

AGENDA ITEM



Committee and date
Southern Planning Committee
23rd July 2024

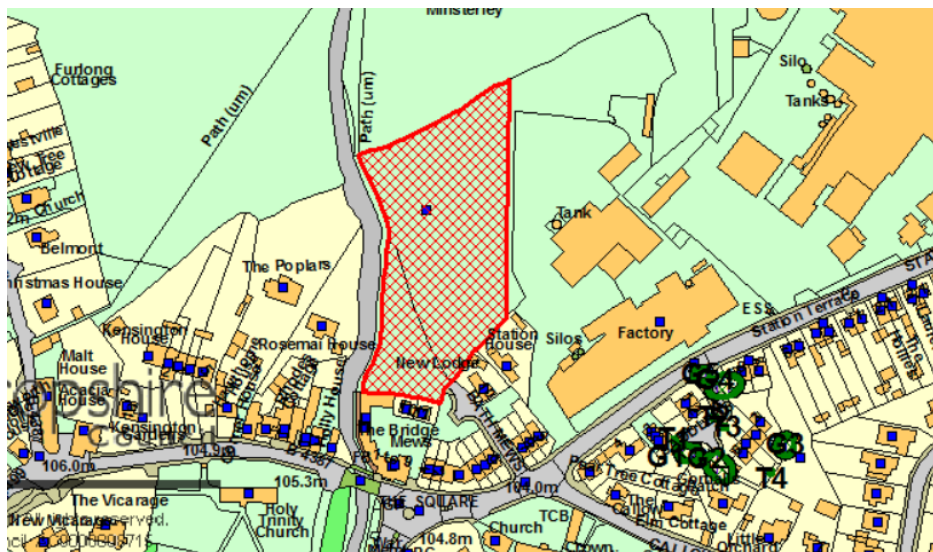
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 24/00889/FUL	Parish: Minsterley
Proposal: Erection of a raised platform and installation of a battery energy storage system (BESS) with boundary fencing, access track, landscaping, and associated infrastructure	
Site Address: Proposed Battery Storage Facility North Of Bath Mews Minsterley Shrewsbury Shropshire	
Applicant: Ms L. Garcia de Dios	
Case Officer: Lynn Parker	email: lynn.parker@shropshire.gov.uk

Grid Ref: 337479 - 305191



Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This is a resubmission of Planning Application Ref: 23/01031/FUL that was refused for two reasons under delegated powers on 15th August 2023 on the basis of no sequential assessment being submitted with the application and that the proposal was unacceptable in terms of landscape and visual impact. This latest application has been submitted to address the reasons for that refusal.

1.2 The application proposes a 10MW battery energy storage system (BESS) on agricultural land to the north of Bath Mews, Minsterley. A grid connection to Malehurst 33/11kv primary substation has been secured with the Distribution Network Operator (DNO) for the project. The facility would be located on a raised platform and a flood storage basin positioned within the site to provide an enhancement in terms of flood water volume storage. The BESS compound would include:

- A platform sitting between 1.26 and 1.87m above ground level.
- 4 no. battery containers of 6.06m in length x 2.4m wide x 2.9m high.
- 3 no. Power Conservation System containers (PCS) and 3 no. Medium Voltage (MV) Skids enclosed within acoustic housing measuring 8.27m in length x 4.64m in width x 2.9m high.
- An on site substation of 6.56m in width x 5.17m wide x 3.79m to ridge height.
- 2m high green palisade fencing around the compound perimeter.

The ground underneath the compound will remain permeable and down to pasture.

1.3 Boundary fencing, an access track, landscaping scheme and associated infrastructure are indicated for the site. Access for maintenance and construction access is proposed through an existing field gate at the northern end of Bath Mews.

