: 04-7625						REVISION C	

PAP/2021/0473

LEGEND

-  LANDLORD'S PROPERTY
-  OPTION AREA
-  EXISTING OVERHEAD LINE
-  FENCE LINE
-  PROPOSED PLANTING
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REV.	DESCRIPTION	ISS BY	DATE
G	ACCESS ROAD CONTROL ROOM AMENDED	TP	27.07.2021
F	COMPOUND AND ROAD AMENDED	TP	18.07.2021
E	TRANSFORMER COMPOUND AMENDED	TP	22.04.2021
D	SITE REVISED	TP	13.04.2021
C	SITE REVISED	TP	08.04.2021
B	SITE REVISED	TP	04.04.2021
A	ORIGINAL	TP	31.03.2021

Revision Schedule

Status: **FOR PLANNING**



Hartham Park
Corsham Wiltshire
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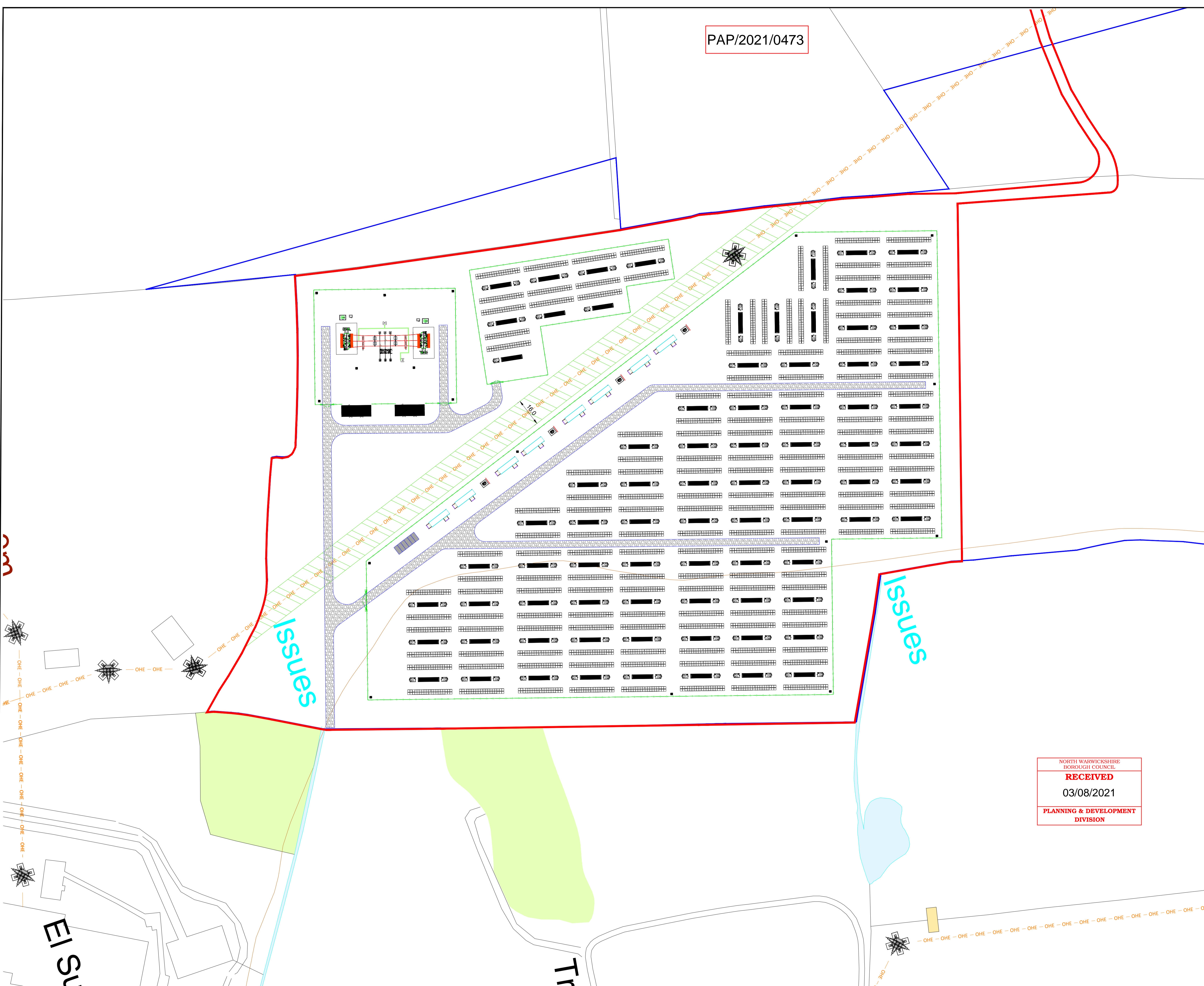
Project Number:

Project Title:
HAMS HALL BATTERY STORAGE

Drawing Name:
Proposed Site plan 2

DRAWN	TP	CHKD	EW	APPD	EW	SCALE (@ A1)	SHEET No.
						Scale :1:1000	1 of 1
Drawing Number: 03-7625							REVISION
							G

NORTH WARWICKSHIRE
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03/08/2021
PLANNING & DEVELOPMENT
DIVISION



General Development Applications

(5/h) Application No: PAP/2021/0473

Land East and South East Of Dunton Hall, Kingsbury Road, Curdworth,

Development of a 349.9 MW Battery Energy Storage System with associated infrastructure including access road for construction, for

Welbar Energy Storage Ltd

Introduction

This application was referred to the Board's December meeting, but determination was deferred in the light of additional information received between the publication of that meeting's agenda and the date of the meeting. The Board requested a supplementary report which would address this additional material.

The additional information covered three main areas – a consultation response from the Warwickshire County Council as Minerals Planning Authority, a representation from the Lea Marston Parish Council in respect of the impact on the openness of the Green Belt and details concerning the status of the final access into the site from Hams Lane.

The applicant was present at the December meeting and has provided his own response to these three matters.

It is proposed to deal with each of these matters in turn, including referral to the applicant's responses, such that the conclusions reached can be dealt with in a review of the final planning balance as originally set out in the December report.

The previous report is attached for convenience at Appendix A. Members should be aware that this supplementary report contains additional Appendices over and above those already included in Appendix A.

2. The Minerals Planning Authority

a) Introduction

Warwickshire County Council acting as the Minerals Planning Authority has submitted a representation to the Board. This is attached at Appendix B. It refers to the application site being located within a Minerals Safeguarding Area for sand and gravel; to concern over whether sand and gravel extraction would be prejudiced under the "agent of change" principle set out in para 187 of the National Planning Policy Framework - (the "NPPF") - and to two detailed matters, dust impacts and surface water disposal.

b) Background

The Saved Policies of the 1995 Minerals Local Plan for Warwickshire is part of the Development Plan relevant to the determination of this application. Policy M1 of this Plan says that within "preferred areas", permissions will normally be granted for mineral extraction. The application site falls within part of a much larger Preferred Area for sand and gravel extraction, known as PA2 – see Appendix C.

This 1995 Local Plan is under review and that has reached the Proposed Modification stage with consultation ending in early January 2022. Although not part of the Development Plan, the content of the emerging Plan as Proposed to be modified, carries significant weight. Policy DM10 of this Plan says that “non-mineral development will not be permitted if it would needlessly sterilise important mineral resources or would prejudice or jeopardise the use of existing mineral sites”. Policy MCS5 says that “sand and gravel (amongst other materials) will be safeguarded against needless sterilisation by non-minerals development unless prior extraction takes place”. Policy S9 identifies an allocation of land at Hams Lane for sand and gravel working. This is illustrated at Appendix D. It excludes the application site for the battery storage development. It is also smaller than the PA2 site referred to above, as it excludes the land required for HS2.

2.4 Paragraph 187 of the NPPF states that,

“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where an operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or “agent of change”) should be required to provide suitable mitigation before the development has been completed”.

c) Observations

It is true to say that the application site is within a safeguarded area for sand and gravel extraction by virtue of Policy PA2 of the 1995 Minerals Plan. However, there are two material considerations that would heavily weigh against a refusal on mineral safeguarding grounds. The first of these is that Policy PA2 is out-of-date. It has been overtaken by Policy S9 of the emerging Plan. The allocation therein excludes the site. That exclusion is wholly due to the HS2 commitment and thus Policy S9 should carry significant weight. It will only carry full weight if it is retained in the adopted Plan. Notwithstanding this, it is still considered that Policy S9 outweighs Policy PA2. The second is that the proposed development is capable of being dismantled and removed and therefore if acceptable in planning terms, the underlying sand and gravel could be removed at a later date and thus it would not be permanently sterilised. It is noteworthy that the letter from the County Council does not object to the development on potential sterilisation grounds for these reasons.

It is now necessary to look at the paragraph 187 issue.

Members will be aware that to the west of the application site and beyond the line of HS2 there is Dunton Quarry, a fully operational materials recycling site. In policy MCS4 of the emerging Minerals Plan it is described as a “major facility providing materials to the local and regional construction industry”. The County Council properly says that its operation should not be prejudiced by the development of the battery storage proposal under the agent of change principle set out in para 187 of the NPPF. In particular, the County Council draws attention to the possibility of dust arising from the Dunton Quarry site affecting the operations on the application site, thus in turn requiring additional restrictions being placed on the Dunton Quarry operations which could be considered to

be “unreasonable” under the terms of paragraph 187. This issue has been raised with the applicant. His response is that his infrastructure would be located within the containers and that any dust would not affect his operations. He does say however that there may be a need to replace filters more frequently. He does not see the potential for the need to review the current conditions attached to the Dunton Quarry planning permission, or to the likelihood of action being taken under other legislation. In these circumstances he is agreeable to a condition requiring a full dust mitigation strategy to be agreed and implemented for his development following a full dust impact assessment. That assessment would include an allowance for dust emanating from the Dunton Quarry site. The County Council has agreed that this is an acceptable way forward.

The other paragraph 187 issue is the impact of the sand and gravel allocation S9. The County has raised two matters here – dust and surface water disposal. In respect of the first, then the issue is again the likelihood of dust arising from that extraction operation affecting the operation of the proposed development, thus in turn raising the possibility of additional restrictions on the future extraction operations. In light of the agreement recorded in the previous paragraph, the County Council is content with the condition covering dust assessments arising from both Dunton Quarry and the S9 site and that any subsequent mitigation on the application site responds to the findings of that combined assessment.

