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**Email** democraticservices@rushcliffe.gov.uk

**Our reference:**  
**Your reference:**  
**Date:** Wednesday, 6 March 2024

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 14 March 2024 at 6.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>  
Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely



Gemma Dennis  
Monitoring Officer

## AGENDA

1. Apologies for Absence and Substitute Members
2. Declarations of Interest

[Link to further information in the Council's Constitution](#)

3. Minutes of the Meeting held on 8 February 2024 (Pages 1 - 4)
4. Planning Applications (Pages 5 - 76)

The report of the Director – Development and Economic Growth

### Membership

Chair: Councillor R Butler  
Vice-Chair: Councillor T Wells  
Councillors: A Brown, S Calvert, J Chaplain, A Edyvean, E Georgiou, S Mallender, H Parekh, C Thomas and R Walker

Rushcliffe Borough  
Council Customer  
Service Centre

Fountain Court  
Gordon Road  
West Bridgford  
Nottingham  
NG2 5LN

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Opening hours:  
**Monday, Tuesday and Thursday**  
8.30am - 5pm  
**Wednesday**  
9.30am - 5pm  
**Friday**  
8.30am - 4.30pm

Postal address  
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Council  
Rushcliffe Arena  
Rugby Road  
West Bridgford  
Nottingham  
NG2 7YG





Rushcliffe  
Borough Council

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Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt

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## MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 8 FEBRUARY 2024

Held at 6.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West  
Bridgford

and live streamed on Rushcliffe Borough Council's YouTube channel

### **PRESENT:**

Councillors R Butler (Chair), T Wells (Vice-Chair), A Brown, S Calvert, J Chaplain, A Edyvean, E Georgiou, S Mallender, C Thomas, R Walker and M Barney (Substitute)

### **ALSO IN ATTENDANCE:**

Councillor T Birch and 3 members of the public

### **OFFICERS IN ATTENDANCE:**

H Knott

E Dodd

J Hall

M Hilton

G Sharman

A Walker

T Coop

Service Manger - Planning

Planning Manager - Development  
Lead Specialist

Area Planning Officer

Senior Planning Officer

Team Manager - Area Planning  
(Central)

Solicitor

Democratic Services Officer

### **APOLOGIES:**

Councillors H Parekh

### 29 **Declarations of Interest**

The Chairman, Councillor R Butler declared a non-pecuniary interest as Ward Councillor for application 23/02191/FUL and would remove himself from the discussion and vote for this item.

### 30 **Minutes of the Meeting held on**

The Minutes of the meeting held on 14 December 2023 were approved as a true record and were signed by the Chair.

### 31 **Planning Applications**

The Committee considered the written report of the Director – Development and Economic Growth relating to the following applications, which had been circulated previously.

**23/01926/FUL – Single storey extension to existing holiday accommodation to create a single, accessible holiday let – Fosse**

## **Paddock, Nottingham Road, Cropwell Bishop, Nottinghamshire.**

### **Updates**

An additional representation was received after the agenda was published and this was circulated to the Committee before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr G Machin (Applicants Agent) and Councillor T Birch (Ward Councillor) addressed the Committee.

### **Comments**

In giving regard to the Green Belt, members of the Committee thought the rural location of the application would be beneficial to disabled users it is specifically designed to cater for and would be a benefit to the rural economy and tourism.

On this basis the Committee thought the Very Special Circumstances and benefits outweighed any harms to the Green Belt and any other harms.

Councillor Mallender moved to reject the officer's recommendation and approve the application with additional conditions around the retention and protection of the hedgerow and the accommodation being used only as a temporary holiday let.

This motion to grant planning permission with the additional conditions (to be drafted by officers) was seconded by Councillor Georgiou and the vote was carried.

### **DECISION**

**PLANNING PERMISSION BE GRANTED SUBJECT TO CONDITIONS, THE DETAILS OF WHICH ARE DELEGATED TO THE DIRECTOR - DEVELOPMENT AND ECONOMIC GROWTH.**

Councillor R Butler removed himself from the Committee and did not contribute to the discussion or vote on the following application.

**23/02191/FUL – Retention of shipping container for the storage of essential ground maintenance equipment and materials. (Retrospective) – Rushcliffe Oaks, Main Road, Stragglethorpe, Nottinghamshire.**

### **Updates**

An additional representation was received after the agenda was published and this was circulated to the Committee before the meeting.

### **DECISION**

**PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. This permission shall expire in five years from the date of this permission, after which, unless a further planning permission has been granted, the storage container shall be removed from the site and the site be restored to its former condition within 28 days of this date.

[To avoid a permanent form of development in the Green Belt, to protect the visual amenities of the area, to enable the Borough Council to review the situation and to comply with Policy 1 (Development Requirements) and Policy 21 (Green Belt) of the Local Plan Part 2: Land and Planning Policies].

2. Accoya cladding shall be applied to the north elevation of the container as denoted on drawing G/1214/01 received on 11 December within three months of this permission. Thereafter the container shall be maintained in accordance with the materials/ finish as approved.

[To ensure a satisfactory appearance of development and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

Note-

The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary, resulting in a recommendation to grant planning permission.

Having regard to the above and having taken into account matters raised there are no other material considerations which are of significant weight in reaching a decision on this application.

Councillor Butler rejoined the meeting.

## 32 **Planning Appeals**

The Committee noted the Planning Appeals Decision report which had been circulated with the agenda.

The Planning Manager – Development, referred to application 21/03205/REM Chestnut Farm, Barton in Fabis and the approval of access, appearance, landscaping and layout and scale for demolition of existing buildings and construction of a residential scheme for 3 dwellings.

The Planning Inspectorate had allowed the appeal and a Cost Award claim to be submitted to the Council with a view to reaching agreement as to the amount.

The meeting closed at 7.28 pm.

CHAIR

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**Planning Committee**

**Thursday, 14 March 2024**

**Planning Applications**

## **Report of the Director – Development and Economic Growth**

PLEASE NOTE:

1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local Government Act 1972 and relevant planning legislation/Regulations. Copies of the submitted application details are available on the website <http://planningon-line.rushcliffe.gov.uk/online-applications/>. This report is available as part of the Planning Committee Agenda which can be viewed five working days before the meeting at <https://democracy.rushcliffe.gov.uk/ieListMeetings.aspx?Committeeld=140> Once a decision has been taken on a planning application the decision notice is also displayed on the website.
4. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
5. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g., public houses, takeaways etc.; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
6. Where the Planning Committee have power to determine an application but the decision proposed would be contrary to the recommendation of the Director – Development and Economic Growth, the application may be referred to the Council for decision.
7. The following notes appear on decision notices for full planning permissions:  
“When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows in homes). You are also advised to consider installing a burglar alarm, as this is the most effective way of protecting against burglary.

If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

<http://www.rushcliffe.gov.uk/planningandbuilding/buildingcontrol>

Application	Address	Page
23/00158/TORDER	1 Holmsfield, Keyworth	9-14
	To Keyworth No.1 Tree Preservation Order 2023	
<b>Ward</b>	Keyworth and Wolds	
<b>Recommendation</b>	Tree Preservation Order 2023 be confirmed without modification	

Application	Address	Page
23/00158/TORDER	Former Grounds of the Manor House	15-20
	To Ruddington No.1 Tree Preservation Order 2023	
<b>Ward</b>	Ruddington	
<b>Recommendation</b>	Tree Preservation Order 2023 be confirmed without modification	

Application	Address	Page
23/02282/CMA	Sharphill Wood Landmere Lane Edwalton Nottinghamshire NG11 6LP	21-28
	Spreading of waste topsoil on land west of Sharphill Wood with (post-development) continuing agricultural use	
<b>Ward</b>	Edwalton	
<b>Recommendation</b>	Nottinghamshire County Council be advised that the Borough Council does not object to the development, subject to considerations	

Application	Address	Page
21/00432/FUL	Land At Hickling Pastures Melton Road Hickling Pastures, Nottinghamshire	29-42
	Continued mixed farm and forestry use of part of farm	



yard for logging enterprise and retention of outbuildings and extension to Barn 2 (Retrospective)

**Ward** Nevile and Langar

**Recommendation** Grant planning permission subject to conditions

<b>Application</b>	<b>Address</b>	<b>Page</b>
23/01285/FUL	Land Off West Leake Lane West Leake Lane Ratcliffe On Soar Nottinghamshire	43-76
	Proposed Battery Energy Storage Facility	

**Ward** Gotham

**Recommendation** Grant planning permission subject to conditions

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**Application Number: TPO  
1 Holmsfield, Keyworth, NG12 5RD**



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# 23/00158/TORDER

**Objector** Mr Giles Tomlinson on behalf of the owner Mrs J Tomlinson

**Location** 1 Holmsfield, Keyworth

**Objection** To Keyworth No.1 Tree Preservation Order 2023

**Ward** Keyworth and Wolds

## THE SITE AND SURROUNDINGS

1. The Tree Preservation Order (TPO) protects a single Sweet Chestnut tree in the front/side garden of 1 Holmsfield, a residential property located on an estate constructed in the 1960's in the southwest of Keyworth. The property and tree occupy a prominent location resulting in the tree being visible from 3 adjacent roads, Holmsfield, Far Pastures and Brook View Drive.

## DETAILS OF THE TREE PRESERVATION ORDER

2. The Council became aware the tree was scheduled to be removed and given its prominent location decided to make a TPO.
3. The TPO was made on the 13<sup>th</sup> December 2023. Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 the Order takes effect provisionally and needs to be confirmed within 6 months of the date it was made. The Council has a duty to consider all objections and representations that have been made before deciding whether, or not, to confirm the Order.