1.4 The proposed development has been amended during the course of the application to reduce the BESS platform in length and footprint, further distancing it from the residential receptors in Bath Mews to the south and the PROW to the west. The number of battery units has been consolidated from 4 to 2 and the PCS units and MV skids contained within a single acoustic enclosure. These have also been re-sited further from the residential properties and PROW. Bolstered native species tree planting of an additional 13 no. trees is indicated between the platform and

residential properties to the south.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site of approximately 0.71ha of agricultural land is located in countryside, outside, but adjacent to the Minsterley development boundary. It lies to the north side of Bath Mews, a small cluster of dwellings constructed after 2002, and Bridge Apartments formed from the former Bridge Hotel public house plus new build residential units. There are additionally detached dwellings to the south east and to the west beyond the Minsterley Brook which runs along the western boundary of the site with a PROW along its eastern bank. The site is within Flood Zone 3. To the east is industrial development (Rea Valley Foods and Muller), and to the north, agricultural land. Access into the site is via Bath Mews through a metal field gate adjacent to no. 10. There is existing mature landscaping comprising native hedging with some trees around the perimeter of the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council and Local Member comments are at variance with the Officer view. The Chair of the South Planning Committee, in consultation with the Development Manager South, consider that material planning considerations are raised which warrant consideration by the South Planning Committee.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Minsterley Parish Council – Strongly objects.

- Risk of flooding or creation of flood risk – concerns regarding containment of water run off into Minsterley brook which would contaminate water supply.
- Very high fire risk to nearby factories and homes.
- Access to site is unsuitable for emergency vehicles and becomes blocked during flooding events.

This all makes the centre of Minsterley village unsuitable for a battery store.

4.1.2 SC Highways - No objections. The Construction Management Plan, and Transport Statement containing visibility and swept path analysis allay any highway concerns and are acceptable.

4.1.3 SC Landscape - The latest revisions to the development and landscape mitigation schemes are sufficient to reduce overall visual effects to an acceptable level, even though three dwellings will experience moderate adverse effects in the short term. Pre-commencement condition recommended to ensure the effectiveness of the proposed mitigation measures.

4.1.4 SC Regulatory Services - Condition recommended that the noise mitigation

measures as detailed in the Noise Assessment are implemented in full.

4.1.5 SC Ecology - The submitted Preliminary Ecological Appraisal is acceptable.

4.1.6 SC Trees - Consulted, awaiting comments.

4.1.7 Environment Agency - Consulted, awaiting comments.

4.1.5 Shropshire Fire And Rescue - Even though there are relatively few recorded fire incidents involving battery energy storage systems (BESSs), when affected by fire, they pose a significant environmental and safety hazard. Further measures may be required to mitigate the risk of fire.

4.2 Public Comments

4.2.1 Confirmation of site notice display received on 22nd March 2024. Proposal advertised in the Shropshire Star on 21st March 2024 as affecting a public right of way.

4.2.2 Seventeen public representations have been received in relation to the proposed development from thirteen different people. These comprise two comments of support and fifteen of objection including from Minsterley Flood Action Group and the Local Member. The representations are available to view in full on file, however are summarised below.

4.2.3 Objections:

Flooding

The thought of a battery storage facility being built in an area that is heavily affected by flooding, that is also in such close proximity to residential properties is highly concerning.

The brook bank is being washed away at an alarming rate on the site boundary affecting the course of the brook towards the proposed BESS location.

Any change on the opposite site to my garden could potentially push the water my way.

The proposed site flash floods with water thundering down the brook and breaking over the bank into this area. This is happening more frequently.

Tree planting and hedging will adversely affect the flow of the flood.

This area is repeatedly prone to flooding which can cut access to the proposed location.

Safety

There is a bill still being put forward in parliament for these units to be correctly categorised as hazardous.

Water and electricity do not mix.

If there is an incident, this water will be highly toxic and cannot be allowed to enter the adjacent brook.

Access

Object to the use of Bath Mews as the sole access to the facility during the whole construction period.

Noise

I am not willing to have to sit in my garden or not be able to sleep at night due to a possibility of noise from the PCS and transformer units.

Residential Amenity

There will be an unacceptable, potentially severe intolerable impact on safety and well being.

The safety of my family and neighbouring properties should be considered.

As the nearest property my view would be unsightly in the winter months. It will impact on the value of my property and cost of my home insurance.