In respect of surface water disposal, then Members will have noted from the previous report that surface water is to be captured and contained on-site before discharge into an adjoining ditch running along the southern site boundary. The County Council as Minerals Planning Authority is concerned that any works to that ditch might adversely impact on the design of surface water disposal from site S9, or at worst limit or hinder that design. The County Council as Lead Local Flood Authority had no objection to the applicant’s proposed solution subject to detailed specifications being agreed before implementation. This position has been forwarded to the County Council as Minerals Planning Authority and it is content with the conditions recommended by the Lead Local Flood Authority. In other words, the specification, if necessary, can take account of the S9 site.

The Minerals Authority concludes its letter by saying that appropriate planning conditions would overcome its concerns and therefore in light of the above, it is considered that the consultation response from the Minerals Planning Authority will not necessitate a review of the final planning balance.

3. The Lea Marston Parish Council Representation

a) Introduction

The Parish Council’s representation was circulated to Members before the December meeting. It is again attached here at Appendix E. It refers to three main issues – the cumulative impact of the proposal together with other commitments in the vicinity on the openness of the Green Belt, the visual impact and the status of the access into the site once operational. The last of these will be dealt with separately below in section 4.

The applicant’s response to the representation is attached at Appendix F.

b) Observations

The previous report looked at the Green Belt issue – section (a) of the Observations Section in Appendix A. It concluded that the proposal was inappropriate development thus causing substantial definitional Green Belt harm and also significant actual Green Belt harm. It is not considered that this conclusion is altered as a consequence of the representation received. In other words, the level of actual Green Belt harm remains as significant. Whilst the HS2 works and line are commitments, the land the subject of the sand and gravel extraction – S9 – will be restored and thus return to open land and the current development too is proposed to be de-commissioned and conditions are recommended to agree a restoration plan following that. Openness in the longer term is therefore not likely to be lessened. Cumulative impact is a planning consideration to be taken into account, but in the circumstances here, that is not considered to alter the weight to be attributed to Green Belt harm as set out above.

In respect of the visual impact, then this relates to views of the site from Hams Lane and the Lea Marston area in general. Members will be aware of the proposed landscaping for the site – particularly the enhancement of the surrounding hedgerows and additional tree planting along the eastern and northern boundaries. The proposed development is not tall. The containers are to be 2.4 metres high and the substation, which contains some taller infrastructure is to be located at the southern end of the site which is the lowest lying part of the site. The site however does have a pronounced slope running down to the south. In light of the Parish Council comments, the applicant is now proposing enhanced landscaping along the eastern edge of the site. This is shown at Appendix G. The Board asked for an illustration of the impact on landscaping and the applicant has now provided the images as seen from Hams Lane over a period of fifteen years– see Appendix H. In all of these circumstances, it is considered that adverse visual impacts can be proportionately mitigated. Planning conditions can be included to cover the specification of the new planting to ensure that it is of a quality and height to stand clear of the containers; to include the “terracing” of the land such that the containers are “lowered” into the slope and to agree the colour of the containers.

4. The Access Arrangements

a) Introduction

As indicated in the previous report the vehicular access for the construction of the site is to be off the A4097 making use of an HS2 haul road. This was shown on one of the plans in Appendix A. Clearly once the HS2 line is under construction and then complete, that route will no longer be available to access the site in the longer term. The site would thus become “land-locked”. As it happens there is minimal operational access required once the site is constructed as the site’s operations are managed remotely. However, there will be a need for maintenance to be undertaken and the need to have emergency access. HS2 is to provide an alternative access to the land-owner’s land on the east side of the line in any event, because of the severance issue caused by the line. That is to be provided by HS2 on a line running directly alongside the northern boundary of the Hams Hall substation from Hams Lane onto the land-owner’s land. It is proposed to use this to also gain access to the application site.

The issue that has arisen is whether the Warwickshire County Council as Highway Authority is agreeable to this position and whether the arrangement enables the applicant to access the site as opposed to just the landowner.

b) Observations

The Highway Authority has confirmed that the construction access for this site can be from the Kingsbury Road and that conditions are recommended to reflect this – as set out below. This will only be a construction access and one with a temporary life-span. Hence HGV's involved in the construction would not pass through Lea Marston.

Once completed and operational, HS2 has confirmed that access to the battery storage site can rely on access via the new access from Hams Lane – see Appendix I.

There is common ground between HS2 and the Warwickshire County Council as Highway Authority that the actual alignment and specification for this access between Hams Lane and the site is not yet agreed. However, from a planning perspective this position can be accommodated through the use of appropriately worded planning conditions. These would say that there must be no start to any of the development as proposed, until the details of the route and specification for this access have been agreed in writing by the Local Planning Authority. That will enable due consultation with the relevant Authorities as well as the local community. Additionally, a condition can ensure that its use is restricted.

5. Other Matters

a) Archaeology

Members will have noted from the previous report at Appendix A, that the County Archaeologist was asking for trial trenching across the site. This can be accommodated through a pre-commencement condition. This approach is considered to be proportionate given the initial Assessment provided by the applicant's consultants; the fact that the proposal does not involve extensive ground works or deep foundations, has a degree of flexibility in terms of layout and is not a permanent development.

b) Noise

The previous report identified the need for noise mitigation along the northern boundary. The details and specification for this can be reserved through an appropriate planning condition. Any measures here too can take account of the proposed landscaping along this boundary. The Environmental Health Officer is satisfied with this approach.

6. The Applicant's Response

a) Introduction

Given the late receipt of the three matters referred to above and the content of the discussion at the last meeting, the applicant has also provided an explanation for the selection of this application site. This is attached at Appendix J.

b) Observations

The previous report concluded that the applicant's case carried substantial weight. His further response at Appendix J does not alter that conclusion.

7. The Final Planning Balance

a) Introduction

It is not considered that the three matters raised above affect the weighting to be given to any of the matters identified on the "harm side" of the final planning balance in a material way. This remains as set out in section (c) of the Observations in Appendix A. The applicant has usefully summarised those material planning considerations which he believes should be afforded sufficient weight to "clearly" outweigh the cumulative harms caused – section (d) of the Observations in Appendix A. The explanation at Appendix J focusses on the matter of site selection. These considerations cumulatively are considered to carry substantial weight. The Board is thus now asked to assess the final planning balance.

b) Observations

The previous report concluded that the applicant's case did carry sufficient weight to clearly outweigh the cumulative harms identified so as to amount to the very special circumstances needed to support the proposal. The additional material now submitted and outlined in sections 2, 3 and 4 above is not considered of sufficient weight to alter the recommendation to the Board.

The last report noted that two matters in particular "tipped" the balance in support of the application – the relevant national and local planning policy and the bespoke locational requirement of the proposal. It is proposed to focus on these two matters, through reference to the evidence that lies behind them.

The national and local planning policy evidence provides the background to the need to store energy generated from renewable sources so as to make it available when it is most needed. The previous report outlined in full the content of that policy background – sections (i) and (ii) of (d) in the Observations section of Appendix A. There has been no change in this background since the last report. It carries substantial weight.

National and local planning policy in respect of the Green Belt also carries substantial weight.

There is thus an assessment to be made here. In this case there is one factor that tips the balance in favour of supporting the proposal – and that is the "bespoke" locational requirement for this type of proposal. The national requirement is for a site in the Midlands. The operational requirement then focusses on Hams Hall. Expanding on this, Members will have seen from Appendix J that there are two potential sites in the Midlands – Hams Hall and the other site being at Bustleholme in Sandwell. Planning permission was granted here for a 49MW storage system earlier this year. However, the National Grid minimum requirement is for a much larger facility and that site cannot expand and is thus not big enough, hence the focus on Hams Hall. The applicant's explanatory sequence as set out in Appendix J is clear, relevant and evidence based.

In conclusion therefore, there are very limited site opportunities for developments of this nature. They have to be located where available connections into the National Grid exist presently. In this case that means that a Green Belt location is inevitable. Given the national and local policy to provide energy infrastructure, it is considered that these considerations are sufficient in this case, to tip the balance in that they do amount to the very special circumstances to warrant supporting the proposal.

8. Recommendation

That the Board is minded to support the grant of planning permission subject to a full schedule of planning conditions as set out below and that the matter now be referred to the Secretary of State under the terms of the 2009 Direction.

Standard Condition

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

REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

Defining Conditions

2. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 01E Options plan, 02 Proposed Site Plan, 03 Proposed site plan, 04 Site location plan, 06 Grid compound elevation, 07 Grid control and switch room, 08 Fence elevation, 09 Battery compound switch room, 10 Battery compound control room, Super Grid Transformer Elevation, 12 Aux Transformer Elevations and 3D views, 13 40ft Inverter and Transformer Container, 14 10ft Control Container Plan Elevations, 15 CATL Battery Pack Plan and Elevations, 16 External Lighting and CCTV Column, 17 Internal Lighting and CCTV Column and the Landscaping plan numbered 8048/09.

REASON : To ensure that the development is carried out strictly in accordance with the approved plans.

3. The development hereby approved including all related on-site built infrastructure (such as any CCTV cameras and poles, switch gear, access tracks, security fences, lights etc) shall be removed and the land restored to a condition suitable for agricultural use with 6 months of the batteries ceasing to be used, or the expiry of 30 years after the date of the first connection of any element of the development to the National Grid/the related substation, whichever is sooner.

REASON: In order to revert the approved site to its original state of agricultural land in accordance with policy and the timely restoration of the land.

4. Construction traffic shall access and egress the site from the west via the A4097 and the temporary haulage road, the route of which is shown on the approved plan. Construction traffic shall not be permitted to access the development site via Lea Marston.

REASON: In the interests of highway safety.

5. No development whatsoever shall commence on the site including the provision of the construction access road, until the full specifications of the final operational access off Hams Lane have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the works to the access as approved have been carried out in full to the written satisfaction of the Local Planning Authority. These works shall be retained in perpetuity.

REASON: In the interests of highway safety

6. Following completion of the access as approved and provided under Condition 5, the temporary construction access off the A4097 shall be permanently closed.

REASON: In the interests of highway safety

Pre-commencement conditions.

7. No construction work shall be undertaken until a full Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. It will be required to show details of:

- The routeing and timing (avoiding peak periods) of delivery and other construction traffic to/from the proposed development and the measures by which this is to be managed and monitored, including signage and information that will be provided to contractors and delivery companies.
- Suitable areas for the parking of contractors and visitors, including details of the capacity of the on-site staff/visitor/contractor car parking areas and confirmation of the assessment that this is sufficient to accommodate forecast demand and thereby avoid vehicles having to park off site on the highway network.
- Measures to prevent mud and debris on the public highway, including wheel washing facilities and the methods to be used to keep the public highway clear of any mud, debris and obstacles (in the event of spillage).
- The swept path analysis of the expected largest type of delivery vehicle when entering, leaving and turning within the site. This is needed to confirm that all vehicles will enter and leave the site in a forward gear.
- Suitable areas for the unloading and storage of materials off the public highway.
- Protection of hedgerows and trees during construction

The construction shall be carried out in accordance with the approved construction management plan throughout the period of construction.