## REPRESENTATIONS

### Objection

4. The owner of the property through her son has objected to the TPO for the following reasons
  - The tree has been part of the property for a number of years and was once part of a pair with the other being removed due to the root system and damage being caused
  - The tree has been a source of irritation to a number of residents in the area, given its close proximity and overhang of surrounding roads with the exfoliation of leaves and nut casings. The owner of the property is 82 years old and is in no fit state of health to maintain such a tree and is concerned about liability if an accident were to occur
  - The main objection is that the roots of the tree have caused significant structural damage to the property, which is visible both externally and internally, as well as it lifting the pavement
  - Other trees on this property and adjacent properties have been removed previously without intervention from the Council

- The removal of the tree will benefit residents by removing issues with drain blockages, slippery surfaces and other debris. The tree provides no significant wind break, shelter or habitat. The Sweet Chestnuts also attract mice and other vermin which requires maintenance. The pavement is often slippery with algae and debris.

## **APPRAISAL**

5. The main purpose of a TPO is to protect trees which enhance the public realm. Given the position of the tree and the fact it forms a focal point from a number of adjacent roads, it is clear that when the estate was designed the tree was planted with the intention that it would be a prominent feature.
6. The trees in this part of Keyworth generally do not have any form of protection as it is outside of the conservation area so there is no duty on residents to notify the Council of proposed tree work.
7. Trees will naturally shed leaves, seeds and in some cases nuts. The maintenance of which, whilst an inconvenience, comes part in parcel with owning a property. It is unfortunate that such matters can prove too much for elderly residents, but the assistance of a gardener could allow such matters to be managed.
8. When the TPO was made, the Council was not aware of the damage to the building. An officer has visited the property to see the damage at first hand and there is a tapering crack which has been repaired on the external wall facing the tree and there is internal cracking on the plaster within the rooms closest to the tree. At present, no engineering assessment has been made that demonstrates the tree is the cause of the damage, but it is reasonable to assume that roots will be growing up to the building given the size and position of the tree. In light of the above, consideration could be given to allowing the tree to be reduced in size to limit its uptake of water which can exacerbate seasonal movement caused by clay soils shrinking when dry and expanding when wet. It is recognised that the tree has been pruned in the past and will require pruning in the future to prevent it outgrowing the location. An application could also be made to fell the tree and the TPO would allow the Council to condition a smaller growing tree to be planted that would be less likely to outgrow the location.
9. There doesn't appear to be any significant disruption to the pavement or road and this would be a matter for Nottinghamshire County Council to deal with. It was highlighted at the site meeting that the pavement was covered in moss and algae. In summer months the tree would cast shade in the area which could be a contributory factor. Local authorities are not under a duty to remove moss from highways as it is considered transient and doesn't damage or form part of the structure of the surface.
10. As noted above, residents are not required to notify the Council of tree removal in this part of Keyworth, so the Council does not often get any chance to prevent tree removal. Often it is the case that the more trees which are removed from an area, the more valuable the remaining trees become.
11. Trees don't have to have any significant wildlife value to warrant protection, it is something that can be taken into account but doesn't warrant protection on

its own. Fallen Chestnuts will be a source of food for wildlife (and humans), whilst this may not be welcomed it is a relatively minor inconvenience.

12. In summary, it is considered that the amenity value of the tree is very high due to its prominent location. However, since making the TPO it has become apparent that the tree may be affecting the property and whilst there are obvious signs of movement there is no conclusive proof that the tree is a major contributory factor to this. However, in light of this pruning the tree is likely to be appropriate and officers are open to allowing the removal of the tree subject to a smaller replacement being agreed. The confirmation of the TPO would allow the Council greater control whichever course of action is selected by the owner and approved by the Council.

## **RECOMMENDATION**

It is RECOMMENDED that the Keyworth No.1 Tree Preservation Order 2023 be confirmed without modification.

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**Application Number: TPO  
Fomer Grounds of the Manor House, Ruddington**



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# 23/00158/TORDER

**Objector** Planning Issues Ltd

**Location** Former Grounds of the Manor House

**Objection** To Ruddington No.1 Tree Preservation Order 2023

**Ward** Ruddington

## THE SITE AND SURROUNDINGS

1. The Tree Preservation Order (TPO) protects 2 areas of woodland and 2 individual trees within the grounds of a former Manor House. The trees are located to the south of a newly constructed care home and other houses on Manor Park, Ruddington Church is located to the southeast and houses on Church Lane are located to the south. Views into the site are somewhat limited from public vantage points with the Churchyard being the most obvious vantage point, despite this the trees do form a sylvan backdrop when viewed from adjacent roads.

## DETAILS OF THE TREE PRESERVATION ORDER

2. The value and importance of the trees was considered at the planning stage and whilst the Council could have protected all trees on the site, it was considered that a selective TPO would be preferable as it would highlight to the developer the trees the Council considers to be most important.
3. The TPO was made on the 12<sup>th</sup> October 2023. Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012, the Order takes effect provisionally and needs to be confirmed within 6 months of the date it was made. The Council has a duty to consider all objections and representations that have been made before deciding whether or not to confirm the Order.

## SITE HISTORY

4. In 2021, the Council gave permission for the removal of poor-quality trees within the woodland, this was accompanied by removal of a dense understorey of Laurel. The removal of the Laurel was exempt and could have taken place at any time. Despite the Council encouraging the owner to retain under storey vegetation around the perimeter of the site it was largely cleared and this open up views into the site from adjacent properties and the churchyard.
5. The site is currently subject to a planning application to construct 3 dwellings, reference: 23/01456/FUL.

## REPRESENTATIONS

### Objection

6. The Arboricultural Consultant for the planning application to construct dwellings on the site, acting on behalf of the site owner, has objected to the inclusion of one of the individual trees within the TPO, this is a Yew tree identified as T2 in the TPO and T23 in the planning application tree survey. For this report the tree will be referred to as T2. The objection is for the following reasons:
- The Senior Design and Landscape Officer did not identify the tree as being significant in a consultation response to the planning application and questioned why the tree was now being protected
  - The removal of lower trees and understorey vegetation has resulted in T2 being visible from the churchyard to the southeast and the Council considers this to purportedly "helping screen the new residential home from this vantage point." The objection does not dispute the visibility of the tree, it questions the screening it provides as it has a raised canopy and the residential home can be viewed under the canopy. Furthermore, 2 mature Lime trees within the Churchyard will obscure the view to T2 when in leaf. They also note the churchyard is used infrequently
  - The future development context of the site needs to be considered as screening planting is proposed which is designed to have an immediate impact screening the view of the residential home from the churchyard. The Senior Design and Landscape Officer has deemed appropriate such screening planting. The proposed buildings for the site will also limit view to the residential care home, further diminishing the screening of T2
  - The client does not object to the implementation of the TPO more broadly but are specifically concerned by the inclusion of T2.

### Local Residents and the General Public

7. Adjoining landowners were notified of the TPO, 3 adjacent property owners have submitted representations.
8. Churchside, 16 Church Street. Criticised the TPO for not protecting all the trees shown to be removed in the planning application and argued the TPO shouldn't limit itself to trees that were visible from public vantage points.
9. 41 Manor Lodge responded to fully support the TPO and any measure which maintains or enhances the wooded area of Manor Park.
10. The owner of Garden House, Manor Park believe it is an excellent idea to preserve some trees and woodland right in the heart of the village of Ruddington. This order will also enable the residents of the Churchill Retirement apartments to be able to have a view of trees and woodland. It also provides a habitat for the flora and fauna.

### APPRAISAL

11. The Council's Senior Design and Landscape Officer did make reference to T2 in the consultation response to the planning application. "The churchyard whilst secluded is a publicly accessible space and from this location views are visible of a freestanding Yew T2, the group of Yew trees in the northern corner of the

site which soften views of the eastern end of the residential home, along with the trees on the southern boundary of the site.” And: “Plot 1 and 2 requires the removal of a number of trees, the condition and prominence of these varies considerably. Given the felling of poor-quality trees and the removal of the laurel understorey that took place previously, T2 is now quite visible from the rear of the Churchyard and it helps screen the new residential home from this vantage point. It is a tree I would expect to see retained.” Notwithstanding the above, there are better and more significant trees on the site, but T2 is clearly visible from the Churchyard and was proposed to be removed on the planning application hence the decision to protect it.

12. Whilst the canopy of T2 will allow views under it, it is considered the tree contributes to the sylvan backdrop of the churchyard. The Council has been criticised for allowing past tree work on this site and whilst a landscaping scheme would help provide long-term screening, the value of retaining mature trees is the scale and maturity they provide which helps enhance the character of the conservation area. There are 2 mature Lime trees within the churchyard that limit views into the development site from the north-eastern corner, but T2 is clearly visible from the northwest part of the churchyard.
13. T2 would need to be removed to enable the proposed development. In mitigation the landscape strategy for the site indicates that ‘sub canopy vegetation ground cover enhanced with ecological biodiverse native planting’. This will take some time to become established which is why the Council is keen to see mature trees retained.
14. When making this TPO the Council tried to strike a balance between maintaining the highest quality trees on the site, whilst considering which made the most contribution to the public realm. The aim of the TPO is not to stymie or prevent the development but to make it clear to the developer which trees the Council considered most important. Some trees shown to be removed within the planning application that are not visible, or where their removal would not be noticeable to the public were not protected. This applies to trees on the south-eastern edge of W1, where some low-quality trees could be removed to facilitate access, such work would not be apparent due to the backdrop of the remaining woodland. In addition, the northeast corner of the site is largely screened from public view and the trees in this part of the site were not sufficient visible to warrant protection.
15. The TPO has generated mixed comments with an objection to T2, feedback that more trees should be protected and positive comments supporting the fact it has been made. Overall, it is considered that the TPO strikes the right balance by protecting trees which are either the most prominent or have the highest arboricultural value.

