

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby
Staverton

Parish: Staverton **Ward:** Dartington and Staverton

Application No: 173360 3360/17/FUL

Agent/Applicant:
Abham Storage Limited
239 High Street Kensington
London
W8 6SA

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Abham Storage Limited
239 High Street Kensington
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Site Address: Land at SX 774 647, Riverford Farm, Staverton, TQ9 6AF

Development: Development of 49.99 MW Battery Storage Facility with associated infrastructure and landscaping

Reason item is being put before Committee The Ward Member considers there are considerable concerns regarding this large scale application and as such it should be brought to DM committee for decision



Recommendation: Delegate to CoP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement*.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP to refuse to application in the absence of an agreed S106 Agreement.

The Section 106 should secure the following:

- Provision and ongoing maintenance of newly created habitat (including attenuation pond), as outlined in the Great Crested Newt Mitigation Strategy, and in accordance with a Planting and Maintenance Plan.
- Provision and on-going maintenance of newly created bat foraging habitat in accordance with an agreed LEMP

*this recommendation is subject to confirmation that the recently proposed bat mitigation strategy is acceptable and passes a Habitat Regulations Assessment, this will be verbally updated to the Committee.

Conditions

- Time
- Accords with plans
- Prior to commencement – road condition survey to be submitted and approved
- Prior to commencement – details of vehicular access including visibility splays and surfacing to be submitted, approved and implemented.
- Prior to commencement – scheme to assess and mitigate the risks to controlled waters as a result of the development to be submitted, agreed and implemented.
- Habitat creation and compensation measures shall be provided as outlined within the Great Crested Newt Mitigation Strategy (RPS, October 2017) unless otherwise agreed by the LPA.
- Prior to commencement, submission of a planting and maintenance plan for the retained and newly created habitat including attenuation pond.
- Works shall adhere to measures within the Conservation Action Statement (Appendix 5 of the Preliminary Ecology Appraisal, Acorn Ecology, July 2017).
- No ground works should commence until the LPA has been provided with a copy of the licence with respect to Great Crested Newts issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the works to go ahead.
- Prior to commencement of development a Landscape and Ecological Management Plan/Bat Mitigation Strategy for the 'Greater horseshoe bat mitigation land' should be submitted to and agreed by the LPA.
- The 'Greater horseshoe bat mitigation land' shall be prepared in advance of commencement of development.
- Pre-commencement – detailed surface water management scheme to be submitted, agreed and then implemented.
- Mitigation measures set out in Noise Assessment by RPS dated September 2017 to be adhered to.

- Acoustic fencing to be erected in accordance with approved details prior to development being brought into use.
- Pre-commencement: Notwithstanding the submitted masterplan, detailed existing and proposed levels for the site and its surroundings to ensure that the ground remodelling is sensitively 'blended' into the surrounding contours without abrupt changes in level (the current contours shown are too coarse to ensure that this is the case). Any material not used in the construction of the levels as approved must be removed from site to a licenced facility.
- Pre-commencement : A Construction Method Statement for the ground works, detailing the methodology for constructing the level changes. This should include site preparation (stripping and storage of topsoil and fencing to protect the boundary vegetation), the creation of the new levels and their compaction, the removal of any debris, and the reinstatement of the topsoil. The restoration and making good of the site compound should also be included.
- Pre commencement: A Landscape Strategy to include:
 - a concept statement explaining how the proposed landscape treatment responds to the landscape character of the area;
 - the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
 - details of any changes to the site access, including hedgerow removal; creation of visibility splays; kerbs, signage or other highways infrastructure; and gates, fencing or other structures.
 - the method of planting, establishment and protection of tree, hedge and shrub planting;
 - a timetable for the implementation of all landscaping; and
 - a management plan detailing the management of the landscaped areas for a minimum period of 10 years.

Colours of the containers and other equipment within the compound to be agreed prior to installation.

- Details of lighting (temporary construction lighting and permanent lighting) including function, location, design and intensity to be agreed prior to installation.
- Details of CCTV infrastructure including height and location of any mounted equipment to be agreed prior to installation
- Pre-commencement: A decommissioning strategy to be submitted to and approved in writing by the LPA.

Key issues for consideration:

Key issues for consideration relate to landscape impact, impact on ecology and impact on neighbours with particular reference to noise and to balance any adverse impacts against any benefits of the scheme.

Site Description:

The site is 2.05ha of agricultural pasture land within a larger field located immediately south east of the existing electricity sub-station at Bumpston Cross, some 2km north west of the village of Staverton.