REASON: In the interests of highway safety and the protection trees and hedges.

8. Notwithstanding the submitted details, no development shall commence until details of the colour of the containers, compound rooms, fencing, external lighting and columns has been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented and retained for the life of development, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests the visual amenity of the area and in accordance with policy.

9. No development shall commence until the finished floor level of the containers, transformer units, control rooms and transformers have been submitted to and approved in writing by the Local Planning Authority. The development shall then only be implemented on site in accordance with the approved levels.

REASON:

In the interests the visual amenity of the area and in accordance with policy.

10. No development shall take place until surveys to establish the presence of bats, badgers and greater crested newts on the site have been submitted to the Local Planning Authority. A mitigation strategy based on the findings of the surveys shall accompany this submission. The development may only commence following the approval in writing by the Local Planning Authority of a Mitigation Strategy and in full accordance with the content of that strategy.

REASON: To ensure the development does not harm protected species in accordance policy.

11. Notwithstanding the submitted details, no external lighting shall be installed on the site until plans showing the type of the light appliance, the height and position of the fitting, illumination levels and light spillage details have been submitted to and approved in writing by the Local Planning Authority. Illumination levels shall not exceed those specified for Environmental Zone 1 as set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE 2005). The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

In discharging this condition the Local Planning Authority expects lighting to be restricted adjacent to woodland and hedgerow areas and kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats..

REASON: In the interests of the amenities of the area and to minimise unnecessary lighting spillage above and outside the development site.

12. No development shall take place until:

a) a Written Scheme of Investigation (WSI) for a programme of archaeological

evaluative work has been submitted to and approved in writing by the Local Planning Authority.

b) the programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production detailed within the approved WSI has been undertaken. A report detailing the results of this fieldwork, and confirmation of the arrangements for the deposition of the archaeological archive, has been submitted to the planning authority.

c) An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation. The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of LP15 of the adopted North Warwickshire Local Plan, coupled with the requirements of paragraphs 194 - 198 of the National Planning Policy Framework 2021.

13. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development including the land to the east of the site up to Haunch Lane, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Undertake infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.

- If infiltration is not viable, limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate for the site.

.Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements.

.Provide calculations to 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 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Provide plans and details showing the allowance for exceedance flow and overland flow routing.

REASON:

To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity.

14. No construction work whatsoever shall be undertaken until visibility splays have been provided for the temporary access road off the A4097 with an 'x' distance of 2.4 metres and 'y' distances to the near edge of the public highway carriageway of 160 metres, in general accordance with Drawing Number 2105047-03, dated 16th July 2021. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON: In the interests of highway safety.

15. No construction work whatsoever shall be undertaken until the temporary access road off the A4097 is constructed to sufficient width to enable two HGV's to pass off the public highway, in general accordance with Drawing Number 2105047-TK01, dated 31st August 2021.

REASON: In the interests of highway safety.

16. No construction whatsoever shall be undertaken until the temporary access road off the A4097 has been surfaced with a bound material for a minimum distance of 15 metres as measured from the near edge of the public highway carriageway.

REASON: In the interests of highway safety.

Prior to development being brought into use

17. A landscape and ecological management plan (LEMP) shall be submitted to the Local Planning Authority within six months from the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) Details of the legal and funding mechanism(s) by which long-term implementation of

the plan will be secured by the developer with the management body(ies) responsible for its delivery.

j) A Biodiversity Impact Assessment that demonstrates a net Biodiversity Net Gain will be achieved through the enactment of the LEMP, including the identification of land to be the subject of bio-diversity enhancement. The Plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The development shall only be implemented in accordance with the approved LEMP and its requirements and management practices shall continue to be undertaken throughout the life of the development as defined by Condition 3.

REASON: To ensure biodiversity gain and to accord to policy in the North Warwickshire Local Plan.

18. The development hereby permitted shall not be brought into use until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the use of the battery storage plant commencing and to the satisfaction of the Local Planning Authority.

REASON: In the interests of public safety from fire and the protection of emergency fire fighters

19. No occupation and subsequent use of the development shall take place until a detailed maintenance plan is submitted to the Local Planning Authority giving details on how surface water systems are to be maintained and managed for the life time of the development, including the name of the party responsible, including contact name and details for the maintenance plan. The approved maintenance plan shall be implemented in accordance with the details submitted and approved.

REASON: To ensure the future maintenance of the sustainable drainage structures

20. The development hereby approved shall not be brought into use until a dust mitigation strategy has been submitted and approved in writing by the Local Planning Authority. This strategy shall be based on a Dust Assessment of the operational use of the site including allowances for dust arising from the operation of Dunton Quarry to the west of the application site, together with the use of the land to the east up to Haunch Lane for sand and gravel extraction. The development shall be carried out in accordance with the approved strategy.

REASON: In the interests of reducing dust pollution and in the interests of protecting adjacent minerals sites from unreasonable restrictions in accordance with para 187 of the National Planning Policy Framework.

21. The development hereby approved shall not be brought into use until full details of noise mitigation measures proportionate to the conclusions of a Noise Impact Assessment have been submitted to the Local Planning Authority. These measures

shall particularly address impacts arising along the northern boundary of the site. The use of the development shall only commence once the approved measures have been fully implemented to the satisfaction in writing by the Local Planning Authority.

REASON: To protect the neighbouring residential properties from adverse noise emissions.

22. All hard and soft landscape works as shown on the approved plan shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the use of the development hereby approved being brought into use, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policy.

APPENDIX A

General Development Applications

(6/e) Application No: PAP/2021/0473

Land East and South East Of Dunton Hall, Kingsbury Road, Curdworth,

Development of a 349.9 MW Battery Energy Storage System with associated infrastructure, for

Mr David Bryson - Welbar Energy Storage Ltd

Mr David Bryson - Welbar Energy Storage Ltd

Introduction

The application is referred to the Board at the discretion of the Head of Development Control as the proposal falls under the remit of the Town and Country Planning (Consultation) (England) Direction 2021 as a “Green Belt development”. This is because the size and scale of development is such that if the Board resolves to approve it, the case should first be referred to the Secretary of State for him to decide whether to call the case in for his own determination. The Council can refuse planning permission without the need for referral.

The Site

This is a single field, presently in agricultural use, extending to approximately 11 hectares. It adjoins the north west boundary of the Hams Hall Substation. Dunton Island, a materials recycling facility and Dunton Hall are all located to the north west of the site. The line of HS2 runs along the site’s western boundary. The village of Lea Marston is located to the east. The Reindeer Park is located to the north.

The site is characterised by a gently sloping topography, which slopes south-eastward from an elevation of approximately 95m to 85m above ordnance datum (AOD). It is bounded by hedgerows and hedgerow trees on the eastern, western and southern boundaries. It is surrounded by other fields, woodland and hedgerows to the immediate north-east, east and south and west. There is a dominant presence of energy infrastructure associated with the Hams Hall Substation and Hams Hall Distribution centre to the south-east. An overhead high voltage line runs from the south-east corner of the Site in a north westerly direction. These cables connect directly into the Hams Hall Substation to the south of the Site.

The location is illustrated at Appendix A.

The Proposal

This is for a battery energy storage plant in the vicinity of Hams Hall Substation (owned by National Grid). It will accommodate a storage capacity of 349.9MW. This will be provided through 158 single stack battery containers, each measuring 2.34 metres in height together with associated infrastructure. They would be arranged within the site

with Inverter and Transformer Units measuring 2.90 metres high between them. In addition to these components, the scheme includes four Battery Compound Control Rooms, four Battery Compound Switch rooms and two Super Grid 220 MVA Transformers. The scheme will be surrounded by 2.4m high deer fencing with fifteen External CCTV and lighting columns for security measuring 2.85m in height.

Electricity will be exported to the Grid via a single cable connecting to the Hams Hall substation of the south.

The development would provide a rapid-response electrical back-up to the National Grid providing a flexible system balance energy supply and demand thus contributing to the UK's progress in meeting its renewable energy target. Such a system is a complimentary element in the UK's energy mix, as excess energy can be stored and released during peak demand, or when renewable sources are not generating enough energy to meet demand. Their benefits are that they provide quick boosting within seconds and also, they have a significantly lower carbon footprint than conventional back up generation plants. As a consequence, they need favourable site conditions in order to deliver these benefits - in particular proximity to nationally significant transmission infrastructure.

The development would be de-commissioned in 30 years and the land re-instated to its present condition.

The overall layout is shown at Appendices B and C

The plans at Appendix D show typical elevations

The footpath network is at Appendix E

The line of the HS2 rail line is at Appendix F.

A number of supporting documents are submitted.

A Statement of Community Involvement reports on the public consultation undertaken by the applicant prior to submission. This took the form of an "in-person" event at the Lea Marston Hotel as well as engagement with the two Parish Councils. 22 residents attended the event and 5 completed a form – 4 were in favour and one was against

A Transport Assessment says that during the construction period of eighteen months, there would be a temporary increase in traffic on the local highway network – around 7 HGV movements a day and around 10 smaller vehicle movements a day. Construction traffic would access the site via a temporary road from the Kingsbury Road, which is to be provided by HS2 leading to its construction corridor alongside the new rail line and will be removed upon completion. During the operational phase there would only be minimal traffic visiting the site – perhaps two movements a week. This will use a road link within the site to a proposed HS2 construction track which will run from Hams Lane to the east of the site. This will run along the northern boundary of the Hams Hall substation.

A Noise Impact Assessment identifies three nearby residential properties – Dunton Hall, Dunton Coppice and Hams Lane. For the purposes of the Assessment, the report

assumes that any noise emitting equipment would be operating continuously during the day and night. Account has been taken of traffic noise as well as the predicted levels arising from the HS2 rail line. Based on the worst case as indicated above – continuous use – the Assessment concludes that mitigation will be required to reduce noise impacts during the night-time. These measures are to include noise barriers along the northern boundary of the site.

An Arboricultural Report concludes that there are good quality trees around the site boundaries and that the development has recognised their root protection areas in arriving at a proposed layout. Additional areas of planting and hedgerow enhancement would be recommended.

A Flood Risk Assessment records that the site is in Flood Zone 1 which is at low risk from fluvial flooding. The site is currently greenfield and the proposal would retain around 30% of the site with a permeable surface. The surface water arising from the un-permeable areas together with that from the structures would drain to a series of depressions close to the south-east corner of the site and thence through restricted outfall measures to the adjoining ditch.