## **RECOMMENDATION**

It is **RECOMMENDED** that the Ruddington No.1 Tree Preservation Order be confirmed without modification.

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**Application Number: 23/02282/CMA**  
**Sharphill Wood, Landmere Lane, Edwalton**



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# 23/02282/CMA

**Applicant** Vistry Home \_ John A Wells Ltd

**Location** Sharphill Wood Landmere Lane Edwalton Nottinghamshire NG11 6LP

**Proposal** Spreading of waste topsoil on land west of Sharphill Wood with (post-development) continuing agricultural use

**Ward** Edwalton

Full details of the application can be found [here](#)

## THE SITE AND SURROUNDINGS

1. This County Matters application relates to a c. 27.9ha site to the west of Sharphill Woods in Edwalton comprising arable fields. The site partly abuts the A52 to the south, Old Road and an associated public right of way to the west, with part of the northern boundary abutting residential properties on Peveril Drive to the north. There is a cemetery and a wooded area to the north west corner. A public right of way runs along part of the eastern boundary of the site from Peveril Drive to Sharphill Woods, with two footpaths crossing the site running east to west. The site runs on an incline running north from the A52 with a slight plateau towards the centre of the site and a decline towards the northern boundary.
2. The site falls within the Green Belt.

## DETAILS OF THE PROPOSAL

3. The proposal is 'waste development and as such is a County Matter application where Rushcliffe Borough Council is a Consultee. The County Council are the determining authority for this type of application.
4. The proposed development comprises the spreading of c. 38,000 cubic metres of topsoil on the application site, comprising surplus topsoil arising from cut-and-fill exercises as part of the residential development to the east within the strategic allocation site at Melton Road, Edwalton.
5. The surplus topsoil is currently stockpiled within two soil bunds located within the Phase 7 parcel of the Strategic Urban Extension approved under 17/00941/OUT. The topsoil would be spread in two phases over a period of approximately six weeks at a depth of 10cm within the southern part of the site and 20cm within the northern part of the site, graded to the edges so as not to impact on boundary trees/ hedges.

## SITE HISTORY

6. There is extensive planning history in relation to the Land at Melton Road strategic housing allocation to the east of Sharphill Woods. Of relevance to

this application is 17/00941/OUT which includes reference to the management of soil resources.

## **REPRESENTATIONS**

### **Ward Councillor(s)**

7. Adjoining Ward Councillor (Cllr Dellar) has raised concerns regarding the length of time the footpaths are likely to be closed or diverted, as the soil issue has taken a long time to resolved and they would not want to see a similar delay with footpaths remaining closed. Concern regarding building material being spread onto fields and whether there is a plan to deal with this. Machinery used to move the soil could damage the soil by compression and assurance is sought that this has been considered.
8. Adjoining Ward Councillor (Cllr Matthews) submitted comments neither supporting nor objecting to the application. Concern that large quantities and depths of top soil on such slopping ground would change the nature of the soil and exacerbate run off into neighbouring properties. The slope on the northern side of this area is already very steep and gets eroded by bad weather as can be seen on the Peveril drive exit.

### **Town/Parish Council**

9. Ruddington Parish Council comment that they support the resident comments.

### **Statutory and Other Consultees**

10. The Borough Council's Environmental Sustainability Officer notes that the ecology reports referred to in the planning statement have not been provided and therefore it is not possible to consider the impact on protected species.
11. The Borough Council's Environmental Health Officer has no objection to the spreading of surplus topsoil. There may be waste management implications associated with the proposed works and it is recommended that the applicant consult with the Environment Agency prior to the commencement of works. There are no objections to the proposal on noise grounds given the nature and duration of work. Whilst it is noted that the intention is to undertake works during the winter months which should minimise dust emissions, as this may not be possible it is recommended that a dust management plan is secured by way of a condition.

### **Local Residents and the General Public**

12. One objection received with comments summarised as follows:
  - a. Surface water issues for neighbouring properties from previous attempts to store topsoil
  - b. Reprofilling hill puts residents at risk of flooding and mud runoff
  - c. Somehow the Phase 2 site will be raised 20cm in height without reprofilling the hill or affecting the pond that exists at the top of the hill
  - d. Would raise the boundary above that of Old Road, risking turning it into a river when it rains
  - e. No mitigation for the closure of the rights of way crossing the field

- f. If any of the proposed conditions of soil, profile, or predictions of water runoff are not met what is the likelihood of them being rectified?

## **PLANNING POLICY**

13. The current application is a 'County Matter' in that it falls to the County Council to determine the application as Local Planning Authority with Rushcliffe Borough Council as consultee. Therefore, the County Council will assess the proposal against the policies contained within their own Development Plan.
14. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the 2023 National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (the Guidance).
15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF advises that there is a presumption in favour of sustainable development and for decision-making this means approving development proposals that accord with the development plan without delay.

## **Relevant National Planning Policies and Guidance**

16. The relevant policy considerations in the NPPF are:
- Paragraph 11c)
  - Chapter 12- Achieving well- designed and beautiful places
  - Chapter 13- Protecting Green Belt Land.
17. The National Planning Policy Guidance contains specific guidance on Waste, it sets out that the County Council is generally the waste authority, and that applications of the type proposed should be dealt with as “County Matters”.

*“The waste planning authority is generally the county council (in areas where there are 2 tiers of local government – county councils and district councils), the unitary authority, or the national park authority. The [Town and Country Planning \(Prescription of County Matters\) \(England\) Regulations 2003](#) prescribe classes of waste operations and uses of land that should be dealt with as “county matters”.*

18. The NPPG sets out further guidance on protecting human health and the environment, and also states that ‘non-waste’ authorities (such as Rushcliffe) “must have regard to national planning policy for waste”.
19. The National Planning Policy for Waste (2014) sets out the Government’s detailed waste planning policies and Waste Planning Authorities how to determine planning applications.

A link to the National Policy can be found [here](#).

## **Relevant Local Planning Policies and Guidance**

20. The relevant policy considerations in the LPP1 are:
- Policy 1 (Presumption in Favour of Sustainable Development)
  - Policy 4 (Nottingham- Derby Green Belt)
  - Policy 5 (Employment Provision and Economic Development)
  - Policy 10 (Design and Enhancing Local Identity).
21. The relevant policy considerations in the LPP2 are:
- Policy 1 (Development Requirements)
  - Policy 21 (Green Belt).

The full text of the policies in the LPP1 and LPP2, together with the supporting text, can be found in the Local Plan documents on the Council's website at:

[Adopted Local Plan - Rushcliffe Borough Council](#)

22. The Nottinghamshire County Council have the Adopted Waste Local Plan (2002) and the Waste Core Strategy (2013).

These policies can be found [here](#).

It is not proposed in this report to go into detail regarding these policies, and it is for the County Council to be satisfied that the proposal accords with relevant Waste policies.

## **APPRAISAL**

23. The County Council seeks the views of the Borough Council in relation to the proposed spreading of waste soil and they are the determining authority for this application. Matters relating to flooding/ drainage, highways and rights of way are for the County Council to be considered through the relevant internal consultation. Accordingly the Borough Council can only provide comment in relation to matters relating to National and Local Plan policies.
24. The main policy consideration is the location of the site within the Green Belt. Policy 21 of the LPP2 states that applications for development in the Green Belt will be determined in accordance with the National Planning Policy Framework. Paragraph 152 of the NPPF states that development in the Green Belt should be regarded as inappropriate which is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 153 states that when considering any planning application, substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
25. Exceptions to inappropriate development are set out in paragraph 154 of the NPPF. Certain other forms of development listed under paragraph 155 are also not inappropriate, provided the openness is preserved and there is not a conflict with the purposes of including land within the Green Belt. This includes engineering operations under criterion b) of these exceptions.
26. In considering whether the proposal would preserve the openness of the Green Belt, National Planning Practice Guidance sets out a number of

matters which need to be taken into account when making this assessment including:

- openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume
  - the duration of the development, and how successfully it can be remediated - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness
  - The degree of activity likely to be generated, such as traffic generation.
27. The application proposes the depositing of soil across the site at a depth varying from 10 cm to 20 cm. The deposited material would be graded towards the field perimeters to ensure that any existing boundary planting is not buried. It is not considered that visually the proposal would harm the openness of the Green Belt given the modest depth of deposited materials and the grading to the edges. The works would take place over a period of approximately six weeks following which the land would continue to be farmed in its current arable use with no proposed change to the nature or degree of activity on the site. It is therefore considered that the proposal would preserve the openness of the Green Belt as an exception to inappropriate development.
28. It is not considered that the proposal would harm the character of the rural landscape given that it is to be returned to an agricultural use once the earthworks are complete.
29. The Public Right of Way running from Peveril Drive to Sharphill Woods is to remain open. The two Public Rights of Way running east to west to link with Old Road would be closed for a temporary period during the works. The submission indicates an alternative footpath route running along the northern and western edges of the site to retain access to Old Road during the temporary closure. Matters regarding the Rights of Way diversion are for the County Council to consider internally with their Rights of Way team.
30. The submission includes a works strategy which states that fill material shall be free of soft or loose soils, roots, waste and other foreign matter. The strategy also includes measures in relation to mitigating undue soil compaction.
31. In terms of flooding, this is a matter for the County Council to consider in their role as the Lead Local Flood Authority. The submission includes a Drainage Technical Note which states that existing percolation rates would be replicated with the additional depth of topsoil, run-off is unlikely to increase as the topography and surface areas will remain the same.
32. Matters relating to flood risk and ecology are subject to ongoing internal discussion within Nottinghamshire County Council and the Borough Council is unable to provide further comment in this regard.
33. It is recommended that the County Council should be informed that the Borough Council raises no objection to the proposal subject to the County Council being satisfied that there would be no significant adverse impact on visual amenity and the open character of the Green Belt and that other

matters in relation to surface water drainage, ecology, construction noise/disturbance, dust mitigation and matters relating to footway diversions have been sufficiently addressed.