The land is surrounded by mature copse/woodland to the north, east and south. There are two ponds within the copse on the southern boundary. A stream runs close to the eastern site boundary and on the east side of the stream a public footpath runs north south

Access is from a rural lane linking Bumpston Cross to Staverton Station.

Abham Cottage, a Grade II Listed Building, is located approx. 250m south of the site on the other side of a further hedgerow and smaller field.

Other residential dwellings in the area include Abham Orchard (300m to south east), Hole Cottages (approx 200m to the south west), Bumpston Cross Cottage (approx.300m to north west) and Bumspton Bridge Cottages (approx 130m to north)

The land slopes gently downwards from north west to south east. Views into the site at present are mainly from the road access point to the west and from the higher land of the hills rising in the east. The site is not within a designated landscape.

The site is within a sustenance zone and flight path within the Greater Horseshoe Bat Consultation Zones and is also within a Great Crested Newt Consultation Zone.

The Proposal:

The Development: The proposed battery facility would comprise 39 prefabricated units placed on a compacted stone platform, 13 of these will contain the batteries the remaining units will contain switchgear and inverters. The height including AC units is 4.6m. A single larger switch and control unit is also required (up to 3.9m high).

The units will be enclosed within a 4.5m high timber acoustic fence and the whole facility will be enclosed with 2.5m high steel palisade fencing.

Two substations are required adjacent to each other and the equipment within them will be up to 5.5m high

The scheme proposes a surface water attenuation pond on the eastern site boundary and proposes additional woodland planting around the north and west site boundaries to provide screening from this aspect.

The application shows a temporary construction compound that would be provided on land immediately adjacent to the west of the site.

Access would be from an existing field access on the western side of the field.

No permanent lighting is proposed. Lighting will only be required when maintenance takes place on site in low light.

Background: The applicant has provided information regarding the background to this proposal:

The Government is targeting the reduction of carbon emissions and much of this will be achieved through decommissioning carbon intensive plants and continuing with the delivery of low carbon generation renewable energy such as off shore wind. The integration of renewable

and nuclear energy supplies places an increased demand for additional flexibility and reserve supply to be provided.

National Grid also has to manage changes in the system frequency, voltage and reactive power-imbalance that can occur when there is a high generation and low demand or low generation and high demand. Balancing supply and demand and system stability is fundamental to an energy efficient future.

Enhanced Frequency Response (EFR) is a new service required by National Grid to help it balance the frequency fluctuations on the grid system. Certain commercial batteries are able to achieve the required 100% power output in 1 second (or less).

In response to this requirement for increased flexibility for local demand, the application proposes to develop an asset for National Grid using batteries, on land to the southeast of Abham Substation to provide these services. The battery facility will store up to 49.99 megawatts of electricity to provide ancillary services to National Grid and supply energy security to the local network during times of peak demand.

A site selection process assessed the 9 major substations in the South West and the Abham site was identified as the only site meeting all of the necessary criteria, including being suitable for the scale of battery system where the precise export and import requirements can be met.

It is stated that the facility is essential infrastructure required to support renewables but compared to wind and solar the facility uses very little land for its output. A solar farm of equivalent installed capacity would need 83 times the land area and in terms of power generated would require 356 times the land area.

Operation: National Grid need to maintain a frequency of 50Hz on the Grid. The battery providing ancillary services will assist in maintaining frequency by being fast and flexible. The facility will largely be on stand-by until needed, usually but not solely between 8am and 8pm.

Its use will cover periods where there is a shortage of generation and high demand. It is stated that little noise and no emissions result from its operation.

The site will be operated remotely so will generally be unmanned except for scheduled maintenance

Consultations:

- County Highways Authority: No objection, recommends planning conditions regarding provision of visibility splays, a road condition survey and details of the access formation.
- Environmental Health Section: No objection subject to conditions to ensure implementation of proposed noise mitigation measures.
- Environment Agency: No objection subject to conditions to ensure the protection of controlled waters from risks associated with the development

- Police AOL: Pleased to note presence of CCTV and security fencing, but recommends use of alternative forms and colours of security fencing which are more secure.
- Devon and Somerset Fire and Rescue: Proposals must comply with Approved Document B of the Building Regulations to include access requirements for Fire Service Vehicles. Water supplies for firefighting should be provided.
- South West Water: No objection in principle but advises that a public water main runs across the site which according to the proposed layout would have to be diverted at the cost of the applicant.
- DCC Flood Risk: No comment received
- Natural England: Further survey work required regarding bats and in the absence of this information an objection may be made.
- SHDC Ecology: No objection subject to conditions and Section 106 clause to secure GCN and bat mitigation and subject to a review of additional information that is to be submitted and the subsequent HRA that will take place
- SHDC Landscape: No objection subject to conditions
- SHDC Heritage: No objection subject to conditions
- Town/Parish Council: Object – noise issues and environmental impact.