An Ecology Appraisal concludes that there will be no direct or indirect impacts on the Whitacre Heath SSSI which is around a kilometre to the east, because of the separation distance. There will be a permanent loss of around 9 hectares of improved grassland and 0.09 hectares of wet natural grassland. However, a number of mitigation measures are included in order to compensate. These include retention of as much of the existing wet grassland as possible within the north-east corner of the site – this amounts to 0.05 hectares; retention of all hedgerows, the creation of a 0.2 hectare species rich native hedgerow along the northern boundary of the site, creation of a species rich scrub land on the margins of the site together with a 9 to 10 metre wide buffer between the retained hedgerows and the proposed containers. However even these measures will not lead to a bio-diversity gain and the Appraisal suggests either enhancement of at least 1.5 hectares of grassland on the adjoining land – in the same ownership as the site or contributions in lieu of this. This off-site area would be managed through a Management Plan which would be conditioned under any planning permission. The retention and enhancement of the hedgerows together within the buffer alongside them will maintain bat foraging areas, however the design of the site lighting will need detailed consideration. Evidence of Badgers was found on the site and detailed measures will be needed to be agreed prior to construction. A similar detailed assessment of the presence of greater crested newts will be needed prior to construction.

A Heritage Assessment identifies no overriding heritage constraint to the proposal. There is a potential for Roman remains within the site as similar remains have been found nearby. Evidence of medieval and post-medieval agricultural use may also be present. The report concludes that there would be limited impact of the setting of the Grade 2 Listed Dunton Hall and its associated Grade 2 Listed barn and grade 2 pigeon house – all some 310 metres to the west. This is because the significance of these buildings lies in their agricultural form and character which has been much altered because of the loss of land associated within the holding; the impact of the construction of HS2 line which passes right by these assets between them and the application site and the consequential demolition and rebuilding of the barn together with their being no inter-visibility with the application site. The Grade 2 Listed Blackgreaves Farm is 800

metres to the north but there is no intervisibility with the site and no known historic association. As a consequence no harm would be caused to its setting.

A Landscape and Visual Impact Assessment has been prepared. There are no designated landscapes within the site or its vicinity. In terms of the effects on landscape character, this majors on the substantial impact of the construction of the HS2 line just to the west of the site with its embankments and new footbridge to accommodate a diverted footpath. This refers not only to that line but also to the rail sidings to the north and south. The existing hedgerow field boundaries to the site would be retained thus retaining the overall field pattern. These would be enhanced. Mitigation measures for HS2 include new tree planting along its eastern embankment. However, this project will have large scale and high adverse landscape impacts. The report concludes that the proposed development would add to the cumulative landscape change here, but that it would only add limited change to the soon to be changed landscape hereabouts. The overall landscape impact is thus local in extent but greater the closer one is to the site itself. In terms of visual impacts then with the low level of the development and the enhanced planting, the visual impact is only partial, with the greatest impacts arising from around 150 metres to the north and 450 metres from the east. The report also concludes that there would be significant adverse impacts experienced by users surrounding public footpath network. However, these would be transitory. Moreover, the Assessment says that as the development has a proposed “life” of 30 years, these impacts will be removed when de-commissioning takes place. Overall, the report concludes the cumulative visual impacts when HS2 is taken into account would be moderate but local in extent.

As the site is in the Green Belt, the applicant has undertaken a Green Belt Assessment. This starts with acknowledgement that the proposal is inappropriate development. However, the focus of the report is to assess the proposal against the five purposes of including land within the Green Belt as set out in the NPPF. It agrees that this assessment should focus on three of these purposes – to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another and to assist in safeguarding the countryside from encroachment. The evidence base used in the assessment is the Coventry and Warwickshire Joint Green Belt Study of 2016. This Study identified a large number of defined parcels of land to be “tested” against the five purposes as well as identifying a number of larger “broad areas”. The application site is in Board Area number 10 but it also abuts land parcel number CH19 to its south. The Assessment concludes that the site only plays a limited role in contributing to purpose three – that of safeguarding the countryside from encroachment. When the assessment is re-run by taking into account other committed development in the area – particularly HS2 – it comes to an identical conclusion - one of limited additional cumulative harm to that third purpose. It also points out that with a proposed development life of 30 years, even these limited impacts will be removed over time.

For the benefit of Members the reasoning that leads to the above conclusions is set out in Appendix G.

A Planning Statement draws together the conclusions from these previous documents and puts these into a planning setting. It then addresses the final planning balance. The Statement sets out why the proposal has been put together – very much based on the need to increase the use of renewable energy. It also runs through the reasoning behind the selection of this particular site – the proximity to the National Grid’s

transmission infrastructure which can support both the import and export of electricity at a significant level and which is of such a capacity that avoids the need for a greater number of alternative smaller works in the wider network. These are the considerations put forward in the final planning balance and the Statement concludes that they do clearly outweigh the cumulative harm caused to the Green Belt and to other matters. The Statement relies on the evidence of the submitted documentation – as summarised above – to reach this conclusion.

The argument leading to the Statement's conclusion is attached at Appendix H.

Representations

Seven letters of support from surrounding properties have been received referring to:

- The proposal will support the environment
- It supports green energy and climate change development
- Necessary for the future of the country.
- Integral and necessary tool required for renewables.
- Position of the development is out of site
- Next to HS2 will be inconspicuous

Lea Marston Parish Council objects as the application is in the Green Belt and is "excessive" in scale.

Curdworth Parish Council objects on the grounds that it is a development in the Green Belt. They also feel that it is an overdevelopment in the area and that there would be an additional increase in traffic, with the current road infrastructure being unable to cope.

Consultations

Warwickshire County Council as Highway Authority - No objection subject to standard conditions.

Warwickshire County Ecologist – No objections subject to a condition requiring management of biodiversity

Warwickshire County Council (Rights of Way) – No objection

Warwickshire County Council as Lead Local Flood Authority – No objections

Warwickshire County Archaeologist – Trial trenching will need to be carried before development is commenced.

Environmental Health Officer – To be reported

Environment Agency – No objection

Warwickshire Police – No objection subject sufficient security being provided for the infrastructure

Warwickshire Fire and Rescue Service – No objection subject to the provision of suitable fire-fighting facilities.

HS2 Ltd – No objection

Development Plan

North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP14(Landscape), LP15(Historic Environment), LP16 (Natural Environment), LP18(Tame Valley Wetlands NIA including Kingsbury Waterpark), LP23 (Transport Assessment and Travel Plans), LP25 (Railway Lines), LP27 (Walking and Cycling), LP29 (Development Considerations) LP30(Built Form), LP33(Water Management), LP34 (Parking) and LP35 (Renewable Energy and Energy Efficiency)

Other Relevant Material Considerations

The North Warwickshire Landscape Character Assessment 2010

The 2019 Resolution of the North Warwickshire Borough Council – Climate Change Emergency

The National Planning Policy Framework 2021 - (the “NPPF”)

National Planning Practice Guidance

Climate Change Act 2008

Climate Change Act (2050 Target Amendment) Order 2019

National Infrastructure Strategy 2020

Energy White Paper: Powering Our Net Zero Future (December 2020)

The Infrastructure Planning (Electricity Storage Facilities) Order 2020

Observations

a) Green Belt

The site is in the Green Belt. Inappropriate development as defined by the NPPF is considered to be harmful to the Green Belt and that harm carries substantial weight. A planning permission should not be granted unless there are material planning considerations of such weight to clearly override that Green Belt harm and any other harm. In such a case, the very special circumstances will exist to support that proposal.

The NPPF defines what might be inappropriate development in the Green Belt. In this case the proposal could fall under two of the categories set out in the NPPF. In the first instance, if the proposal is treated as the “construction of new buildings” – the containers being treated as structures for planning purposes – then the proposal would not fall into any of the exceptions set out in para 149 of the NPPF. It would thus be

inappropriate development. In the second instance, if the proposal is treated as a “renewable energy project” then in para 151, the NPPF says that “elements” of such projects “will comprise inappropriate development”. In such cases, the NPPF goes on to say that developers would need to demonstrate “very special circumstances” if projects are to proceed. The NPPF continues by saying that “very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.” It is therefore necessary first to establish if there are “elements” of the proposal here, that do comprise “inappropriate development”. It is considered that there are. There are two reasons for this. Firstly, as set out above the proposal would place a number of containers on the site and these would be treated as “structures” in planning terms. This would fall within the planning definition of a “building”. There are also other buildings proposed. As the proposal doesn’t fall into a defined exception – the proposal is an inappropriate development. Secondly it is considered that the proposal does not preserve the openness of the Green Belt and that it conflicts with the purposes of including land within it. This will be explored in more detail below. Overall, therefore, the proposed development constitutes inappropriate development in the Green Belt by definition, as it does not fall within the exceptions set out in para 149 of the NPPF or with the content of para 150.

The proposal also causes actual Green Belt harm because it does not preserve the openness of the Green Belt. There is no definition of “openness” in the NPPF but in planning terms, it is generally taken to mean “the absence of development”. Guidance is however given through Government guidance which identifies four elements that should be taken into account in any assessment. In respect of the spatial element then a presently large open field would be “filled” with containers and other buildings. This as a matter of fact and degree will reduce the amount of open land in this area both in itself and when treated in combination with other existing development. In respect of the visual element then whilst the containers would be set back from boundaries, these are not significant. The steel containers would be very visible from adjoining public footpaths and the site would be surrounded by fencing which would be 2.4 metre high deer fence together with on-site lighting. In other words, there would be a visual loss of openness. The third element, that of the amount of activity associated with the proposal, would cause a limited impact given the infrequent need to visit the site. Finally, the proposal should be treated in planning terms as being permanent and not a temporary development even although the application refers to a “life” of 30 years. For these reasons the development is considered to reduce the openness of the Green Belt hereabouts resulting in a significant level of harm.

Paragraph 137 of the NPPF states that the Green Belt serves five purposes; one of which is to assist in safeguarding the countryside from encroachment. The containers are engineered products that have an industrial appearance as would any lighting. They are not, inherently, products that fit into a countryside environment. On the scale proposed, the proposal if installed on the site would result in significant encroachment into the countryside. Paragraph 138 of the NPPF states that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence”. The proposed development would result in a significant loss of openness of the Green Belt and would result in significant encroachment into the countryside, thus undermining one of the purposes of including land in the Green Belt.