34. It is recommended that, should the application be approved, conditions be imposed as set out below. It should be noted that the list of conditions is not exhaustive and is based on the information submitted to the Borough Council for consideration.

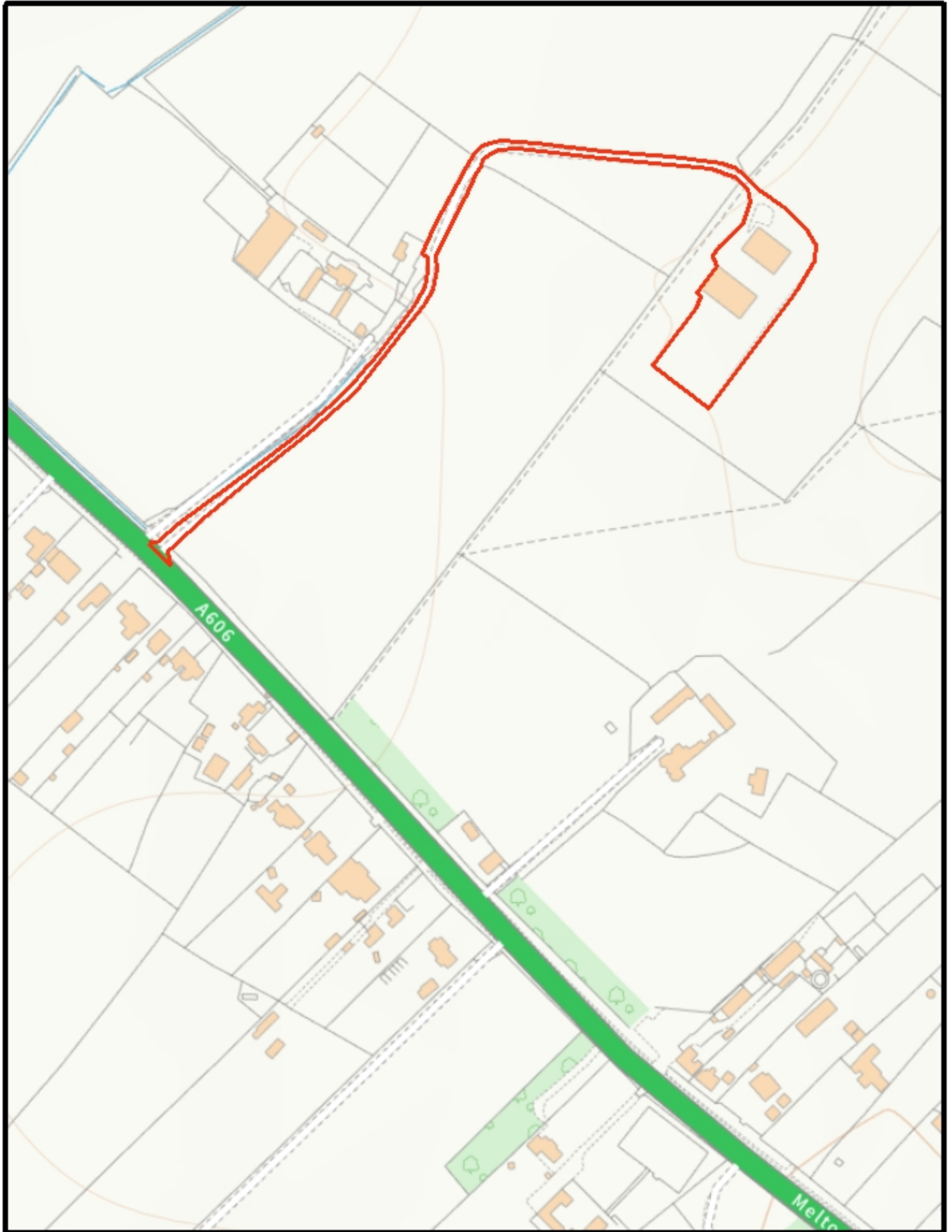
## **RECOMMENDATION**

It is RECOMMENDED that the Nottinghamshire County Council be advised that the Borough Council DOES NOT OBJECT to the development, subject to the County Council being satisfied that the proposal accords with the relevant development plan and that all other material considerations can be satisfactorily addressed, including the following:

- Surface Water Drainage
- Ecology
- Construction noise/disturbance
- Dust migration
- Footway diversion matters.

Should Planning Permission be granted it is recommended the Borough Council requests conditions in relation to:

- Soil handling
- Control of noise, dust and vibration during works
- Tree and hedge protection
- Hours of operation of site works
- Surface water drainage
- Land restoration.



**Application Number: 21/00432/FUL**  
**Land At Hickling Pastures**  
**Melton Road,**  
**Hickling Pastures**



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# 21/00432/FUL

**Applicant** Dr Matthew Blades

**Location** Land At Hickling Pastures Melton Road Hickling Pastures  
Nottinghamshire

**Proposal** Continued mixed farm and forestry use of part of farm yard for logging enterprise and retention of outbuildings and extension to Barn 2 (Retrospective)

**Ward** Nevile and Langar

## THE SITE AND SURROUNDINGS

Details of the application can be found [here](#)

1. This application site is located on the eastern side of and accessed by a private access from the A606 Melton Road sited immediately adjacent to the access serving Hillside Farm to the northeast of Hickling Pastures. The site itself is set at a lower level to the surrounding land and is bounded by a steep bank to the northwest boundary topped by trees and hedgerow and sloping open fields to the northeast and southeast. The nearest residential properties at Hillside Cottage, Hillside Barn and Hillside Farm lie circa 170m to the west.
2. The site falls within open countryside and comprises 2 barns set within a stack yard used for storage. One barn remains in agricultural use whilst the other barn houses a logging machine and is used to store prepared logs awaiting dispatch for drying and once returned from the drying process logs are stored before delivery to customers.

## DETAILS OF THE PROPOSAL

3. Retrospective planning permission is sought for the continued mixed farm and logging enterprise use of 2 no. existing barns and stock yard and the retention of associated structures and outbuildings.
4. Barn 1 - This is shown to be used for agricultural purposes only which has 1 no. green storage container to located to the rear used to store a classic tractor.
5. Barn 2 – This is shown to be retained to have a mixed logging business and agricultural use. To the rear of this barn is a porta cabin used as an office and a storage container used to store silage wrap, baler string and net wrap store. To the side is a further storage container housing diesel and hand tools and a small, enclosed sawdust store. To the front the barn has been extended to provide a tree trunk loading area to serve the log cutting machine.
6. To the rear of the barns is a large storage area used for the storage of uncut and cut logs and straw bales.

7. The application is accompanied by the following documents:-
- Design And Access Statement which outlines the logging enterprise activities summarised as follows:-
    - The business predominantly operates for approximately 6 months a year during the autumn/winter period (October to March) with potential to overlap the farming use. It employs 3 to 4 people (equating to 3 full time positions) who work as farmers or farming contractors when the enterprise is not operating
    - Hours of operation are 07.00 – 16.00 with cutting machinery operating from 08.00 – 15.00
    - It imports uncut timber from harvesting, woodland clearance and maintenance thinning's from Forestry Commission woodlands transported to the site by loader tractor. This is cut and split on site and stored until transported to the nearest drying plant at Bottesford for kiln drying to meet Government Guidelines for domestic fuel use. These are returned to the site for storage until orders for logs are received. Delivery for sold logs is via 2 no transit tipper vans doing on average 3 trips per day a maximum of 4 on very local deliveries
    - Waste timber is used at the drying plant.
  - Waste Management Plan
  - Transport Assessment
  - Flood Risk Assessment.

## RELEVANT SITE HISTORY

8. 13/01182/NMA – Consent was granted in November 2013 for alterations to drainage arrangements.
9. 11/00894/FUL – Planning permission was granted in July 2012 for two cattle sheds and manure store.
10. 11/00888/FUL - Planning permission was granted in July 2012 for a pig shed and farm access road and manure store.

## REPRESENTATIONS

### Ward Councillor(s)

11. One ward Councillor (Cllr Combella) – initially raised no objections subject to conditions in relation to pollution, access, traffic and lighting. This has subsequently been amended to raise objections on the grounds of noise nuisance for residents sharing the driveway and nearby properties. Concerns are also raised with regards to traffic implications from the granting of permission for a Service Station at Hickling Pastures and impact on residents who share the access drive from large increase in traffic movements directly passing their dwellings. The Ward Councillor also questioned whether the tree and shrub planting referred to in the application documents be conditioned together with hours of operation and use of machinery to not include weekends or Bank holidays. They also suggested there should be a condition not to burn

waste on site as has occurred in the past. The Ward Councillor also made comment that this is also an industrial process continuing without the benefit of planning permission causing disturbance to residents through noise, light pollution and hours of operation.

### **Town/Parish Council**

12. Hickling Parish Council – whilst local farming and the rural economy are supported objections are raised. Comments and evidence supplied by neighbouring residents should be taken into account regarding air and noise pollution and consideration be given in particular to vehicle movements and machinery operation at unsociable hours. Operations at the farm would be looked at more favourably if restrictions were in place to reduce the impact of the operations including retracting operating hours and deliveries to and from the site and limitations placed on any other environmental pollutants in terms of noise, dust and smoke.