Representations:

9 letters of objection have been received raising concerns which include the following:

- Traffic Statement does not mention how the construction traffic will interact with the Riverford Farm traffic in the local area.
- Lack of information
- Environmental health hazard – including health effects from electro-magnetic radiation
- Noise Pollution
- Applicant is not an established company, what will happen if business fails or they don't get a contract with National Grid?
- Local of local consultation – no noise assessment at Fursdon
- No local economic benefit
- Noise Assessment is misleading and was not undertaken at the right times
- Industrial development in a rural area – landscape impact
- Adverse impact on highway safety during the construction period
- What happens to the site when no longer required?
- Contrary to para 56-58 of the NPPF
- Will air cooling systems be needed and if so what is the noise implications?
- Contrary to JLP policies So10, SO12, SPT1, SPT11, TTV30, TTV31, DEV24

1 letter states that it agrees with the proposal but does raise concern that the acoustic fencing is proposed lower than the height of the air conditioners – the fencing should be higher

ANALYSIS

Principle of Development/Sustainability:

Policy CS11 of the Core Strategy, 2006 states that development must reflect the need to plan for climate change, through addressing its causes and potential impacts.

Policy DEV35 of the emerging JLP addresses renewable and low carbon energy and states that proposals to increase the use and production of renewable and low carbon energy to contribute to national targets will be supported where there are no significant adverse impacts.

The National Planning Policy Framework also addresses climate change, relevant paragraphs include:

Paragraph 93: Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development

Paragraph 97: To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;¹⁷
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

The proposed development proposes infrastructure to support the National Grid in making more efficient use of energy, a significant proportion of which comes from renewable energy such as wind, which is erratic in its energy production. The battery facility allows energy to be stored at times of high production and low demand so that it can then be used at times when production is low but demand is high. It will help to use existing energy resources more efficiently.

The principal of the proposed development, which will help to reduce greenhouse gas emissions, is supported by National and Local Planning Policy and is considered to be acceptable subject to all other material planning considerations.

Design/Landscape:

The site is located within a rural setting. It is however set on relatively flat, low lying land, surrounded on 3 sides by existing tree/copse vegetation and it is seen within the context of the adjacent electricity sub-station with its large pylons marching out across the landscape.

The scheme has been reviewed by the Council's Landscape Specialist who has commented as follows:

The submitted Landscape Appraisal provides a fair assessment of the likely landscape and visual effects resulting from the development. Disappointingly, it does omit views from the lane approach from the east, which is elevated with clear views of the upper slopes of the site. It has also assessed the application site during the summer whilst the trees and hedgerows are in full leaf, though this is recognised in the report as a shortcoming and the slightly greater visibility in winter is noted.

Notwithstanding these issues, I would recognise that the proposed development site is generally well-contained within the landscape with only limited views available during the winter months, and that the local landscape character of wooded valley sides and vegetated river corridors does provide the opportunity to effectively mitigate the site. The adjacent electrical infrastructure also provides a context for such development in this location.

There would be significant and adverse construction impacts, principally from the ground engineering and re-profiling operations to accommodate the levelled platform and surplus spoil, and from the construction compound which is at the more visible western end of the site. However, subject to an effective landscape mitigation strategy, these effects upon completion and establishment of the landscaping could be minimised so that the development is not visually prominent, and does not result in significant and adverse effects on the local landscape character.

Detailed Design / Landscape Design

The masterplan shows some outline landscape principles as mitigation. Whilst the intention to landscape the site is welcomed, I would request that we condition an amended landscape strategy, taking into account the need to fully 'blend' the changing contours and appropriately landscape them. There are some steeply sloping embankments proposed to the east of the site which are likely to be visible as incongruous features during the winter, and it is not clear how the raised 'platform' on the 32m contour at the western edge of the site will be treated to ensure that it is not viewed as a large and engineered bund. Woodland planting on both of these features may be more appropriate, and would help to mitigate winter views.