Best practice is that BESS sites are situated on industrial, brownfield or maybe greenfield sites away from residential areas and not in a flood zone.

Whilst this small plot may be classed as agricultural, it has not been used as such for many years and now has residential housing in close proximity on two sides.

All the measures proposed, using stilts, acoustic cladding and screening, are to counteract its unsuitable siting.

Has the quoted maximum distance of 1.5km from Malehurst substation with agreed connectivity been evidenced and tested?

5.0 THE MAIN ISSUES

- Principle of development
- Sequential Test
- Landscape And Visual Impact
- Other Considerations

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 General support is expressed in Part 14 of the NPPF for renewable and low carbon energy and its associated infrastructure in relation to the transition to a low carbon future in a changing climate. New development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change and in vulnerable areas, ensure that risks can be managed through suitable adaptation measures including through the planning of green infrastructure (para. 159a). Paragraph 163a states that LPAs should not require applicants to demonstrate the overall need for renewable or low carbon energy: and recognise

that even small-scale projects provide a valuable contribution to significantly cutting greenhouse gas emissions. Paragraph 163b advises LPAs to approve the application if its impact are (or can be made) acceptable provided the proposal complies with any relevant development plan policies and takes account of landform, layout, building orientation, massing and landscaping to minimise energy consumption (para. 162).

- 6.1.2 This support for renewable and low carbon energy is reflected in Core Strategy Policy CS8 and Policy MD8 of the SAMDev Plan, which seek to encourage infrastructure which adapts to climate change, including renewable energy generation, where this has no significant adverse impacts on visual and residential amenities, natural and heritage assets, landscape character and any other cumulative impacts. Core Strategy Policy CS5 allows for the provision of infrastructure in countryside which cannot be accommodated within settlements on appropriate sites which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits.
- 6.1.3 The proposed BESS would enable energy from renewables such as solar and wind to be stored and released for consumers during peak times and in responding to electricity demands. This ability is a key part in ensuring homes and businesses can be powered by renewable energy and is an essential technology in speeding up the replacement of fossil fuels. The Council's Climate Change Taskforce consider that the increase in energy storage alongside renewable electricity generation is essential for achieving the UK Government's commitment to a fully decarbonised electricity system by 2035.
- 6.1.4 The applicant, Fig Power, are a developer of distributed energy storage and generation assets who have already secured three other BESS sites in Shropshire. Using a multi-technology approach to generation and storage, their stated aim is to help meet decarbonisation targets, drive economic value, support communities, and create social value. In addition to the proposed development providing the capacity to store enough electricity to power 2,500 typical homes for a day, the wider sustainability benefits to the community are summarised within the submitted Planning, Design and Access Statement as:
- A flood storage basin within the site which coupled with the raised platform design would provide a significant enhancement in terms of flood water volume storage within the site. These measures will ensure flood risk is not increased elsewhere, with a betterment provided.
 - A significant Biodiversity Net Gain will result from the proposal – a 196.51% net gain in linear habitats as a result of the proposed hedgerow planting, and a 28.90% in primary habitat as a result of improved grass and wildflower seeding, and new tree and shrub planting.

- A one-off £10k Community Benefit Fund will be provided to Minsterley Parish Council, on the first operation of the site. The fund can be utilised by the Parish Council to deliver identified community benefits if the development is to go ahead.