### **Statutory and Other Consultees**

13. Nottinghamshire County Council as Local Highways Authority – No objections are raised. Although there is a significant increase from existing vehicle movement, it is still considered low trips are generated and can be accommodated on the Highway Network during peak times. Following the submission of the Transport Assessment and ward councillor comments the Highway Authority consider that the impact of both the service station development and this proposal will be negligible and the additional traffic is unlikely to be more than the daily fluctuation. There will be no significant in traffic from the service station site or any highway safety implications. There will be no traffic or highway conflict on the A606 arising from both uses.
14. Nottinghamshire County Council as Public Rights of Way – No objections are raised. - Hickling Footpath no. 8 does cross the access road – the applicant must ensure that public are crossing the access road, which should be level and have no steps or steps etc from adjacent land, that good visibility is available to both the public and vehicles and that vehicles are aware of the potential of public in the vicinity and give way.
15. Rushcliffe Borough Council Environmental Health Officer – raises concerns with potential noise and recommends a temporary permission with conditions restricting the hours and days of operation of the business, the number and times of vehicle movement and retention of the hay bale/logs/log containers on the southwestern boundary.

As the hay bales and log containers which form a barrier along the southwestern boundary cannot be considered a permanent structure under planning and, therefore, cannot be conditioned to be retained in situ, it is again recommended that temporary planning permission be granted for a probationary period of 24 months to allow assessment of any noise impacts from the development.

### **Local Residents and the General Public**

16. 7 no. representations have been received objecting to the proposal and 1 no. supporting the development which are summarised below:-

- a) Proximity of access road to neighbouring properties and loss of privacy
- b) The access road is unsuitable for HGVs. It is an uneven gravel track and HGVs and numbers of traffic movements result in noise and dust pollution
- c) Waste timber has been stored close to site boundaries
- d) Fires on site the result in ash, smoke and fumes affecting neighbouring properties in prevailing winds which evidences that waste wood is not being disposed of responsibly
- e) Traffic on the access road exceeds 20mph speed limit
- f) There are vehicular movements from 6am to 11 pm resulting in noise at all times of the day and throughout the week
- g) It is not an agricultural enterprise as it is bringing wood into and out of the site
- h) The buildings should be used for their agricultural not for this business enterprise
- i) Highway safety issues from increased traffic and slow-moving traffic along this stretch of road accessing the site
- j) There have been issues with consultation process
- k) Statements within the Design and Access Statement are false in terms of waste disposal, operating times, flexibility of use between agriculture and the logging enterprise, noise, volume of traffic and traffic movements and access
- l) Storage of hay bales and straw adds to the noise impact
- m) Light pollution when the business operates at night
- n) Operating times for the logging business should only be for the hours stated in the Design and Access Statement and there is no justification for the farming business operating outside of these hours
- o) The hedging laid to the northwest of the site is not maintained on the public footpath side
- p) The proposal could be supported if access road is relocated away from neighbouring properties and surfaced to prevent dust and noise the hours of operation restricted and waste products should be removed from site and disposed of in an environmentally friendly way
- q) 1 no. representation has been received which supports the proposal for agricultural diversification because of the benefits to the farming business allowing it expand and become viable and it will sustain rural employment and the rural economy.

Full comments can be found [here](#)

## **PLANNING POLICY**

17. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2) and the Hickling Neighbourhood plan (2022). Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG).
18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF advises that there is a presumption in favour of sustainable development and for decision-making this means approving

development proposals that accord with the development plan without delay.

### **Relevant National Planning Policies and Guidance**

19. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social, and environmental.
20. The relevant chapters of the NPPF are:
  - Chapter 2: Achieving sustainable development
  - Chapter 6: Building a strong competitive economy
  - Chapter 9; Promoting sustainable transport
  - Chapter 12: Achieving well designed and beautiful places.

Full details of the NPPF can be found [here](#).

### **Relevant Local Planning Policies and Guidance**

21. The following Policies of the Rushcliffe Local Plan Part 1: Core Strategy are relevant:-
  - Policy 1: Presumption in Favour of Sustainable Development
  - Policy 10: Design and Enhancing Local Identity.
22. The following policies are considered relevant in the local plan part 2:-
  - Policy 1: Development Requirements
  - Policy 22: Development within the Countryside
  - Policy 40: Pollution and Land Contamination
  - Policy 41; Air Quality.

The full text of the policies in the LPP1 and LPP2, together with the supporting text, can be found in the Local Plan documents on the Council's website at:

[Adopted Local Plan - Rushcliffe Borough Council](#)

23. Policies in the Hickling Parish Neighbourhood Plan 2011-2028
  - Policy H1: The Countryside
  - Policy H3: Tranquillity
  - Policy H16: Reuse of rural buildings for business use.

The full text of the policies in the Hickling Parish Neighbourhood Plan can be found here:-

[hickling-neighbourhood-plan-adopted.pdf \(rushcliffe.gov.uk\)](#)

### **APPRAISAL**

24. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the

statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

25. The main issues in the consideration of the application are the principle of development, impact on the character of the open countryside and rural landscape; residential amenity, and highway safety.

### **Principle of development**

26. The overarching Policy 1 in the Local Plan Part 1: Core Strategy reinforces that a positive and proactive approach to decision making should be had which reflects the presumption in favour of sustainable development contained in the NPPF.
27. The site falls within open countryside. Policy 22 of Local Plan Part 2 states that land in the open countryside will be conserved and enhanced. Paragraph 2 sets out that development for certain uses which includes at sub paragraph f) small-scale employment generating development and farm diversification will be supported in principle subject to other material planning considerations.
28. Sub paragraph 6.23 of this policy further recognises that rural businesses make an important contribution to the rural economy.
29. Chapter 6 of the NPPF also sets out that planning decision should enable the diversification of agricultural businesses.
30. Policy H16 of the Hickling Neighbourhood Plan supports the principle of the expansion of the diversity of the rural economy whilst preserving the countryside.
31. The application site comprises an existing agricultural stack yard and associated barn buildings located within the open countryside and the logging enterprise results in the diversification of the farming business providing employment for the equivalent of 3 full time staff who work within the farming business outside of the operating months of the logging business. Part of the site would be retained for agricultural use.
32. Taking the above into account it is considered that the principle of the proposal meets the criteria set out in the above policies and is therefore acceptable subject to the following material planning considerations:-

### **Impact on the character of the area**

33. In policy terms the following policies are pertinent to this consideration:
- a) Policy 10 of LPP1 sets out that outside of settlements, new development should conserve or where appropriate, enhance or restore landscape character
  - b) Policy 1 of LPP2 requires that development should not have any significant adverse effects on landscape character
  - c) Policy 22 of LPP2 at section 3 reflects this and sets out that development in the open countryside should conserve or enhance the appearance and

character of the landscape

- d) Policy H16 of the Hickling Neighbourhood plan at sub paragraph G supports the reuse of rural buildings for business use providing the development does not harm the character of the surrounding rural area
  - e) Chapter 12 of the NPPF provides that development should be sympathetic to local character including landscape setting.
34. The site falls within a rural landscape and is set within a slope of the land and well removed from the public realm. The logging business is operated from an existing large barn with a large agricultural barn directly opposite and an existing large storage area to the south west used for storing cut and uncut logs and hay bales.
35. The extensions and storage containers associated with both the logging business and the farm are considered to be modest, subordinate and proportionate to the scale and footprints of the existing barns. The mixed use of the open storage area to the southwest of the barns would not be considered to be significantly different to its use for agricultural storage purposes.
36. Taking this into account it is not considered that the additional structures and mixed use of the barns and open storage area would result in any significantly greater impact on the rural character of the site or the wider landscape setting than previously existed.
37. In terms of the proposal to retain the logging business use and the additional levels of activity and traffic to and from the site that would be generated, from the details provided within the Design and Access Statement and the Transport Assessment it is not considered that an additional traffic movements per day during the operating times of the business would be sufficient to significantly alter the character of the site bearing in mind the daily farm vehicle movements that could occur.
38. For the reasons set out above it is not considered that the proposal would result in adverse harm to the landscape character and appearance of the site, the immediate rural area or its wider setting.
39. The proposal is therefore considered to accord with Policy 10 of LPP1 Policies 1 and 22 of LPP2, Policy H1 of the Hickling Neighbourhood Plan and the NPPF.

### **Impact on Amenity**

40. In policy terms the following policies are pertinent to this consideration:
- a) Policy 10 of LPP1 requires that new development proposals be assessed in terms of their impact on the amenity of occupiers or nearby residents
  - b) Policy 1 of LPP2 sets out that permission may be granted for development provided it does not result in significant effects upon the amenity of adjoining properties or the surrounding area by reason of levels of activity and traffic movements on the site, loss of privacy or noise and light pollution
  - c) Policy H3 of the Hickling Neighbourhood Plan permits a range of development provided it does not result in any significant loss of local tranquillity.

41. The logging business which is the subject of this retrospective application has been operating for circa two years. The comments received from Environmental Health confirm that there have been no noise complaints received since 2021.
42. It should be noted that the access to the site is separate to that serving the neighbouring residential properties. It is not considered that the additional level of traffic generated by the logging business is significantly greater to that generated by the farm. It should also be noted that the access to be used, represents an existing permitted feature with no restrictions on its use in relation to agriculture with regard to vehicular traffic levels, types or hours.
43. However, notwithstanding this, having regard for the rural setting of the site, the nature of the logging business operation and access to the site and distances to the nearest neighbouring properties from the access road it is considered reasonable to attach the conditions recommended by Environmental Health in relation to restriction of hours and days of operation to process the logs and hours and daily numbers of HGV, tipper/transit vans and trailer movements. These are largely in line with those submitted on the application forms and will safeguard neighbouring amenity in terms of noise and levels of activity associated with the business.
44. It is also proposed to plant up missing hedgerow along the access track and plant new hedgerow along a section adjacent to post and rail fencing and the stables. This will further assist in safeguarding amenity and can be secured by condition.
45. It is not considered that it would be reasonable to control by condition the retention/maintenance of the 6m high hay bale or full wooden log cart wall along the southwestern boundary of the site given that although these structures are currently in situ they are there purely for storage purposes and will be removed from the boundary as and when they are required for either the farm business or for processing the uncut logs or transporting the cut logs for drying or to customers.
46. Environmental Health would raise concern that without this barrier there may be potential for noise transference from the site. Given that the business has been operating for a number of years without any noise concerns being raised with the Council during which time the hay bales and log carts may have been removed or relocated within the site it is considered that a temporary two-year permission be granted to enable the Borough Council to review the development and any impacts that may have arisen during this period.
47. Given the location and taking account of the details of the log processing operations that take place within Barn 2 as identified within section 3 of the Design and Access Statement there are no concerns with regards to dust pollution.
48. Although the Design and Access Statement states at 3.2 that there are no regular bonfires it is considered necessary and reasonable to attach a condition should permission be granted to remove any potential for bonfires/burning of waste at the site to safeguard neighbouring amenity.
49. Subject to the conditions the proposal is therefore considered to accord with



Policy 10 of LPP1 and 1 of LPP2 and Policy H3 of the Hickling Neighbourhood Plan.