It will also be critically important to the landscaping that the ground levels are engineered correctly through an agreed construction method statement; re-establishing a soil profile including subsoil and topsoil, with appropriate compaction of the subsoil in layers, and the avoidance of compaction of topsoil. The restoration of the construction compound including the decompaction of soil (or reinstatement of topsoil if this is stripped) should also be included.

Arboricultural Impact

Although bound by important vegetation features, the proposals could be accommodated without impacting on the trees and hedgerows. I would expect the method statement

mentioned above to cover the protection of these boundary features which is likely to simply be in the form of site fencing.

Policy and Recommendation

Adopted and emerging local plan policies seek to conserve and enhance landscape character, avoiding significant and adverse landscape impacts. Whilst the construction impacts would be significant and adverse, in the longer term these could be appropriately mitigated, and the proposals would be considered to conserve the character of the valley landscape. There would be limited enhancement opportunities, but with an amended landscape strategy, the mitigation proposed could be effective and in keeping with local character. I would therefore raise no objection to the application on landscape grounds.

Landscape impact is considered to be acceptable subject to conditions to secure mitigation landscaping.

Neighbour Amenity:

There are no residential properties immediately adjacent to the application site, the nearest properties being Bumpston Bridge Cottages some 130m to the north of the site boundary. While it may be possible to get glimpsed views of the site in winter the outlook of neighbouring properties will be little affected.

The key issue in terms of potential amenity impacts relates to noise. The site is in a tranquil, rural location away from notable noise generators except for the adjacent electrical sub-station from which, at the time of the officer site visit, there was an audible hum emitting.

The application is supported with a Noise Assessment the key results being as follows:

- Noise from the facility will be well below the noise standards contained in WHO guidelines for avoidance of annoyance during the daytime.
- Noise from the facility will be well below the noise standards contained in WHO guidelines for avoidance of sleep disturbance at night
- Ambient noise levels will increase by up to 1dB during the daytime and by up to 3dB during the evening. Noise levels are unlikely to increase during the night time except during major power shortages or system stress events where small increases may occur at Hole Farm Cottages, Abham Orchard and Abham Cottage. Taking into account the magnitude of the increases and the likely frequency of such events that would cause the increases, it is considered that the ambient noise increases will result in negligible to minor impacts.
- The result of the BS 4142:2014 assessment, taking into account the context of the scenario, indicate that no significant adverse impacts are likely at any time of the day at any receptor. Residual adverse impacts may occur at Hole Farm Cottages during the evening and at Hole farm Cottages and Abham Cottage during the night time. These residual adverse impacts are acceptable as they will result in adverse effects no greater than the LOAEL.

The proposed development proposes acoustic fencing to surround the facility to mitigate against noise impact as well as noise attenuation covers fitted to the inverters and specification of a low noise transformer.

This Noise Assessment has been reviewed by the Council's Environmental Health Specialist who raises no objection subject to conditions to secure the implementation of the noise mitigation measures.

Concern has been raised by local residents with regard to the sites and times used to monitor noise and to inform the Noise Assessment. Officers are satisfied that the methodology follows good practice and the conclusions of the assessment can be relied upon.

Overall it is considered that the impacts on residential amenity will be acceptable.

Ecology/Environmental Risk

The Environment Agency have assessed the application, they note that ground conditions mean that the water table is high. They have no concerns generally regarding the development but are concerned about risk to ground and surface water in case of disaster.

The EA have stated that the applicant needs to demonstrate that in case of fire the toxic chemicals released as a result of battery fire and fire suppressants will not directly enter ground or surface water. Any groundworks/civils must be prevented from causing pollution, including the mobilization of soils/sediments in to inland freshwaters. Furthermore, if there is any risk of leaks or spills from the compound, this must be prevented from escaping and suitable containment put in place. The EA have recommended a planning condition to secure this level of protection.

The EA advise that that no infiltration of surface water drainage into the ground in the E-House Battery Storage Area or the Transformer/Inverter areas is permitted apart from where it has been demonstrated that there is no resultant unacceptable risk to controlled waters from the accidental release of chemicals or products of fire and fire suppression systems.

In addition, the development must not adversely impact on the licenced water abstraction (including access by the Environment Agency to inspect the licence) or any other serviced located within the area. Advice is also given regarding the appropriate storage of materials/chemicals likely to cause pollution.

The site is within a Greater Horseshoe Bat Sustenance and Flight Zone and Great Crested Newt Consultation Zone. The application is supported by a Preliminary Ecological Appraisal which identified the need to do survey work in respect of Great Crested Newts.