In conclusion therefore, the proposal is considered to be inappropriate development in the Green Belt causing substantial definitional harm and significant actual Green Belt harm.

b) Other harms

i) Landscape Impact

The site does not contain any statutory landscape designations. It falls within the "Middleton to Curdworth Tame Valley Farmlands Landscape" area as defined in North Warwickshire's Landscape Character Assessment of 2010. This is described as characterised by "gently undulating and open arable slopes of the western Tame Valley, a number of small watercourses cut through the landscape to connect to the Tame, the most notable being the Langley Brook, which flows to the south of Middleton." It then goes on to say that, "several busier "A" roads pass through the area and connect to the busy and exposed A42 / M6 toll junction to the south. These busy transport corridors connect to nearby industrial areas to the south around Hams Hall and have an urbanising influence, particularly on the south part of this landscape area. The settlement of Curdworth is located just beyond the junction at the fringe of the area. Lines of pylons also cut through this landscape." Amongst the landscape management strategies referred to are the maintenance and conservation of the primary hedge lines and their positive management as landscape features together with new hedgerow planting and enhanced tree cover.

As recorded above the site is part of an area within this landscape area which slopes southwards from the Kingsbury Road towards Hams Hall. It is thus not really visible from the north and any landscape impact is unlikely to affect the character of the whole of this Character Area. There is a definite fall southwards across the site as is the case with the surrounding fields. The fields here are bounded by hedgerows and there are areas of woodland to the south and north-east. The description above refers to urbanising influences in the southern part of the Area and this is evident from the area around the site. Because of the low-level of the proposed development and the opportunity to mitigate its impact through the enhancement of hedgerow and tree planting, together with these existing urbanising influences, the actual impact on the landscape character of this additional development is considered to be local in extent and limited in scale. This conclusion is given added weight when the landscape impact of the construction of the HS2 line is added into the Assessment.

ii) Visual Impact

There is a public footpath – the M16 - which runs directly along the southern site boundary running from Hams Lane to the Lichfield Road. In addition, the site lies south of footpath M18 closer to Blackgreaves Lane. As part of the HS2 works, footpath M16 will be diverted during the construction works and realigned following its completion. It cannot therefore be argued that the development would not be visible within its general vicinity. The provision of the containers, lighting and other structures would be visible from these footpaths against a backdrop of the undulating landscape. The site slopes south-eastward from an elevation of approximately 95m to 85m above datum. Their visual impact can be mitigated through appropriate colouring of the structures and the provision landscape buffers.

The development is low level with the containers measuring 2.34m in height and the inverter and transformer units being 2.9m in height. There are also 4 battery compound control rooms, 4 switch-rooms and 2 transformers. The proposal will be surrounded by 2.4m high deer fencing with 15 CCTV and lighting columns measures 2.85m. The position of HS2 directly to the west of the site has a far more substantial visual impact within the wider area and substantially alters the landscape setting hereabouts. There are also the high voltage overhead lines which have an adverse visual impact in the area around the site. As in the assessment of the landscape impacts, it is concluded that the visual impact will be local in extent and limited in scale given the cumulative impacts of other developments affecting the setting here.

iii) Heritage Impact

The site lies in close proximity to the Grade 2 Listed Dunton Hall and its associated Grade 2 buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory obligation on local authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 199 of the NPPF advises that great weight should be given to an assets' conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) requires clear and convincing justification. Paragraph 201 states that where there is substantial harm to a designated heritage asset, such cases the harm should be weighed against the public benefit of the proposal.

The heritage impact of the proposal is mainly on Dunton Hall and its associated listed buildings - which are 375m, 310m and 250m due west of the site. Blackgreaves Farmhouse is some 800m north of the site but there is sufficient distance from the proposal not to be impacted as there are no visual, functional or community linkages between them. The significance of the Dunton Hall complex is that of the retention of a group of former agricultural buildings that reflect a certain period through the retention of contemporaneous architecture and historic characteristics. However, this significance and particularly the setting, has already been compromised by the loss of agricultural land and particularly the addition of modern urbanising development – soon to be added to with HS2. The impact on the setting of the Dunton Hall complex is limited due to the limited intervisibility between the two sites and the significant severance caused by the line of HS2 that will run directly between the two sites. Moreover, the HS2 project requires the demolition of the Pigeon house and its rebuilding in a different location. Therefore, it is considered that there would be less than substantial harm caused to these heritage assets.

The proposed development lies within an area of archaeological potential. The submitted assessment with the supporting information to this application concludes that there is a potential for archaeological remains dating to the Roman period to survive within the proposed development site. Whilst limited evidence for prehistoric activity has been recorded across the surrounding area this may be a reflection of the limited number of previous archaeological interventions. The potential for prehistoric

archaeological remains to survive across the site should therefore be considered to be unknown. Recent archaeological fieldwork undertaken elsewhere in Warwickshire on sites with a similar underlying geology that have produced a largely negative geophysical response but, have been shown to contain significant and extensive archaeological deposits following further investigation. Therefore, the applicant has been required to carry out trial trenching on the site, which will define the character, extent, state of preservation and importance of any archaeological remains present and will also provide information useful for identifying potential options for minimising or avoiding damage to them. As a consequence, the recommendation below recognises this on-going evaluation.

iv) Ecology Impacts

The new Environment Act as well as the NPPF require there to be bio-diversity gain as a consequence of new development proposals. The application includes a Biodiversity Impact Assessment. This explains the significance of the site and evaluates the various impacts of the proposed development upon the site. These will include analysis during the construction phase as well as for longer term impacts. Measures will be recommended to compensate or mitigate adverse impacts, including loss of habitat and reductions in bio-diversity. The NPPF goes further and seeks for net biodiversity gains to be achieved, rather than maintenance of the current status-quo. It is proposed to provide habitat enhancements within the site and in the wider landownership. The Biodiversity Impact Assessment carried out by the applicant's ecologist, shows a biodiversity gain. This is through a number of on-site enhancements, including buffer zones, native wildflower meadow, dense scrub planting on the boundaries, new hedgerows, infilling gaps, tree planting and species sensitive lighting as well as an off-site area for enhancement. All of these works will be required to be managed for 30 years. The County Council's ecologist agrees the Assessment and supports the mitigation strategy suggested. These matters will be prescribed through planning conditions as advised by the County Council to provide long term biodiversity gain.

iv) Flood risk

The main concern in respect of flood risk is the area of impermeable hardstanding associated with the supporting infrastructure of the plant. The proposal indicates that surface water run-off can be managed and mitigated on site and not be increased. The Local Lead Flood Authority has not objected to the proposal subject to conditions relating to the submission of a detailed surface water drainage scheme to be submitted along with a maintenance plan.

v) Highways

The application was accompanied by a Transport Statement which indicates that the operational proposal once installed will lead to a minimal increase in vehicles on the highway network, but that a small increase is likely for a temporary period during construction which is anticipated to take approximately 18 months, with the typical average of around 20 vehicle movements per day including HGV movements, at any one time.

During construction, access to the site will be via the existing access from the A4097 Kingsbury Road which has been developed for the construction of HS2. Access for the

future maintenance of the facility would be via a proposed new HS2 access road via Hams Lane.

The Highway Authority has no objection to the proposal and has suggested conditions relating to access, parking and manoeuvring on site and construction traffic. The representations made by the two Parish Councils carry little weight given the actual levels of traffic to be generated and the Highway Authority's comments.

vi) Other Matters

In respect of the noise assessment and the lighting impacts, it is considered that suitably worded conditions can be used to secure the approval of details so as to mitigate against any adverse impacts.

c) Harm Side of the Planning Balance

This report concludes that the cumulative harms caused by the proposal on the harm side of the final planning balance are the substantial definitional Green Belt harm; the significant actual Green Belt harm caused, the limited landscape and visual harm as well as the less than substantial harm on heritage assets.

d) The Applicants Considerations

It is now necessary to identify the considerations put forward by the applicant in support of the proposals.

The applicant has put forward a number of considerations which when taken together are considered to carry sufficient weight to clearly outweigh the cumulative level of harm found and thus provide the very special circumstances to support the development. Each of these will be looked at in further detail They are:

- (i) The Need for Development in terms of climate change
- (ii) The contribution of the Proposed Development to meeting national and local imperatives for low carbon and decentralised energy network
- (iii) The constraints and lack of available and suitable sites on a site selection process;
- (iv) The low potential for adverse impacts arising from situating the proposal in this location; and
- (v) The temporary nature of the development.

(i) Need for the Development

His case is based on climate change being the key priority over the coming years – in particular the move to zero carbon. Changes, especially with the improvement in green technology, can have a major long lasting impact. The Borough Council is already committed to reducing its carbon footprint of the Borough and encourages changes that lead to such improvements.

The argument as set out below is taken from the Planning Statement.

He points to Policy LP35 of the Local Plan which indicates that renewable energy projects will be supported where they respect the capacity and sensitivity of the landscape and communities to accommodate them. In particular, they will be assessed on their individual and cumulative impact on landscape quality, sites or features of natural importance, sites or buildings of historic or cultural importance, residential amenity and the local economy.

The provisions of the NPPF too set out National policy with regards to the provision of sustainable development. This includes, as set out in various paragraphs of the document, the need to enable sustainable development to be provided identifying that planning should support the transition to a low carbon future in a changing climate and encourage the use of renewable resources.

The NPPF states at paragraph 7 that the planning system is to contribute to sustainable development. Paragraph 8 (c) states that by moving to a low carbon economy is one of the ways the planning system can contribute towards sustainable development. This is reinforced in paragraph 152 which states amongst other things that renewable and low carbon energy and associated infrastructure should be supported. Paragraph 158 states that applicants for energy development should not have to demonstrate the overall need for renewable or low carbon energy. Applications should be approved, unless material considerations indicate otherwise, if their impacts are (or can be made) acceptable.

The documents entitled 'Overarching National Policy Statement for Energy (EN-1)' and 'National Policy Statement for Renewable Energy Infrastructure (EN-3)' are both national policy documents associated with energy production at the national level published by the Department of Energy and Climate Change and published in July 2011. While the document pertaining to policy EN-1 does not relate specifically to the form of renewable development proposed here, it does set out and reiterate the fact that energy is vital to economic prosperity and social well-being so is therefore important not only to produce it but to get it where it is needed (paragraph 2.1.2). It is set out in paragraphs 2.2.5 and 2.2.6 of policy EN1 that the UK is reliant on fossil fuel and while they are likely to play a significant role for the time to come, there is national need to reduce this dependency to energy from renewable sources. Turning to the contents of national policy EN-3 it details the need for developments to be assessed on the principles of good design while also taking account of the landscape and visual amenity while also considering impacts such as noise and effects on ecology.

In November 2015, a Ministerial Statement was issued setting out priorities for UK energy and climate change policy. It set out the need for secure, affordable, clean energy being critical to the economy, national security and family budget. Reference is made to low carbon transitions being cost effective, delivering growth for the economy and consumers.