## **Highways**

50. Policy 1 (2). of LPP1 sets out that planning permission for changes of use will be granted where a suitable means of access can be provided without detriment to the amenity of adjacent properties or highway safety.
51. Policy H1 sub paragraph F of the Hickling Neighbourhood Plan provides that development should not generate levels or types of traffic that would result in harm to local rural roads.
52. Chapter 9 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
53. The logging business would access the site via the existing private access from the A606 serving the farming business which was approved in 2011. This is a separate access to that which serves the residential properties.
54. The Transport Statement submitted with the application outlines the vehicle types and traffic movements to and from the site serving the logging business. There are 12no. transit tipper vehicle movements per day 5 days per week, 1 no. HGV movements per fortnight and 2 no. tractor and trailer movements per week. This is in addition to the 17 farm vehicle movements per day.
55. Nottinghamshire County Council Highway Authority has reviewed the application and the submitted Transport Assessment and has raised no objections to the proposal. Although there is a significant increase from existing farm vehicle movement, the overall movements remain low and can be accommodated on the Highway Network.
56. It is noted that the Highway Authority raise no concerns in relation to comments received with regards to the cumulative impact of the additional traffic at the application site and that resulting from the approved service station to the northwest of the application site which would not result in traffic or highway conflicts or raise any highway safety implications.
57. Conditions securing the details contained within the Transport Statement is considered reasonable should permission be granted to safeguard highway safety.
58. Taking the above into account it is considered that the proposal would accord with Policy 1 of LPP2 and Chapter 9 of the NPPF (2023).

## **Pollution and Contamination**

59. Policy 40 of LPP2 provides that permission will not be granted for development which would result in an unacceptable level of pollution. Policy 41 of LPP2 also sets out that permission will not be granted for proposals that may adversely impact air quality.

60. The Environment Agency have advised that the applicant should be made aware of relevant permitting for wood cutting dust mitigation that wood IBCs or wood should be stored with appropriate Fire Prevention Regulation considerations and that fuels/oils storage is appropriately managed.
61. In terms of the business operations Barn 2 is provided with a sawdust storage unit fitted with ventilation and extraction mechanisms. The kiln drying process of the cut logs is undertaken off site and waste wood used to fire the kiln. The wood is dried to exceed government guidelines in relation to 20% water content. The dried wood has a water content of 12% and produces a suitable domestic fuel.
62. The development is therefore considered to accord with Policies 40 and 41 of LPP2.

### **Other Matters**

63. The site falls within Flood Zone 1 with a low probability of flooding.
64. Concerns have been raised in relation to the consultation process that has been carried out. Site notices have been displayed and a press notice posted. Adjoining properties have also been notified by letter, including re-consultation on revised plans. This accords with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **Conclusion**

65. Having assessed the development proposal against the policies set out in the development plan for Rushcliffe and considering the material matters discussed above, it is considered the proposal would be in accordance with the relevant local and national policies. Therefore, it is recommended that this application be granted subject to conditions.
66. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers/to address concerns/objections raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the grant of planning permission.

### **RECOMMENDATION**

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. This permission shall expire 2 years from the date of this permission after which, unless a further planning permission has been granted, the logging business shall cease operating from the site.

[This is not considered to be an appropriate form of permanent development and the granting of temporary consent will enable the Borough Council to review the situation]

2. The development hereby permitted must be retained strictly in accordance with

the following drawings:-

Proposed Site Layout drg. no. 2021-2 Rev 2 deposited on the 27th November 2023

Elevation Plans deposited on the 15th December 2023.

[For the avoidance of doubt and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) Local Plan Part 2: Land and Planning Policies]

3. The use of barn number 2 and the associated adjacent hard standing to the south of such for the processing and storage of logs shall be restricted to between the hours of 0700 and 1800 Monday to Saturday and not on Sundays or Bank Holidays.

[To protect the amenities of nearby properties having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1 Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2 Land and Planning Policies (2019)]

4. Long Good Vehicle (LGV) or Heavy Good Vehicle (HGV) deliveries associated with the supply of logs to the business shall only take place between the hours of 0700 and 1800 Monday to Saturday and not on Sundays or Bank Holidays. No more than one LGV or HGV delivery of logs shall take place in any two-week period.

[To protect the amenities of nearby properties having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1 Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2 Land and Planning Policies (2019)]

5. Tractor and trailer movements associated with the drying of logs offsite shall only take place between the hours of 0700 and 1800 Monday to Saturday and not on Sundays or Bank Holidays. No more than four tractor and trailer movements shall take place in any two-week period.

[To protect the amenities of nearby properties having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1 Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2 Land and Planning Policies (2019)]

6. Tipper/transit van movements associated with the delivery of logs to customers shall only take place between the hours of 0700 and 1800 Monday to Saturday and not on Sundays or Bank Holidays and no more than eighty deliveries in tipper/transit vans shall take place in any one-week period.

[To protect the amenities of nearby properties having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1 Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2 Land and Planning Policies (2019)]

7. There shall be no burning of any materials on the site at any time.

[To protect the amenities of nearby properties having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1 Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2 Land and Planning Policies (2019) and in the interests of safeguarding air quality having regard to Policy 40 (Pollution and Land Contamination) and 41 (Air Quality) of the Rushcliffe Local Plan Part 2 Land and Planning Policies (2019)]

8. Within 56 days of this approval precise details of the species and size of the proposed hedgerow planting as indicated on drg. no. Proposed Site Layout drg. no. 2021-2 Rev 2 deposited on the 27th November 2023 shall be submitted to and approved by the Local Planning Authority.

Thereafter the planting must be carried out and completed in accordance with the approved details no later than during the first planting season (October - March) following that approval.

If, within a period of 5 years of from the date of planting, any tree planted as part of the approved scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

[To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapters 12 (Achieving Well-designed Places) of the National Planning Policy Framework (2023)]

## **NOTES TO APPLICANT**

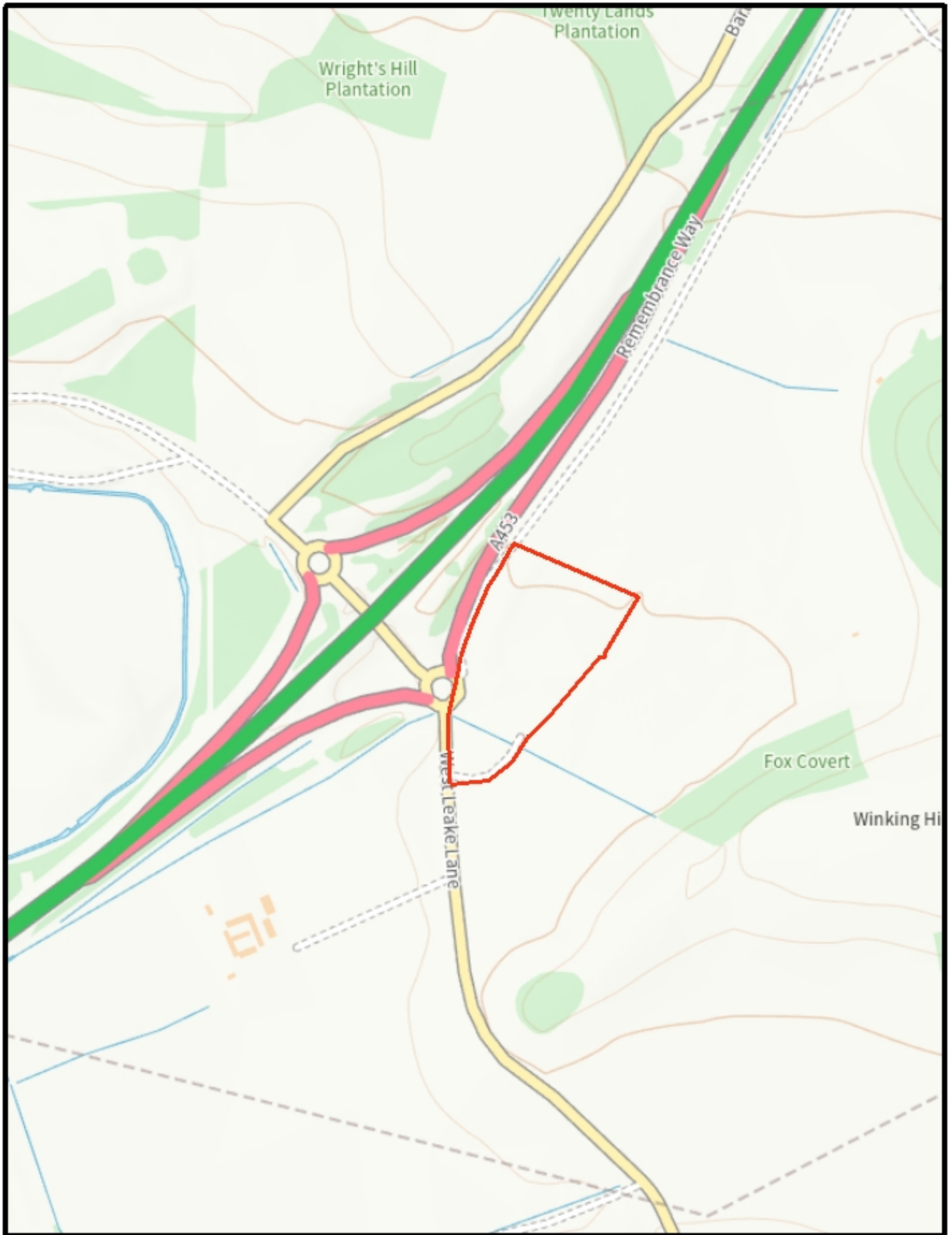
Having regard to the above and having taken into account matters raised there are no other material considerations which are of significant weight in reaching a decision on this application.