Survey work took place in October 2017 and is reported in the Great Crested Newt and Reptile Mitigation Strategy.

Natural England have commented on this application as follows:

*As submitted, the application could have potential significant effects on greater horseshoe bats associated with the **South Hams Special Area of Conservation (SAC)**. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:*

- *Up to date greater horseshoe bat survey*
- *A comprehensive impact assessment*

Without this information, Natural England may need to object to the proposal.

On receipt of this comment the applicant has been in consultation with Natural England and the Council's Ecologist to attempt to address these concerns.

The Council's ecologist has reviewed the submitted information and has commented as follows:

The PEA notes two points of interest:

- *The site falls within a South Hams SAC Sustainment Zone – no detailed surveys are recommended based on the application not including proposals for new lighting, or removing any habitat (hedges, woodland, ponds) likely to be used by greater horseshoe bats – the proposal requiring removal of improved grassland.*
- *The site falls within a Great Crested Newt consultation zone – there was a previous record of GCN some 1km from the site, and the two ponds adjacent to the site have potential for use by GCN. The PEA advised further survey for GCN be undertaken.*

These two points are considered in turn below.

South Hams SAC

The site lies within the Bulkamore Iron Mine SSSI (2.7km to the southwest) and Buckfastleigh Caves SSSI (3.3km to the northwest) greater horseshoe bat sustainment zones associated with the South Hams SAC (as identified in Natural England planning guidance, 2010) and a strategic flyway associated with the watercourse on the eastern boundary of the site.

The battery storage facility itself (and the temporary construction compound) would be sited within an improved grassland field (managed in the recent past by cattle grazing). Bordering the field (outside of the red line) is broadleaved woodland, species-rich and species-poor hedgerows, marshy grassland and ponds.

The PEA advises that foraging/commuting habitats on site for bats; 'are assessed as having high potential for foraging and commuting bats due to the presence of open water, broadleaved woodland, and grazing pasture, and because the site is located in a rural location which is very well connected to the wider landscape via a network of hedgerows.'

The proposed works will result in permanent loss of part of the improved grassland field, and would retain woodland, hedgerows and ponds. The PEA did not recommend further bat activity surveys because there was no new lighting or removal of the higher value habitat (woodland, hedgerows and ponds) and the majority of improved grassland within the field was being retained, and accordingly impacts of the proposed works on foraging/commuting greater horseshoe bats were anticipated to be low/negligible.

In conversation with Natural England and the consultant ecologist, it has been accepted that the improved grassland does offer foraging potential for greater horseshoe bats and may form part of the foraging habitat supporting the South Hams SAC. Accordingly, it has been accepted that permanent loss of such habitat as proposed would require mitigation, either on-site or off-site to avoid significant effects on the South Hams SAC, and that such an approach would be acceptable in the absence of detailed bat activity surveys. Such mitigation habitat

would need to be greater in size than the habitat to be lost, and would need to include reversion from unsuitable land (e.g. arable) to suitable greater horseshoe bat foraging habitat (i.e. not just safeguarding land which is already suitable for foraging greater horseshoe bats) and be in a location which is well connected and accessible to greater horseshoe bats.

Such land would need to be made suitable for greater horseshoe bat foraging in advance of loss of the existing habitat, and would need to be managed for the benefit of greater horseshoe bats, and secured through the Section 106. At the time of writing, an area of land has been identified within the same landownership, and closer to the Bulkamore Iron Mine SSSI and Buckfastleigh Caves SSSI than the land to be lost. The land appears to be well connected in terms of landscape features for commuting and foraging greater horseshoe bats, and is anticipated to be suitable as mitigation for the permanent loss of improved grassland required for the battery storage facility. Full details are still awaited, and once received, a Habitats Regulations screening will be undertaken, and the screening shared with Natural England. This will be concluded and the HRA Screening will be uploaded to the website well in advance of DM Committee, with a verbal update being given to DM Committee.

Subject to the detail to be agreed, it is anticipated that the following conditions would be required:

- Prior to commencement of development a Landscape and Ecological Management Plan/Bat Mitigation Strategy for the 'Greater horseshoe bat mitigation land' should be submitted to and agreed by the LPA.
- The 'Greater horseshoe bat mitigation land' shall be prepared in advance of commencement of development.