As a result of the Renewable Energy Directive is 2018/2001/EU, which sets out Europe's target for 32% of all energy produced to be from renewable sources by 2030. This sits within the European Green Deal commitment for the EU to become climate neutral by 2050. This directive remains in place until such time the UK has withdrawn fully from the EU. However, the Government have made clear their ambition to lead the world in renewable energy, carbon reduction and enhancement of biodiversity. The Government's new Environment Plan sets out the government's 25 year plan which seeks to kickstart a green economic recovery and providing a blueprint for meeting net

zero emissions targets by 2050. The plan has a very strong emphasis on the part renewable energy will have to play.

In October 2019 the North Warwickshire Borough Council declared a climate emergency and set out an action plan to address the council's impact on climate change which ties in with Paragraph 8 in the NPPF to take a more proactive approach to adapting to climate change, including moving to a low carbon economy.

In terms of the Green Belt as identified in paragraph 151 of the NPPF, the proposed battery energy plant would result in a reduction of emissions associated with energy generation equating to 350MW providing the equivalent energy needs for approximately 120,000 homes.

Officers consider that this consideration should carry substantial weight as it is based on up to date and relevant national and local planning policy

(ii) The contribution of the Proposed Development to meeting national and local imperatives for low carbon and decentralised energy network

The applicant says that there are a number of benefits of energy storage. The proposal will enable the integration of more renewables (especially solar photovoltaics and wind) in the energy mix. 1 MW of energy storage enables 4MW of renewables to connect to the grid. This means Hams Hall alone would enable 1.4GW of renewables in the UK. This renewable energy storage would constitute a significant contribution toward meeting local and national targets concerning the derivation of energy from renewable sources, reducing carbon emissions and mitigating climate change. There are challenges to renewable energy and intermittent nature of renewables, power fluctuations and fast fluctuations disrupt the balance between supply and demand. The energy storage systems are an integral requirement for the UK if we are to meet climate change targets. This should not be underestimated. The benefits of the energy storage is that it will help to decarbonise the national grid which will ultimately decrease the reliance on fossil fuels and increase the capacity of renewables into the system.

This consideration too should carry significant weight.

(iii) The constraints and lack of available and suitable sites on a site selection process

The National Grid infrastructure means that there are only limited assets available to provide stability and control to the network which renewables require as they provide fluctuating energy when demand may be low. A National Pathfinder programme in 2019 identified two strategic bands across the UK where this could be provided to link into the National Grid. Hams Hall is rated as high for its effectiveness in providing this stability support at the national level. Hams Hall substation was selected as it is a Main Integrated Transmission System (MITS) node, which basically means that network continuity can be maximised here. It is also one of only twenty substations that have adequate capacity for the import and export of up 350MW of capacity. Other substations would require upgrades or improvements to provide this capacity. The other substations also do not have the potential expansion areas around them in terms of open land in proximity to the substations. Basically, Hams Hall is the only MITS substation that is not constrained by land, available capacity or delayed connection date due to upgrades.

Once Hams Hall was considered most appropriate, a sieving process of the land was undertaken taking into account constraints of existing infrastructure, road networks, the position of the substation, transmission lines, railway lines, the existing industry, quarry and extraction facilities, the minerals plan, HS2 and national grid land. Following this, environmental surveys were carried out and then consultation. This concluded in consideration of this piece of land as the only viable option for accommodating the storage facility in proximity to Hams Hall Substation.

This consideration carries substantial weight as the locational requirements for a proposal of this importance are almost “bespoke”, because they are very site specific.

(iv) The low potential for adverse impacts arising from situating the proposal in this location

The applicant considers that the adverse impacts arising from siting the proposal on this site in the Green Belt are low to moderate in scale. This is taken from the evidence of his submitted documentation.

Officers disagree with the weight to be given to this consideration.

(v) The temporary nature of the development.

The applicant gives this consideration some weight, but the time period is not an inconsiderable amount of time. There will still be Green Belt harm during this period. and officers would give this consideration only limited weight.

e) The Applicant’s Side of the Balance

This report concludes that substantial weight should be given to the applicant’s considerations based on need, the site location criteria for selecting this site and significant weight to the contribution that this development would make to low carbon targets.

f) The Final Planning Balance

Members are therefore now asked to assess the final balance. The “test” for that assessment is that the considerations put forward by the applicant should “clearly” outweigh the cumulative level of harm caused if the development is to be supported.

The harm side of the balance has been set out in section (c) above with the other side of the balance set out in section (d).

It is considered that the applicant’s considerations do clearly outweigh the harm side of the balance. The reasons for this are:

- a) As a starting point, the weights apportioned to the various matters identified on either side of the balance suggest that the final assessment weighs in favour of supporting the proposal. However, this is insufficient as a final conclusion on the “benefit” side of the balance has to “clearly” outweigh the harm side to meet the

NPPF “test”. There are two matters which “tip” the balance in support of the application.

- b) Firstly, the matters set out under the national need section of the applicant’s case are reflected in up-to-date and relevant national and local planning policy. These therefore carry substantial weight. However, this does not necessarily mean that this site should be supported.
- c) What is critical in the assessment is the second factor – namely that the locational requirements for this type of development are almost “bespoke”. The applicant’s analysis has thus resulted in a specific focus on the Hams Hall area. The evidence base put forward to justify this site is robust and is based on the operational and functional requirements of the proposal.
- d) Nevertheless, the site is in the Green Belt and its protection too is of national significance recognised through national and local planning policy. Members will be aware that the NPPF and local planning policy, makes no distinction between types of Green Belt. As a consequence, there should be no pre-emption about the weight to be given to the Green Belt. It has to be weighed in the final balance. However, it is a matter of fact and degree in this particular case, that the setting of the site is a material consideration. The actual Green Belt harm as opposed to the definitional harm, whilst significant, is tempered by other significant existing and committed infrastructure projects actually adjoining the site. It is agreed that the proposal’s impact on the openness of the Green Belt is reduced because of these. If it stood alone without these other developments, then the conclusion may be very different.
- e) Whilst there was less than substantial harm found to local heritage assets, it is considered that the public benefits of securing and meeting climate change targets outweighs that harm.

In conclusion therefore, there is merit in the argument that there are limited site opportunities for developments of this nature. Energy storage facilities do need to be sited in locations where available connection into the National Grid exist. In this case that means that a Green Belt site is almost inevitable. Given the national and local policy in providing energy infrastructure, it is considered that these factors are sufficient to tip the balance in favour of finding that the proposal can be supported and thus that they amount to the very special circumstances necessary to support the proposal.

Recommendation

That the Board is minded to support the grant of planning permission subject to referral to the Secretary of State and subject to there being no objection from the County Planning Archaeologist as a consequence of the site trial trenching A full schedule of conditions is to be agreed with the Board Chairman, the Board Vice-Chairman and the Opposition Planning Spokesperson together with the relevant local Members, based on those set out below.

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

REASON: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

4. The development hereby approved shall not be carried out otherwise than in accordance with the plan numbered 01 Options plan, 02 Proposed Site Plan, 03 Proposed site plan, 04 Site location plan, 06 Grid compound elevation, 07 Grid control and switch room, 08 Fence elevation, 09 Battery compound switch room, 10 Battery compound control room, Super Grid Transformer Elevation, 12 Aux Transformer Elevations and 3D views, 13 40ft Inverter and Transformer Container, 14 10ft Control Container Plan Elevations, 15 CATL Battery Pack Plan and Elevations, 16 External Lighting and CCTV Column, 17 Internal Lighting and CCTV Column

REASON : To ensure that the development is carried out strictly in accordance with the approved plans.

Pre-commencement conditions

5. No construction shall be undertaken until an updated Construction Management Plan is submitted to and approved in writing by both the Planning and Highway Authorities and which should contain details of

- The routing and timing (avoiding peak periods) of delivery and other construction traffic to/from the proposed development and the measures by which this is to be managed and monitored, including signage and information that will be provided to contractors and delivery companies.
- Suitable areas for the parking of contractors and visitors, including details of the capacity of the on-site staff/visitor/contractor car parking areas and confirmation of the assessment that this is sufficient to accommodate forecast demand and thereby avoid vehicles having to park off site on the highway network.
- Measures to prevent mud and debris on the public highway, including wheel washing facilities and the methods to be used to keep the public highway clear of any mud, debris and obstacles (in the event of spillage).
- The swept path analysis of the expected largest type of delivery vehicle when entering, leaving and turning within the site. This is needed to confirm that all vehicles will enter and leave the site in a forward gear.
- Suitable areas for the unloading and storage of materials off the public highway.
- Protection of hedgerows and trees during construction
- The construction shall be carried out in accordance with the approved construction management plan throughout the period of construction.

REASON: In the interests of highway safety and the protection trees and hedges.

6. Notwithstanding the submitted details no development shall commence details of the colour of the containers, compound rooms, fencing, external lighting and columns, which shall be painted dark green shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented and

retained for the life of development, unless otherwise agreed in writing by the Local Planning Authority.

REASON:

In the interests the visual amenity of the area and in accordance with policy.

7. No development shall commence until the finished floor level of the containers, transformer units, control rooms and transformers have been submitted and approved in writing by the Local Planning Authority.

REASON:

In the interests the visual amenity of the area and in accordance with policy.

8. No development of any phase shall take place until an Ecological Survey, taking into account key features and habitats, including badgers, bats and birds, within that phase of development and mitigation in accordance with the principles in the approved Ecological Appraisal report, has been submitted to and approved in writing by the Local Planning Authority. The development of that phase is to be completed thereafter in accordance with any mitigation measures (a Protected Species Mitigation Scheme) required by the submitted survey.

Reason:

To ensure the development does not harm protected species in accordance policy.

During Construction

7. All construction traffic shall access and egress the site from/to the west via the A4097, Junction 9 of the M42 and the temporary haulage road. Construction traffic shall not be permitted to access the development site via Lea Marston.

REASON:

In the interests of highway safety.

8. No access to the proposed development by construction or maintenance vehicles will be permitted off Hams Lane in advance of the Highway Authority being provided with the technical details of the HS2 Ltd. access road between Hams Lane and Mr Dillon's retained land and subsequently agreeing in writing to its design.

REASON:

In the interests of highway safety.

9. Following completion of the access between Hams Lane and Mr Dillon's retained land the temporary access road off the A4097 used for construction shall be permanently closed and the public highway verge reinstated to a specification to be agreed in writing with the Highway Authority.

REASON: In the interests of highway safety.

10. No construction shall be undertaken until visibility splays have been provided for the temporary access road off the A4097 with an 'x' distance of 2.4 metres and 'y' distances to the near edge of the public highway carriageway of 160 metres, in general accordance with Drawing Number 2105047-03, dated 16th July 2021. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

REASON:

In the interests of highway safety.