- 6.1.4 In line with the relevant development plan policies, the proposed development would provide energy storage to support the essential transition to a low carbon future with suitable adaptations to mitigate the particular impacts identified at this site. Measures have been included in the proposal to maintain and enhance countryside vitality and character, and to improve the sustainability of the local community. The principle of the development is therefore acceptable.
- 6.2 Sequential Test
- 6.2.1 Section 14 of the NPPF confirms that a sequential test is required for development proposed within Flood Zone 3 as is the case for this site. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied (para. 169). The NPPF classifies electricity storage infrastructure as "essential infrastructure" for the purposes of flood risk vulnerability. These developments may be allowed in areas at risk of flooding providing they pass the exception test. The test requires that the development's sustainability benefits to the community outweigh the flood risk, and that the development will be safe and will not increase flood risk elsewhere.
- 6.2.2 The first Refusal reason applied to the previous application related to the lack of evidence submitted to the LPA to demonstrate that there are no suitable alternative sites available within or adjacent to Minsterley or the surrounding area that could accommodate the proposed development. The LPA requires a sequential assessment to assess all available sites before applying the exception test. Interim correspondence with officers confirms that the Sequential and Exception Test Assessment was previously submitted but missed. An updated Minsterley BESS Sequential and Exception Test has been submitted with this application.
- 6.2.3 The Test document confirms that the sequential test has been passed, and that subsequently the exception test has been passed, and notes that a very similar battery storage proposal has been approved at Leighton Buzzard within Flood Zone 3 which is built and operational.
- 6.2.4 The sequential test confirms that there are no new employment allocations in either the current SAMDev Plan or Draft Local Plan within the 1.5 km radius identified as the viable connection area for the Malehurst substation. The existing protected employment site in Minsterley is already occupied by Rea Valley Foods and the Muller factory, and is not available. Allocated housing and mixed use sites in Minsterley and Pontesbury are similarly being built out, already built out or

unsuitable for the development. The Malehurst Industrial Estate to the south side of the substation, has been fully developed and is not available for the development. Only one small unit is available for let on the Estate, however it only provides 1,380 square foot in floorspace which is not sufficient for the proposed development. Before securing a grid connection at the proposed site, the applicant undertook a search for suitable 'windfall sites' for purchase or to let within the identified viable connection area. No suitable sites were identified and a current search provides the same results. Therefore, there are no potential alternative locations at a lower flood risk than the site proposed for the BESS development.

6.2.5 The exception test set out in paragraph 170 of the NPPF requires it to be demonstrated that:

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

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

and that this information be informed by a site specific flood risk assessment.

6.2.6 The wider sustainability benefits to the community of additional electricity power, a flood storage basin constituting a betterment, significant biodiversity net gain and a one-off Community Benefit Fund for the Parish Council have been outlined in paragraph 6.1.4 above. SC Climate Change confirmed in comments submitted for the previous application that the proposed development would contribute to bridging the gap between increasing energy demand and self-sufficiency for Shropshire as detailed within the Marches Energy Strategy and Zero Carbon Plan. The submitted Flood Risk Assessment (FRA) and Flood Modelling Report confirm the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and will reduce flood risk overall in accordance with paragraph 173 of the NPPF. The FRA outlines the mitigation and safety measures which would make the site appropriately flood resilient and, in the case of an event, demonstrates that it could be quickly brought back into use and safe access and escape routes would be achievable.

6.2.7 The plans and documents submitted with this application provide sufficient information to overcome the first Refusal reason applied to Planning Application Ref: 23/01031/FUL.

6.3 Landscape And Visual Impact

6.3.1 SamDev Plan Policy MD8 sets out criteria for consideration of the potential for adverse impacts when new strategic infrastructure is proposed, including for

residential and other sensitive land uses, visual amenity and landscape character and sensitivity

6.3.2 In terms of landscape and visual impact the development has been amended as follows since the previous Refusal:

- The raised platform has been reduced in area from 1,072m² to 710m² (a reduction of around 34%) and located at a further distance from the residential receptors in Bath Mews.
- The number of battery units has been reduced from 7 to 2.
- The number of PCS containers and MV skids have been reduced from 4 to 3 and placed within a single acoustic chamber.
- The compound security fencing has been reduced in height from 3m to 2m.
- Bolstered native tree planting is indicated on Revision C of the Landscape Mitigation Plan.