And s106 clause:

- Securing ongoing maintenance of the 'Greater horseshoe bat mitigation land' in accordance with a the LEMP/Bat Mitigation Strategy

Greater Crested Newts

eDNA sampling and net sampling were undertaken in October 2017, both returning no evidence of GCN, however both were undertaken outside of the recommended sampling months. Fish were recorded in one of the ponds. Whilst the consultant ecologist notes that it is unlikely that GCN are present in the ponds, they acknowledge that due to timings it has not been possible to complete presence/absence surveys at the correct times of the year. Therefore GCN are presumed present, and an impact assessment and mitigation strategy have been conducted accordingly. The consultant ecologist has proposed that works would be undertaken under a European Protected Species Licence for the fencing and translocation aspects of the proposal below.

The proposed development would result in the loss of some 1.95ha of improved grassland (and 0.26ha for a temporary construction compound), which is suboptimal habitat for foraging terrestrial GCN and does not contain opportunities for shelter or hibernation. Existing habitat around the ponds is of better quality and outside of the area proposed for development (i.e. it will be retained).

Prior to and during construction, GCN proof fencing, drift fencing and pitfall traps would be used to ensure that works did not injure or kill GCN, with any GCN found to be moved to retained habitat adjacent to the existing ponds.

Post construction, the 0.26ha would revert to improved grassland and 0.79ha of habitat would be enhanced, including woodland and hedgerow planting, rotationally managed grassland, habitat piles and hibernation sites and a new attenuation pond planted with aquatic and marginal native species which would have potential for breeding GCN. These measures fall within the same land ownership, but would require securing within a s106.

On the basis of an assumed presence of GCN, where a Habitats Regulations offence is likely, the LPA must consider whether the proposal would meet the 3 derogation tests and be likely to be subsequently granted a EPS Licence by Natural England. These tests are listed below, however it should be noted that the first two are planning tests and require consideration and recording by yourself/DM:

- *Imperative Reason of Overriding Public Interest*
- *No Satisfactory Alternative*
- *Maintenance of Favourable Conservation Status – within the GCN Mitigation Strategy (RPS, 2017), mitigation has been outlined that would reduce the likelihood of injury/death to GCN during construction and in a manner that reflects good practice. Post construction, habitat surrounding the existing (and new) ponds would be enhanced for GCN and managed appropriately. The test is considered met.*

If minded to approve the application, please apply the following condition:

- *Habitat creation and compensation measures shall be provided as outlined within the Great Crested Newt Mitigation Strategy (RPS, October 2017) unless otherwise agreed by the LPA.*
- *Prior to commencement, submission of a planting and maintenance plan for the retained and newly created habitat including attenuation pond.*
- *Works shall adhere to measures within the Conservation Action Statement (Appendix 5 of the Preliminary Ecology Appraisal, Acorn Ecology, July 2017).*
- *No ground works should commence until the LPA has been provided with a copy of the licence with respect to Great Crested Newts issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the works to go ahead.*

And s106 clause:

- *Securing provision and ongoing maintenance of newly created habitat (including attenuation pond), as outlined in the GCN Mitigation Strategy, and in accordance with a Planting and Maintenance Plan.*

Derogation Test: As recommended by the Council's Ecologist it is necessary to consider the 3 derogation tests which are as follows:

Imperative Reason of Overriding Public Interest: The application proposes infrastructure which will help to deliver low carbon energy more efficiently, this will help towards the Government's targets of reduced emissions of greenhouses gases; the environmental benefits of this are of overriding public benefit.

No satisfactory alternative: The battery facility has to be located in close proximity to an electrical sub-station, the applicant states that all relevant sites within the South West were considered and this is the only site identified as suitable for this type of development. If the facility were to be located further from the existing ponds (potential GCN habitat) it would be much more exposed in the landscape. It is considered that on this basis there is no satisfactory alternative location.

The third test is addressed above. It is concluded that the proposed development meets the three derogation tests.

Subject to the detailed assessment of the proposed bat mitigation land and the follow up Habitat Regulations Assessment being favourable and subject to confirmation of this as an acceptable approach from Natural England and the Council's ecologist it would be possible to conclude that the ecological impacts of the development are acceptable.

Highways/Access:

The proposed development relies upon an existing field entrance which at the time of the Officer site visit appears to have been recently widened and a rolled stone threshold provided, the access is from the rural lane to the west of the site.