11. No construction shall be undertaken until the temporary access road off the A4097 is constructed to sufficient width to enable two HGV's to pass off the public highway in general accordance with Drawing Number 2105047-TK01, dated 31st August 2021.

REASON:

In the interests of highway safety.

12. No construction shall be undertaken until the temporary access road off the A4097 has been surfaced with a bound material for a minimum distance of 15 metres as measured from the near edge of the public highway carriageway.

REASON:

In the interests of highway safety.

Prior to development being brought into use

13. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Authority within six months from the commencement of the development. The content of the LEMP shall include the following:

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organisation responsible for implementation of the plan.

- Ongoing monitoring and remedial measures.
- Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
- A Biodiversity Impact Assessment that demonstrates that a net Biodiversity Net Gain will be achieved through the enactment of the LEMP. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To ensure biodiversity gain and to accord to policy in the North Warwickshire Local Plan.

14. Notwithstanding the submitted details no external lighting shall be installed on site until plans showing the type of the light appliance, the height and position of the fitting, illumination levels and light spillage details have been submitted to and approved in writing by the Local Planning Authority. Illumination levels shall not exceed those specified for Environmental Zone 1 as set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE 2005). The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed. In discharging this condition the Local Planning Authority expects lighting to be restricted adjacent to the woodland and hedgerows and kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:

- Lighting should be directed away from vegetated areas
- Lighting should be shielded to avoid spillage onto vegetated areas
- The brightness of lights should be as low as legally possible;
- Lighting should be timed to provide some dark periods; and
- Connections to areas important for foraging should contain unlit stretches.

REASON: In the interests of the amenities of the area and to minimise unnecessary lighting spillage above and outside the development site.

15. The development hereby permitted shall not be brought into use until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be implemented in full prior to the use of the battery storage plant commencing and to the satisfaction of the Local Planning Authority.

REASON: In the interests of Public Safety from fire and the protection of Emergency Fire Fighters

16. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the use of the development hereby approved being brought into use,

the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policy.

17. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, the approved FRA, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Undertaken infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site.
- If infiltration is not viable, limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to the QBar Greenfield runoff rate for the site.
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements.
- 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 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Provide plans and details showing the allowance for exceedance flow and overland flow routing.

REASON:

To prevent the increased risk of flooding; to improve and protect water quality and to improve habitat and amenity.

18. No occupation and subsequent use of the development shall take place until a detailed maintenance plan is submitted giving details on how surface water systems shall be maintained and managed for the life time of the development and shall include the name of the party responsible, including contact name and details within the maintenance plan. The approved maintenance plan shall be implemented in accordance with the details submitted and approved.

REASON: To ensure the future maintenance of the sustainable drainage structures

Temporary consent

19. The development hereby approved including all related on-site built infrastructure (such as any CCTV cameras and poles, switch gear, access tracks, security fences, lights etc) shall be removed and the land restored to a condition suitable for agricultural use with 6 months of the batteries ceasing to be used, or the expiry of 30 years after the date of the first connection of any element of the development to the National Grid/the related substation, whichever is sooner.

REASON: In order to revert the approved site to its original state of agricultural land in accordance with policy and the timely restoration of the land.

Potential archaeological condition

Notes

1. Public footpath M16 runs adjacent to the southern boundary of the application site. The recorded alignment of this public footpath is shown on the attached extract of the Definitive Map, the legal record of public rights of way. The public footpath M16 must remain open and unobstructed at all times unless closed by legal order.
2. The applicant is advised that part of the application site falls within land that may be required to construct and/or operate Phase One of a high speed rail line between London and the West Midlands, known as High Speed Two. Powers to construct and operate High Speed Two were secured on 23 February 2017 when Royal Assent was granted for Phase One of HS2. Accordingly the applicant is advised to follow ongoing progress of the HS2 project at: <https://www.gov.uk/government/collections/high-speed-rail-london-west-midlands-bill> and active engagement is encouraged between all parties on respective construction programmes.
3. Highway conditions above, will require works to be carried out within the limits of the public highway. Before commencing such works the applicant must serve at least 28 days notice under the provisions of Section 184 of the Highways Act 1980 on the Highway Authority's Area Team.
4. This process will inform the applicant of the procedures and requirements necessary to carry out works within the Highway and, when agreed, give consent for such works to be carried out under the provisions of S184. In addition, it should be noted that the costs incurred by the County Council in the undertaking of its duties in relation to the construction of the works will be recoverable from the applicant/developer.
5. The Area Team may be contacted by telephone: (01926) 412515 to request the necessary application form (Form A – VAC). In accordance with Traffic Management Act 2004 it is necessary for all works in the Highway to be noticed and carried out in accordance with the requirements of the New Roads and Streetworks Act 1991 and all relevant Codes of Practice.
6. Before commencing any Highway works the applicant must familiarise themselves with the notice requirements, failure to do so could lead to prosecution. Application

should be made to the Street Works Manager, Budbrooke Depot, Old Budbrooke Road, Warwick, CV35 7DP. For works lasting ten days or less, ten days notice will be required. For works lasting longer than 10 days, three months notice will be required.

7. Warwickshire Fire and Rescue Authority require the inclusion of an advisory note drawing the applicant's attention to the need for the development to comply with Approved Document B, Volume 2, Requirement B5 – Access and Facilities for the Fire Service. Full details including the positioning of access roads relative to buildings, the arrangement of turning circles and hammer heads etc regarding this can be found at; www.warwickshire.gov.uk/fireguidance-commercialdomesticplanning.
8. Warwickshire Fire and Rescue Authority fully endorse and support the fitting of Sprinkler installations, in accordance with the relevant clauses of BS EN 12845 : 2004, associated Technical Bulletins, and or to the relevant clauses of British Standard 9251: 2014, for residential premises. Warwickshire Fire and Rescue Authority ask you to consider and ensure that access to the site, during construction and once completed, are maintained free from obstructions such as parked vehicles, to allow Emergency Service vehicle access.
9. Any Construction Environmental Management Plan (CEMP) for the application site should include measures to manage siltation of the watercourse and drainage features during works to mitigate the impact on the water environment. Any alterations or connections to Ordinary Watercourses will require Ordinary Watercourse Land Drainage Consent (OWLDC) from WCC as LLFA.
10. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.

APPENDIX 14

**Application PAP/2023/0056 – Land at Junction Lichfield Road/Watton Lane,
Water Orton**



North Warwickshire
Borough Council

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Website: www.northwarks.gov.uk

Date: 07 November 2023

The Town & Country Planning Acts
The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
The Town & Country Planning (General Development) Orders
The Town and Country Planning (Control of Advertisements) Regulations 1992 (as amended)

DECISION NOTICE

Full Planning Application

Application Ref: PAP/2023/0056

Site Address

Land At Junction Lichfield Road, Watton Lane, Water Orton,

Grid Ref: Easting 418776.93
Northing 291134.95

Description of Development

Battery Energy Storage Site, substation compound, with associated infrastructure, fencing, access off Watton Road, drainage and landscaping

Applicant

Anglo ES Water Orton Ltd

Your planning application was valid on 15 February 2023. It has now been considered by the Council. I can inform you that:

Planning permission is **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the plans numbered EPC/0331/PL/E/LA/OSL/01; BATT/01. FG01, AUX01, PCS01, CUST/01. AR01, CCTV01, ELV1/01 and ELV2/01, P1871/01B and 02B, 2319/03B, 21114/101/H and WOR/BWB/ZZ/XX/DR/CD/001/S2/Ps, YE/001/PO3, S2/PO3 and P2/PO1.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

Authorised Officer: _____

Date:

3. The planning permission hereby granted for the battery energy storage system shall be for a temporary period only, to expire 40 years after the date of the first connection to the National Grid. Written confirmation of this date shall be provided to the Local Planning Authority within one month of this event.

REASON

In order to confirm that this permission is for a temporary period only.

4. Within six months of the date of the first connection to the National Grid, a scheme for the de-commissioning of the battery storage system and its ancillary plant and equipment shall be submitted to the Local Planning Authority. The scheme shall make provision for the whole of the above and underground works approved under this permission. The scheme shall also include the details of the management and timing of the de-commissioning works, together with a traffic management plan to address any traffic issues during the de-commissioning period, an environmental management plan to include details of the measures to be taken during de-commissioning to protect wildlife and habitats, as well as details of site restoration measures. For the avoidance of doubt, the landscape planting and bio-diversity improvements approved under this permission shall be excluded from this condition.

REASON

In order to confirm that this permission is for a temporary period only and to ensure the re-instatement of the land following expiration of this period.

5. The scheme as agreed in writing by the Local Planning Authority under condition (4) shall be implemented in full, within six months of the de-connection of the site from the National Grid, whether that occurs under the time period set out in Condition (3) or at the end of any continuous de-connection from the Grid for a period of twelve months.

REASON

To ensure the satisfactory re-instatement of the land.

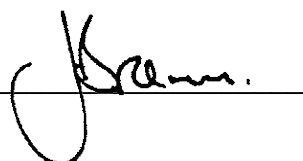
Pre-commencement Conditions

6. No construction shall be undertaken on site until a Construction Management Plan has first been submitted to and approved in writing by the Local Planning Authority. This Plan will contain details of:

- the routing and timing of delivery and other construction traffic to and from the site.
- suitable areas for the parking of contractors and visitors' vehicles
- the site of the site compound.
- the measures to be used to prevent the emission of dust and other debris arising on site.
- the measures to be used to be used to clean the public highway of debris, waste and detritus.
- the measures to ensure that the site is secure.
- the measures to protect existing trees and hedgerows to be retained and
- named contacts in order to address complaints.

The approved plan shall remain in force throughout construction.

Authorised Officer: _____



Date:

REASON

In the interests of highway safety and to reduce adverse visual and amenity impacts.

7. No development shall commence on site until the finished floor level of the containers, transformer units, control rooms and other equipment have first been submitted to and approved in writing by the Local Planning Authority. The development shall then only be implemented in accordance with the approved levels.

REASON

In order to reduce the risk of flooding.

8. No external lighting shall be installed on site until details of the specification and the location of all external light sources has first been submitted to and approved in writing by the Local Planning Authority. Only the approved specifications and locations shall then be implemented on site.

REASON

In the interests of the amenities of the area.

Prior Occupation Conditions

9. The development hereby permitted shall not be brought into use until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site, has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first connection of the site to the National Grid and to the written satisfaction of the Local Planning Authority.

REASON

In the interests of public safety.

10. There shall be no use of the site for the purposes hereby approved until all parts of the existing accesses within the public highway not included within the approved access works, including the vehicular access abutting the western side of the approved access, have all been permanently closed and the highway re-instated to the written satisfaction of the Local Planning Authority.