6.3.3 A Landscape and Visual Appraisal (Rev A) has been submitted in support of the proposal. It concludes that in terms of Landscape Effects a 'slight adverse' effect identified on vegetation of the site and its boundaries after 1 year would become 'slight beneficial' after 5 years. Otherwise, Landscape Effects are retained as 'slight beneficial' and 'negligible'. With regards to Visual Effects, these are on the whole retained as 'negligible' other than for users of the PROW which again has a 'slight adverse' effect after 1 year, improving to 'slight beneficial' after 5 years, and for residents of 10 and 11 Bridge Mews and Station House a 'moderate adverse' effect after 1 year becomes 'slight adverse' after 5 years.

6.3.4 SC Landscape have commented that the submitted LVA is appropriately scoped and executed and the methodology is appropriate for development of this scale and its likely effects. The GLVIA3 gives greater sensitivity to publicly accessible viewpoints and greater weight to ground level residential receptors where numerous dwellings are affected. Only one of seven groups of visual receptors from public rights of way will experience 'slight adverse' effect in the short term and effects on road users are negligible. Of the nine identified groups of residential visual receptors, 'moderate adverse' effects are recorded for the short term from the closest upper storey windows in Bridge Mews and Station House. SC Landscape have confirmed that the latest revisions to the development and Landscape Mitigation Plan are sufficient reduce overall visual effects to an acceptable level, even though three dwellings will experience moderate adverse effects in the short term.

6.3.5 The amendments made to the raised platform and BESS design, coupled with the comprehensive landscaping scheme, would address the second Refusal reason applied to Planning Application Ref: 23/01031/FUL.

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6.4 Other Considerations

6.4.1 The following considerations are matters which were found to be acceptable as part of previous Planning Application Ref: 23/01031/FUL and therefore did not constitute Refusal reasons. They have again been raised as concerns by public representation and are summarily addressed below. Given that they were not included as reasons for Refusal on the previous application it could be considered unreasonable behaviour were they to be included as reasons for Refusal on this occasion.

6.5 Flooding

6.5.1 A Flood Modelling Report Issue 1.1 dated 19th June 2024 has been updated along with the Flood Mitigation Technical Note Issue 1.1 to account for the amendments proposed which include further enhancements in terms of flood risk. In particular the reduced area of the raised platform and the betterment of flood water storage within a flood storage basin. The documents confirm the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere and reducing flood risk overall.

6.5.2 The EA previously commented that the floor level of the platform is appropriate and that they have no reason to dispute the applicant's modelling or calculations in relation to storage loss, but would expect details of scrapes to achieve a gain in flood storage. A flood storage basin is included in the proposal for this reason and further EA consultation response awaited.

6.6 Best and Most Versatile Land (BMV)

6.6.1 The site is Grade 3 BMV agricultural land which submitted public representations confirm has not been used as such for many years. Whilst the proposal would take away the option of agricultural production for the lifetime of the development, at 0.71ha, its size is not considered significant, nor is it reasonable for an Agricultural Land Classification (ALC) Report to be submitted in this instance.

6.7 Safety

6.7.1 The Shropshire Fire and Rescue Service guidance has been reviewed and the development designed accordingly. The supporting information confirms that a suitable access and water supply will be provided for fire tenders. There are multiple protection and safety devices with the BESS including fire detection in each container, over-temperature protection, ventilations systems and an aerosol fire extinguishing system.

6.8 Access

6.8.1 The most intense use of the site would be during the construction period of around 6 months. Following which there would be minimal traffic movement for maintenance amounting to two visits per month. SC Highways have confirmed that the proposed parking, and the visibility and swept path analysis within the

submitted Transport Statement are acceptable. The Transport Statement along with the Construction Traffic Management Plan allay any concerns and there would be no impacts in terms of highway safety or the operational capacity of the surrounding transport network.

6.9 Noise

6.9.1 The submitted Noise Planning Assessment concludes that a full acoustic enclosure is required around the PCS and Transformer units, and this is proposed for the BESS. With this suggested mitigation, noise emissions from the proposed development are predicted to be below the existing Background Sound Level at receptors. Night-time noise levels will be below the level recommended for good sleeping conditions in bedrooms at night, even when windows are open, and are not expected to be noticeable in the context of the ambient noise climate. SC Environmental Protection concur in that they have recommended a condition requiring the noise mitigation measures to be implemented as detailed in the Noise Planning Assessment.