The Highway Authority have commented as follows:

It is expected the use on the site will generate limited levels of traffic once built so whilst the road directly leading to the site is narrow for the last 100m or so the Highway Authority would not wish to raise concern. It is however noted the site will generate fairly high levels of traffic during the construction period. The currently submitted Construction Management Plan does not include a road condition survey therefore it is recommended a condition is imposed requiring this information prior to commencement.

Having been to site and examined the existing access the Highway Authority notes the existing access is blind to the north. The Highway Authority would estimate the 85th percentile speed to be in the region of 20mph so a visibility splay of 25m 'y' distance to the nearside of the road x 2.4m 'x' distance x 600mm height should be formed to ensure maintenance vehicle drivers using the site do not cause additional danger to existing road users. If the applicant owns the land to the north then a condition could be required ensuring that prior to commencement details of a visibility splay are submitted.

It is recommended the access is hardened with either concrete or tarmac for at least 10m from the edge of the highway prior to commencement with a dropped bullnose kerb between the highway and the private access. This will help prevent mud, stones, water and debris from being deposited on the highway, which is a concern. Also any gates should be set back by approximately 10m so that any large vehicles entering the site can open the gate into the site without obstructing the highway. It is suggested a condition could be imposed requiring details of the access construction and material prior to commencement.

Officers consider that once operating the levels of traffic generation to and from the site would be very low, essentially only for maintenance, this is unlikely to be more than could arise from the existing use of the land and access for agriculture. The requirement for increased visibility splays should be weighed against the impact on hedgerows and character of the area. It is proposed that a planning condition should be applied to agree the detail of the access point however bearing in mind the low usage of the access, visibility will be balanced against hedgerow loss.

Local concern has been raised about the impact of the construction traffic. The construction phase is expected to take 6 months. Construction often causes some degree of disturbance and disruption to the local environment, this is not in itself reason to refuse the grant of planning permission however the impacts can be minimised to some extent through good

management. A Construction Management Plan forms part of the application and will help to control impact.

Highway and access impacts are considered to be acceptable.

Heritage

Grade II Listed Abham Cottage lies some 250m south of the site. The application has been considered by the Council's Heritage Specialist and his full response can be viewed on the web site. He concludes that given the existing well-established strong boundaries between the identified heritage asset (Abram Cottage) and the proposed site and the distances involved it is highly likely the listed cottage and its setting would not be adversely impacted upon. However as there is the potential for a degree of intervisibility between the site and asset in the winter months through the leafless trees it is recommended that a robust landscape plan (secured through the appropriate use of a planning condition) be secured to mitigate against any potential visual impact.

Planning Balance

The application proposes development to provide a battery storage facility which will allow a more efficient use of renewable energy and will as a result help to reduce carbon emissions to the benefit of the environment. This is in accordance with national and local planning policy and weighs strongly in favour of the development.

There is the potential for adverse landscape and ecological impacts however it is likely these can be mitigated through landscaping schemes, appropriate construction methodology and creation of new habitat. There will be no significant adverse impacts on residential amenity locally and again any potential for significant noise impact can be mitigated using acoustic fencing and other measures.

Subject to confirmation of the acceptability of the proposed bat mitigation, it is considered that the development is sustainable and the benefits of the proposal outweigh any harm. As such it would be recommended that conditional planning permission be granted.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS11 Climate Change

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking
DP15 Development in the Countryside

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV21 Conserving the historic environment
DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV30 Trees, woodlands and hedgerows
DEV34 Delivering low carbon development
DEV35 Renewable and low carbon energy (including heat)
DEV37 Managing flood risk and Water Quality Impacts

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Proposed Conditions in full

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

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.

2. The development hereby approved shall in all respects accord strictly with drawing numbers SL179_500, SL179_100, SL179_100, 210_CS_01, GP_DNO_01, GP_EH_01, GP_MV_01, GP_SF_01, GP_SS_01, GP_CR_01, GP_CC_01 and GP_AF_01.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. Prior to the commencement of development a road condition survey shall be submitted to and approved by the Local planning Authority.

Reason: In the interests of road safety and amenity

4. Prior to the commencement of development details of the visibility splay to be provided at the site access shall be submitted to and approved in writing by the Local Planning Authority. The approved visibility splay shall be laid out prior to the development being brought into use and shall be maintained for that purpose.

REASON: To provide adequate visibility from and of emerging vehicles.

5. Prior to commencement of the site details of the site access for the first 15m from the highway shall be submitted and approved. The approved works shall be implemented prior to commencement of any of the on site buildings/infrastructure and details shall include materials, construction, any gates and kerbing.

Reason - In the interests of road safety.