Your attention is drawn to the following advice of the Environment Agency.

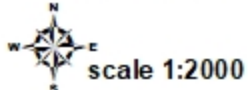
If waste wood is received the applicant must ensure a permit/exemption of the relevant Regulatory Position Statement (RPS) is established.

The applicant should be mindful of relevant permitting for the incineration (kiln) and emissions, wood cutting dust mitigation.

Wood IBCs or wood should be stored with appropriate Fire Prevention Regulation considerations.



**Application Number: 23/01285/FUL**  
**Land Off West Leake Lane, West Leake Lane,**  
**Radcliffe On Soar**



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**23/01285/FUL**

**Applicant** Sandbrook Capital Bes Ltd

**Location** Land Off West Leake Lane West Leake Lane Ratcliffe On Soar  
Nottinghamshire

**Proposal** Proposed Battery Energy Storage Facility

**Ward** Gotham

## THE SITE AND SURROUNDINGS

Details of the application can be found [here](#)

1. The site is detailed as being a former compound used during works associated with the construction of the A453. Immediately to the north east of the site is the A453 and to the north and south east are agricultural fields.
2. The site is broadly triangular in shape and measures 4.6Ha in area. The site is bound by West Leak Lane and the A453 slip lane along its western boundary projecting back from the highway approx. 180m. The levels of the site rise from the southern corner through to the north-eastern corner.
3. It is understood that the site was due to be restored to agricultural land on completion of the A453, but this has not been implemented. Manmade mounds are apparent across the site, in particular at the southern end close to the roundabout.
4. A farm track runs along the western edge of the site and a further entrance to the southern end of the site is possible from West Leake Lane.
5. The site as detailed on the submitted layout plans extends to some 4.6ha and is partially enclosed by a mix of fencing and hedging. The site at present is not overly prominent from the A453 due to banking along the road but is visible from West Leake Lane which runs along the edge of the site. The site sits in close proximity to Ratcliffe on Soar power station situated to the north west and at its closest approximately 250m from the north eastern boundary and 450m from the south eastern boundary of the approved Local Development Order (22/01339/LDO).
6. The site is within the Nottingham/Derby Green Belt as defined in the Rushcliffe Local plan.
7. The site does not contain or lie adjacent to any statutory ecological, landscape or historic designation. The closest designation to the site is Gotham Hill Pasture Site of Special Scientific Interest (SSSI) which is located

approximately 1.7km away. There are no Listed Buildings on or adjacent to the site, the closest are approximately 2km away.

8. In terms of flooding, the application site is identified on the Environment Agency's Flood Map for Planning as being entirely within Flood Zone 1 that is an area with a 'low probability of flooding'.

## **DETAILS OF THE PROPOSAL**

9. Full planning permission is sought for the construction of a Battery Energy Storage System (BESS), capable of importing and exporting approximately 600 megawatts (MW). Whilst the proposed development is not for the production of renewable energy, it will mainly use energy from renewable sources. The proposed storage facility will take up energy at times of low demand and release it back to the grid, direct to the point of connection at Ratcliffe on Soar, at times of high demand. Energy storage facilities have the ability to balance energy production with need; thus, dramatically increasing the use of energy produced by renewable sources and combatting the intermittent nature of renewable energy sources.
10. During the life of the application, the proposed development has changed from the original scheme which involved a significant change in levels with the creation of a single flat area cut into the natural slope of the site together with large retaining walls. Revised plans now show 3 level plateaus that follow the natural levels of the site closer. Site level 1 would be located close to the entrance and at the lowest level, site level 2 would be centrally located and would be positioned 3m higher than site level 1. Site level 3 would be positioned at the rear of the site and would be set 3m higher than site level 2.
11. The application site would be sectioned into 3 plots, each with a capacity of 200MWhrs to provide energy balancing services through storing energy and releasing it to the National Grid. The facility has an intended temporary lifespan, but no time frame confirmed for operation (usually up to 40 years). It is indicated that the site would be returned to agricultural use on cessation of operation.
12. The proposal primarily includes 168 battery modules that would each be 2.3m wide, 11.3m long and approximately 3m in height. The batteries would be arranged in pairs with an approx. 2.5m gap between units. A transformer is proposed at the end of each pair (84), these structures would be approximately 4m wide, 4m deep and 3m high. The following equipment is also proposed:
  - 6no Inverter & Transformer Modules
  - 3no DNO Rooms
  - 3no Private Substations
  - 3no Welfare & Control Rooms
  - 3no Storage Rooms
  - 132 KV substation Area.
13. The 132kv substation is a large industrial piece of equipment in a separate compound approximately 12m wide, 38m long and up to 6m high.



14. Plans indicate the existing access to be utilised with an approximate 5m access track running around the edge of the site. A 6-8m landscaped buffer is proposed beyond the access track. Other areas within the site are detailed as being finished with crushed stone. An additional emergency access has been created close to the north-western boundary which leads out to an existing private track.
15. A landscaping plan has been provided detailing that most hedges and trees would be retained and new hedging proposed in addition to wildflower meadow and an attenuation pond. The applicant has confirmed that proposed security fencing would be set behind the buffer landscaping shown along all boundaries of the site. It is indicated that consent sought is temporary in nature only and once it reaches the end of its lifetime (approx. 40 years) the site would be decommissioned and restored to agricultural use.
16. The site was subject to a screening assessment under ref 22/02017/SCREIA where it was assessed under Schedule 2 list of developments under category 3 – Energy Industry, part a) Industrial installations for the production of electricity, steam and hot water and as the scale of the development exceeded that set out in Column 2 the proposal was screened and the Borough Council took into account the criteria in Schedule 3 of the 2017 Regulations. It was concluded that, based on the submitted screening request, that it did not constitute EIA development.

## **SITE HISTORY**

17. No relevant planning history.

## **REPRESENTATIONS**

### **Ward Member**

18. One Ward Councillor (Cllr Brown) – Objects. The site should be returned to agricultural and as it was before the A453. The proposal will be visually obtrusive in the Green Belt.
19. One Ward Councillor (Cllr R Walker) – Objects.
  - Disappointed that the current condition of the land is given weight to the landscape character
  - Questions the alternative site assessment including the search radius used, and connections available at other sites
  - Concerns over other connections available within the LDO site
  - Conscious of the 5 purposes of the Green Belt with the most relevant in this case being safeguarding from encroachment. The wider area has suffered from a high level of encroachment already and is threatened significantly by other proposals
  - Accepts that very special circumstances existing, although on balance considers that these do not outweigh the harm to the Green Belt.

### **Parish Meeting and Adjacent Parish Councils/Meetings**

20. Gotham Parish Council – Object.

21. The proposal would be situated within the LDO area. The land was supposed to be restored once the A453 was completed to help establish food security for the UK. The proposal does not consider cumulative projects including Fairham Pastures, the LDO, solar farm at Kingston, HS2 and East Midlands parkway.
22. Thrumpton Parish Council – object.
23. The site is immediately adjacent to the Ratcliffe on Soar Power Station. The redevelopment of the whole site is focussed on creating a zero carbon technology and energy hub for the East Midlands. The site is located within the Green Belt is already in part able to demonstrate the very special circumstances for energy related developments to support the low carbon transition.
24. Our local area is under significant pressure from a number of major developments and our remaining Green Belt and open space should be protected. Due to the site's close proximity to the Freeport site, it is considered that there are not the very special circumstances for allowing development in the Green Belt.
25. The full comments are available on the public file.

#### **Statutory and Other Consultees**

26. Nottinghamshire County Council Highways – No objection subject to conditions in relation to visibility splays and construction management plan. Sufficient passing provision should be provided at the access to prevent vehicles having to wait or reverse out onto the public highway. No concerns raised in respect of the traffic impact during construction or in respect of the operational phase based on the submission.
27. National Highways – No objections. Advises that the developer liaise with the Abnormal Indivisible Loads team.
28. Nottinghamshire County Council as Lead Local Flood Authority – No objection. Recommends a surface water drainage scheme.
29. The Environment Agency - No objection but have provided comments on the operators duty under the Producer Responsibility Regulations, Environmental Protection Act 1990, The Waste Batteries and Accumulators Regulations 2009.
30. Nottinghamshire County Council Archaeology Officer - No comment to make.
31. RBC Planning Policy – Neither supports or objects and makes the following overall conclusion.
32. The proposal would represent inappropriate development within the Green Belt. The main issue is whether very special circumstances, by virtue of the environmental benefits of the scheme, exist which outweigh the harm to the Green Belt and its purposes, and any other harm. Any other harm will include the consideration of the cumulative impacts from other solar farms and battery energy storage and those listed within Policy 16 of the Local Plan Part 2.