6.10 Residential Amenity

6.10.1 The BESS compound would be located a minimum of 60m from the nearest residential property now that its size has been reduced and its position re-sited further north. The number of battery units, PCS units and MV skids have been reduced and acceptable noise mitigation and safety measures proposed. These measures together with the proposed planting and landscaping would minimise any impact on residential amenity and could improve the appearance of the existing site from both the existing built environment and PROW.

6.11 One-Off Community Benefit Fund

6.11.1 One of the sustainability benefits to the community is offered by the Applicant as a one-off Community Benefit Fund of £10k to Minsterley Parish Council on the first operation of the site. Members are advised that this is not a material consideration that should be taken into account in determining this planning application and no weight should be attributed to it in the decision-making process. This would be a matter to be arranged between the applicant and Parish Council separately.

7.0 CONCLUSION

7.1 The proposed battery energy storage system (BESS) compound would make a significant contribution to achieving a sustainable low carbon future, and to improving energy resilience and security in line with national and local planning policy and objectives. The proposed landscaping, additional planting, biodiversity enhancements and access arrangements at the site are acceptable. Appropriate flood mitigation and betterment, noise mitigation and safety measures have been designed into the scheme. The information contained within the submitted Minsterley BESS Sequential and Exception Test, the Landscape and Visual Appraisal (Rev A) and the Landscape Mitigation Plan REV C is sufficient to

overcome the two Refusal reasons applied to Planning Application Ref: 23/01031/FUL. As such my recommendation is for Approval.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

LDF Core Strategy Policies:

CS1 Strategic Approach

CS5 Countryside And Green Belt

CS6 Sustainable Design And Development Principles

CS8 Facilities, Services And Infrastructure Provision

CS13 Economic Development, Enterprise And Employment

CS17 Environmental Networks

CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD1 Scale and Distribution of development

MD2 Sustainable Design

MD7b General Management Of Development In The Countryside

MD8 Infrastructure Provision

MD12 Natural Environment

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RELEVANT PLANNING HISTORY:

23/01031/FUL - Erection of a raised platform and installation of a 10MW battery storage facility with boundary fencing, access track, landscaping, and associated infrastructure. REFUSED 15th August 2023.

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S9ONVTDG5000>

List of Background Papers:

- Planning, Design and Access Statement - SA50079_PDAS (Berrys, March 2024).
- Minsterley BESS, Sequential and Exception Test - 17394-HYD-XX-XX-RP-Y-0001_P01_02 Revision 02 (Hydrock, 29th February 2024).
- Landscape and Visual Appraisal (LVA) - T1084-LVA Rev A (Terrain Landscape Consultants, 24th April 2024).
- LVA Appendix 2 - Figures - T1084-LVA (Terrain Landscape Consultants, February 2024).
- LVA Appendix 3 - Photographic Record - T1084-LVA Rev A (Terrain Landscape Consultants, 24th April 2024).
- Construction Traffic Management Plan - 17394-HYD-XX-XX-RP-TP-0001 Issue P06 (Hydrock, 28th February 2024).
- Transport Statement - 17394-HYD-XX-XX-RP-TP-4001 Issue P04 (Hydrock, 27th February 2024).
- Noise Planning Assessment - 173-HYD-ZZ-XX-RP-Y-1001 Issue P04 (Hydrock, February 14th 2024).
- Flood Risk Assessment, Flood Modelling Report and Environment Agency Correspondence - SA50079-TN1 Issue 1.1 (Berrys, 19th June 2024)
Appendix A: Flood Risk Assessment - 17394-HYD-XX-XX-RP-FR-0002 Issue P01 (Hydrock, 4th November 2022).
Appendix B: Flood Modelling Report - Addendum - 680731-R1(01) (LDE, March 2023).
Appendix C: Environment Agency Responses and the responses of the applicant to the EA comments.
- Proposed Flood Mitigation Technical Note- SA50152_PEA (Berrys, 19th June 2024).
- Arboricultural Appraisal - SC:860v3_AA (Salopian Consultancy, 6th July 2023).