6. No development approved by this planning permission shall take place until a scheme to assess the risks to controlled waters as a result of the development, including measures to mitigate the risks identified, has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented and subsequently maintained in accordance with the agreed scheme.

Reasons: To ensure the protection of controlled waters from the accidental release of chemicals or products of fire and fire suppression systems.

7. Prior to the commencement of development a Landscape and Ecological Management Plan/Bat Mitigation Strategy for the 'Greater Horseshoe bat mitigation land' should be submitted to and agreed by the LPA.

Reason: In the interest of wildlife conservation

8. The 'Greater Horseshoe Bat mitigation land' shall be prepared in advance of commencement of development in accordance with the approved details

Reason: In the interest of wildlife conservation

9. Habitat creation and compensation measures shall be provided as outlined within the Great Crested Newt Mitigation Strategy (RPS, October 2017) unless otherwise agreed in writing by the LPA.

Reason: In the interest of ecology and wildlife conservation

10. Prior to commencement of development a planting and maintenance plan for the retained and newly created habitat including attenuation pond shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of ecology and wildlife conservation.

11. Works shall adhere to measures within the Conservation Action Statement (Appendix 5 of the Preliminary Ecology Appraisal, Acorn Ecology, July 2017) at all times unless otherwise agree in writing by the Local Planning Authority.

Reason: In the interest of ecology and wildlife conservation.

12. No ground works shall commence until the Local Planning Authority has been provided with a copy of the licence with respect to Great Crested Newts issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the works to go ahead.

Reason: In the interests of ecology and wildlife conservation

13. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority. The design of this permanent surface water drainage management system will be informed by a programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests. Development shall take place in accordance with the approved details and shall be managed and maintained in perpetuity.

Reason: To ensure that surface water runoff from the development is discharged as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems and to avoid flood risk.

14. The mitigation measures set out in the Noise Assessment by RPS dated September 2017 shall be adhered to at all times.

Reason: In the interest of residential amenity

15. The acoustic fencing shown on the approved plans shall be constructed in accordance with the approved details and shall be maintained for the lifetime of the development.

Reason: In the interests of residential amenity

16. Notwithstanding the details already submitted, prior to the commencement of development detail of existing and proposed levels for the site and its surroundings shall be submitted to and approved in writing by the Local Planning Authority. Any material not used in the construction of the approved levels shall be removed from the site to a licenced facility.

Reason: To ensure that ground remodelling is sensitively blended into the surrounding contours without abrupt changes in level in the interest of the amenity of the area.

17. Prior to the commencement of development a Construction Method Statement for the ground works, detailing the methodology for constructing the level changes shall be submitted to and approved in writing by the Local Planning Authority. This should include details of site preparation (stripping and storage of topsoil and fencing to protect the boundary vegetation), the creation of the new levels and their compaction, the removal of any debris, and the reinstatement of the topsoil. The restoration and making good of the site compound should also be included. Development shall take place in accordance with the approved details.

Reason: In the interest of amenity.

18. Prior to the commencement of development a detailed Landscape Strategy shall be submitted to and approved in writing by the Local planning Authority. This shall include:

- a concept statement explaining how the proposed landscape treatment responds to the landscape character of the area;
- the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- details of any changes to the site access, including hedgerow removal; creation of visibility splays; kerbs, signage or other highways infrastructure; and gates, fencing or other structures.
- the method of planting, establishment and protection of tree, hedge and shrub planting;
- a timetable for the implementation of all landscaping; and
- a management plan detailing the management of the landscaped areas for a minimum period of 10 years.

Reason: In the interest of the amenity of the area.

19. Colours of the containers and other equipment within the compound shall be agreed in writing with the Local Planning Authority prior to installation.

Reason: To ensure the equipment blends into its surroundings

20. External lighting shall only be provided for use in emergency servicing/maintenance of the facility and only in accordance with details that shall have previously been agreed

in writing with the Local Planning Authority. Details shall include function, location, design and intensity.

Reason: In the interests of ecology and wildlife conservation and in the interests of amenity

21. Prior to its installation details of all CCTV infrastructure including height, colour and location of any mounted equipment shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of amenity.

22. Prior to the commencement of development a detailed decommissioning strategy shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall identify the trigger point(s) for decommissioning the site at which time the site shall be restored to its previous state as agricultural land with all infrastructure to be removed in accordance with details to be agreed within the strategy.

Reason: In the interests of amenity and wildlife conservation