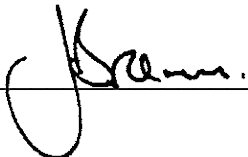
REASON

In the interests of highway safety.

11. There shall be no use of the site for the use hereby permitted until the whole of the access works as shown on the approved plans together with the whole of the car parking, manoeuvring and service areas have all been laid out and fully completed to the written satisfaction of the Local Planning Authority.

REASON

In the interests of highway safety.

Authorised Officer:  _____
Date:

12. There shall be no use of the site for the use hereby permitted until visibility splays as shown on the approved plans have first been provided in full to the written satisfaction of the Local Planning Authority. These splays shall remain unobstructed at all times.

REASON

In the interests of highway safety

Other Conditions

13. No gates shall be hung within the vehicular access into the site so as to open within eight metres of the near edge of the public highway carriageway.

REASON

In the interests of highway safety.

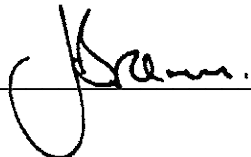
14. The development hereby permitted shall not be brought into use until a Landscape and Ecological Management Plan ("LEMP") has first been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be in general accordance with the approved Landscape Strategy Plan approved under condition 2 and shall include reference to the community garden shown on that Plan. The LEMP shall include:

- a) a description and evaluation of the features to be managed;
- b) ecological trends and constraints on site that might influence management,
- c) the aims, objectives and targets for the management,
- d) descriptions of the management operations for achieving the aims and objectives,
- e) prescriptions for management actions,
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period),
- g) Details of the monitoring needed to measure the effectiveness of management,
- h) Details of each element of the monitoring programme,
- i) Details of the persons or organisations(s) responsible for implementation and monitoring,
- j) Mechanisms of adaptive management to account for necessary changes in the work schedule to achieve the required aims, objectives and targets,
- k) Reporting procedures for each year 1, 2, 5, 10, 20 and 30 with bio-diversity net gain reconciliation calculated at each stage,
- l) The legal and funding mechanisms by which the long-term implementation of the LEMP will be secured by the developer and the management body(ies) responsible for its delivery,
- m) How contingencies and/or remedial action will be identified, agreed and implemented in the event that monitoring under (k) above shows that the conservation aims and objectives set out in (c) above are not being met so that the development still delivers the full functioning bio-diversity objectives of the originally approved scheme.

The details in that Plan shall then be implemented on site and be adhered to at all times during the lifetime of the development.

REASON

In the interests of enhancing and protecting bio-diversity.

Authorised Officer:  _____

Date: _____

INFORMATIVES

1. Attention is drawn to Sections 163 and 278 of the Highway Act 1980, the Traffic Management Act 2004, the New Roads and Street Works Act 1991 and all relevant Codes of Practice. Advice on Section 278 can be obtained from the Warwickshire County Council.
2. Warwickshire Fire and Rescue Authority require the inclusion of an advisory note, drawing attention to the need for the development to comply with Approved Document B, Volume 2, Requirement B5 - Access and Facilities for the Fire Service.
3. The Local Planning Authority has met the requirements of the National Planning Policy Framework in this case through the issue of a positive decision following discussion and engagement to overcome initial technical concerns.

APPEALS TO THE SECRETARY OF STATE

1. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you can appeal to the Department for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.
2. If you want to appeal against your local planning authority's decision, then you must do so within 6 months of the date of this notice.
3. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, or online at www.planning-inspectorate.gov.uk and www.planningportal.gov.uk/pcs.
4. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
5. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
6. The Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

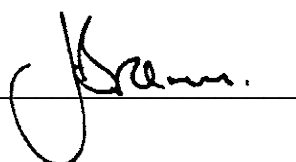
PURCHASE NOTICES

1. If either the Local Planning Authority or the Department for Communities and Local Government grants permission to develop land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
2. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

NOTES

1. This decision is for the purposes of the Town and Country Planning Act only. It is not a decision under Building Regulations or any other statutory provision. Separate applications may be required.

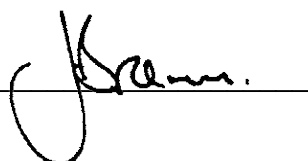
Authorised Officer: _____



Date:

2. A report has been prepared that details more fully the matters that have been taken into account when reaching this decision. You can view a copy on the Council's web site via the Planning Application Search pages <http://www.northwarks.gov.uk/planning>. It will be described as 'Decision Notice and Application File'. Alternatively, you can view it by calling into the Council's Reception during normal opening hours (up to date details of the Council's opening hours can be found on our web site <http://www.northwarks.gov.uk/contact>).
3. Plans and information accompanying this decision notice can be viewed online at our website <http://www.northwarks.gov.uk/planning>. Please refer to the conditions on this decision notice for details of those plans and information approved.

Authorised Officer: _____



Date:

PAP/2023/0056

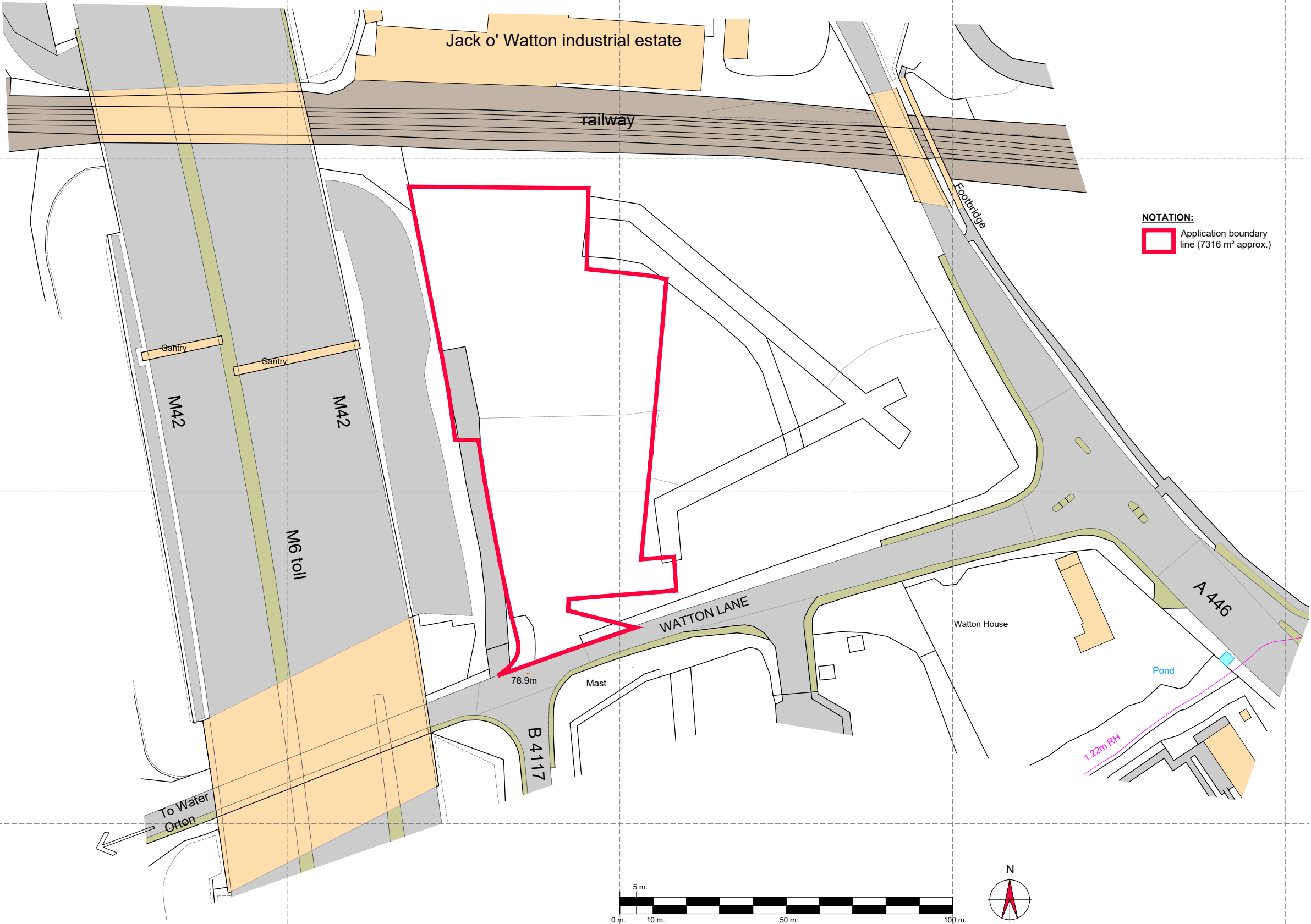
H&S, CDM Regulations: all products and materials to be used and handled in accordance with manufacturer's recommendations/instructions, and in accordance with good health and safety practice


A ground contamination survey may be required for any development that falls within, or is adjacent to, an area of former land fill.

These drawings have been prepared to the stated scale and, provided they are reproduced to the same scale using accurately calibrated equipment and suitable media which are not unduly susceptible to changes in humidity and temperature, they are sufficiently accurate for the purpose for which they have been prepared, being the planning application purpose. They should not be used for other purposes.

All dimensions and levels to be checked on site, and discrepancies reported before works commence.

FOR PLANNING PURPOSES ONLY



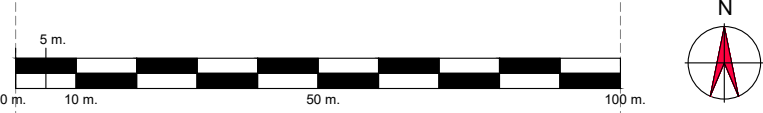
NOTATION:
 Application boundary line (7316 m² approx.)

NORTH WARWICKSHIRE BOROUGH COUNCIL
APPROVED
05/03/2024
 UNDER THE PROVISIONS OF THE TOWN & COUNTRY PLANNING ACTS
SUBJECT TO CONDITIONS ON NOTICE

NORTH WARWICKSHIRE BOROUGH COUNCIL
RECEIVED
13/02/2023
PLANNING & DEVELOPMENT DIVISION

Rev. b: Submission. 10-02-23 (agh)
 Rev. A: Red line revised. 26-01-23 (agh)

CLIENT	Anglo Renewables Ltd.	
SITE	Off Lichfield Road and Watton Lane, Water Orton, Birmingham	POSTCODE B46 1DZ
PROJECT	Battery storage	
PROJECT STAGE	Planning Application	
DRAWING	Location Plan	
SCALE	1:1250 @ A3	DWG No. P1871-01B
DATE	January 2023	CHECKED PB



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