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- Biodiversity Net Gain Assessment - SC:860v2_PEA (Salopian Consultancy, 6th March 2024).
- Preliminary Ecological Appraisal - SC:860v3_PEA (Salopian Consultancy, 6th March 2024).

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member - Cllr Nick Hignett

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITIONS

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(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. Prior to their erection on site details of the proposed materials and finish including colour of the batteries, ancillary buildings, equipment, and enclosures shall be submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be maintained as such for the lifetime of the development hereby permitted.

Reason: To ensure that the external appearance of the development is satisfactory.

4. All works to the site shall occur strictly in accordance with the Construction Traffic Management Plan by Hydrock (Doc Ref: 17394-HYD-XX-XX-RR-TP-0001 Issue P06 dated 28th February 2024).

Reason: In the interests of the safe operation of the adopted highway during its construction phase.

5. The noise mitigation measures as detailed in the submitted Noise Planning Assessment by Hydrock (Doc Ref: 17394-HYD-ZZ-XX-RP-Y-1001 Issue PO4 dated 14th February 2024) shall be implemented in full.

Reason: To ensure that noise mitigation measures are in place to safeguard the amenities of

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nearby occupiers and the character of the surrounding environment.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

6. No development shall take place until a Schedule of Landscape Maintenance covering a minimum of 5 years for the proposed planting and seeding to be implemented on the site has been submitted to, and approved in writing by, the Local Planning Authority. The Schedule submitted shall be in accordance with the details illustrated on approved Landscape Mitigation Plan (Drawing No. T1084-001 REV C). The Schedule shall include details of the arrangements for its implementation, the replacement of any plant (including trees and hedgerows plants) that is removed, uprooted or destroyed, or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective. The replacement shall be another plant of the same species and size as that originally planted and shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: This information is required prior to the commencement of the development to ensure the sustainable provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and the provision of enhancements for biodiversity.

7. An Emergency Response Plan for the site and access shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The Plan should make provision for at least, but not exclusively: flooding, fire or pollution events at the site, and demonstrate a full understanding of their hazards, risks, and consequences. Safe access for emergency responders in and around the facility should be provided for. Rapid clean up measures as well as related monitoring, investigatory and other remedial actions should be considered. The approved Emergency Response Plan will be implemented in the event of any hazardous event, accident or incident.

Reason: To ensure measures for the safety of the public and environment, and good conditions for emergency responders are in place prior to the commencement of the works to reduce the risks as far as reasonably practicable whilst recognising that ultimate responsibility for safe design and running of the facilities rests with the operator

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

8. The stilts supporting the raised BESS platform and the voided area below it shall be kept free of any obstruction at all times

Reason: To ensure flows are not unduly obstructed in a flooding event.

Informatives

1. In determining the application, the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

LDF Core Strategy Policies:

CS1 Strategic Approach

CS5 Countryside And Green Belt

CS6 Sustainable Design And Development Principles

CS8 Facilities, Services And Infrastructure Provision

CS13 Economic Development, Enterprise And Employment

CS17 Environmental Networks

CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD1 Scale and Distribution of development

MD2 Sustainable Design

MD7b General Management Of Development In The Countryside

MD8 Infrastructure Provision

MD12 Natural Environment

2. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.

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3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £145 per request, and £43 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

4. The Applicant should take account of The National Fire Chiefs Council (NFCC) guidance for BESS which can be viewed at: <https://nfcc.org.uk/wp-content/uploads/2023/10/Grid-Scale-Battery-Energy-Storage-System-planning-Guidance-for-FRS.pdf>

5. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place within 5m of an active nest.

6. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable

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precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

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If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

7. Should any lighting be required, this should be sensitive to bats and follow the Bat Conservation Trusts guidance. The latest Bat Conservation Trust guidance on bats and lighting is currently available at <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting-2>.

8. This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details: <https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-formsand-charges/>

Please note Shropshire Council require at least 3 months notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

9. The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

10. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

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