33. RBC Landscape Officer- No objection raised although makes the following comments:
34. Agrees with the overall conclusions made within the submitted LVIA.
35. With an overall minor adverse effect on the landscape character at the site level and negligible adverse on the entire Gotham and West Leake Wooded Hills and Scarps landscape character area which is understandable given that the topography limits the invisibility of the site to the wider landscape character area.
36. In terms of the impact on the Green Belt the overall magnitude of effect is considered to be medium and overall significance of effect anticipated to be moderate adverse.
37. The scheme would have an effect on the openness of the Green Belt although it will only be apparent to the public from the relatively limited viewpoints from adjacent roads.
38. Comments that the landscape scheme is appropriate in terms of species mix, size of plants and planting density.
39. Recommends that the existing hedgerows be protected by condition.
40. Environmental Sustainability Officer – No Objection.
41. The survey is in date (until May 2025, after which an update survey should be supplied if works have not commenced). The surveys identified no protected species resident on the site, there is potential for amphibians, wild birds, and commuting / foraging bats, hedgehog, water vole, brown hare and badger to use the site. No nationally or locally designated sites are likely to be impacted.
42. A Biodiversity Impact Assessment metric, Biodiversity Net Gain Design Stage Assessment report and Soft Landscaping plans have been supplied, these appear to have been completed in accordance with good practice.
43. Recommended that the onsite BNG gains should be implemented and maintained in the long term (at least 30 years) and agreed by the local planning authority and secured via a planning obligation. These onsite net gains along with any ecological mitigation and compensation should be incorporated into a Habitat Management and Monitoring Plan agreed with and secured by the local planning authority.
44. Recommendations for reasonable avoidance measures and enhancement measures are made by the consultant ecologist and along with relevant measures recommended within the attached standing advice, should be implemented and a condition of any planning permission. The officer noted that wildflower rich grassland is proposed on site; due to the underlying gypsum, they recommended that the creation of calcareous grassland is considered and that the tree hedge and shrub planting follows the council's guidance.

45. Nottinghamshire Fire & Rescue Service – No objection however recommends a condition which requires precise details of fire management scheme to be submitted and approved.
46. Environmental Health - No objections. We are satisfied with the conclusions drawn in the E3P Noise Assessment Report. Recommends conditions in relation to contamination and construction site management plan as well as any potential external lighting.
47. Conservation Officer - No objection  
There are no designated heritage assets either within the site or within the vicinity which might have their settings impacted upon by the proposed development. The nearest Conservation Area is that of Thrumpton and given the separation The officer considers that its special interest would be preserved and therefore there would be no harm to heritage assets or their settings.
48. Coal Authority - No observations.
49. Trent Valley Internal Drainage Board - There are no board-maintained water courses in proximity.
50. East Midlands airport - No objection subject to conditions and advisory regarding crane use.
51. Nottinghamshire Police - No objection They comment that:
52. The DAS does not refer to security of the development during construction although there is reference at 3.4. to the finished compound and where the security palisade fencing will be 2.4m in height and provide details of the type of fencing that should be used. They request that the developer considers the principles of Secured By Design (SBD) in the development of this site and would welcome the opportunity to discuss it further.

### **Local Residents and the General Public**

53. 6 written representations have been received, with 3 objecting to the proposed development and raise the following points;
  - a) We have the LDO, this is adjacent to that and encroaches onto Green Belt. The proposal is inappropriate and ill conceived
  - b) The proposed tree screening will take a few years to develop and then they will block line of sight to an existing telecoms mast that provides essential broadband connection and phone signal for residential and business premises
  - c) Does the proposal have a grid connection? If there is no connection then consent should not be provided
  - d) Large system on sloping ground to be clearly seen from a distance. Better as a smaller project at the bottom of the slope
  - e) Consideration should be had of other adjacent developments and not just in isolation
  - f) Unsure of which pylon would be used as this has implications for land owners and in one case to Highways
  - g) Clarification is required in relation to the number connection points to the

Grid.

3 written representations write in support of the development scheme and make the following points:

- h) With the coal fired power station being decommissioned next year, it is imperative that the Council recognise the vital role battery storage will play in enabling Nottingham and Rushcliffe Council's move towards renewable energy generation and net zero
- i) Without this development, localised grid blackouts and incredibly volatile energy prices will cripple the local residents and the area
- j) This development will be adjacent to the new and very significant development under the LDO and as close as it can be to the old power station site, the visual impact will be negligible
- k) BNG score would be a terrific addition to the environment.

Full comments can be found [here](#)

## **PLANNING POLICY**

54. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy 2014 (LPP1) and The Rushcliffe Local Plan Part 2: Land and Planning Policies 2019 (LPP2). The overarching policies in the National Planning Policy Framework (NPPF) (December 2023) are also relevant, particularly where the Development Plan is silent, and the National Planning Practice Guidance (the Guidance).

### **Relevant National Planning Policies and Guidance**

55. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Development proposals that accord with the development plan should be determined without delay. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
56. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. The environmental role refers to 'contributing to protecting and enhancing our natural, built and historic environment.' As such, the following national policies in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
- Chapter 2: Achieving sustainable development
  - Chapter 9: Promoting sustainable transport
  - Chapter 12: Achieving well-designed places

- Chapter 13: Protecting Green Belt Land
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic environment.

Full details of the NPPF can be found [here](#).

57. A material consideration in the determination of planning proposals for renewable energy are the National Policy Statements (NPS) for the delivery of major energy infrastructure. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. On the 17<sup>th</sup> January 2024, the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) came into force (NPSs).
58. Both NPSs can be a material consideration in decision making on applications that both exceed or sit under the thresholds for nationally significant projects.
59. Furthermore, the UK Government has declared a climate emergency and set a statutory target of achieving net zero emissions by 2050, and this is also a material consideration. Since the declaration, the Sixth Assessment Report of the Intergovernmental Panel on Climate Change has indicated that there is a greater than 50% chance that global temperature increases will exceed 1.5 degrees Celsius above pre-industrial levels. The report indicates that delay in global action to address climate change will miss a rapidly narrowing window of opportunity to secure a liveable and sustainable future for all.

Full details of the NPSs can be found [here](#).

### **Relevant Local Planning Policies and Guidance**

60. Rushcliffe Local Plan Part 1: Core Strategy
  - Policy 1 Presumption in Favour of Sustainable Development
  - Policy 2 Climate Change
  - Policy 4 Nottingham-Derby Green Belt
  - Policy 10 Design and Enhancing Local Identity
  - Policy 11 Historic Environment
  - Policy 15 Transport Infrastructure Priorities
  - Policy 17 Biodiversity.
61. Rushcliffe Local Plan Part 2: Land and Planning Policies
  - Policy 1 Development Requirements
  - Policy 16 Renewable Energy
  - Policy 17 Managing Flood Risk
  - Policy 18 Surface Water Management
  - Policy 21 Green Belt
  - Policy 22 Development in the Countryside
  - Policy 28 Conserving and Enhancing Heritage Assets
  - Policy 29 Development affecting Archaeological Sites
  - Policy 32 Recreational Open Space
  - Policy 33 Local Green Space
  - Policy 34 Green Infrastructure and Open Space Assets

Policy 37 Trees and Woodlands  
Policy 38 Non-Designated Biodiversity Assets & Wider Ecological Network  
Policy 40 Pollution and Land Contamination.

62. The policies in the Core Strategy and Local Plan Part 2 are available in full along with any supporting text on the Council's website [here](#).

## **APPRAISAL**

### Principal

63. The proposals relate to the erection of a Battery Energy Storage System (BESS) on former agricultural land which was more recently used as a compound as part of the dualling of the A453. The site was due to be restored to agricultural use following the completion of the highway works, however the agricultural use of the site has not recommenced. The site has been left open and self seeded vegetation has naturally taken place. The site is in close proximity to Ratcliffe on Soar power station which is in the process of being decommissioned and within approximately 250m at the closest point from the recently approved Local Development Order (22/01339/LDO). The site is also located within the Nottingham and Derby Green Belt.
64. The proposed development is of an industrial scale with a 600MW capacity and includes a number of buildings, compounds and substations, as well as ancillary works including control office buildings, security fencing, accessing and hard surfacing. The structures including a substation and supporting buildings would be finished in grey and green. The overall height of structures vary from 3m-6.5m with all structures detailed as residing on concrete plinths. The levels of the site are shown to altered, and while working with the existing natural levels of the site to an extent, 3 level plateaus would be created.
65. The proposed Battery Energy Storage System is a technology which does not itself produce renewable energy, it instead stores energy and transfers it back to the National Grid when required, for example, in times of peak energy demand. However, for the purposes of the planning system, national policy dictates that this type of development is accepted as a form of renewable energy, given that it aids the storage of energy from renewable sources and therefore reduces the reliance on fossil fuels and contributes to reduction of carbon emissions. The NPPF also states that when determining planning applications for renewable/low carbon energy developments, local planning authorities should not require applicants to demonstrate the overall need for renewable/low carbon energy and even small-scale projects can provide a valuable contribution to cutting greenhouse gas emissions.
66. Renewable energy projects are also supported by Policy 16 Renewable Energy of the LPP2 which states that "proposals for renewable energy schemes will be granted planning permission where they are acceptable in terms of:
- a) compliance with Green Belt policy
  - b) landscape and visual effects
  - c) ecology and biodiversity
  - d) best and most versatile agricultural land

- e) the historic environment
- f) open space and other recreational uses
- g) amenity of nearby properties
- h) grid connection
- i) form and siting
- j) mitigation
- k) the decommissioning and reinstatement of land at the end of the operational life of the development
- l) cumulative impact with existing and proposed development
- m) emissions to ground, water courses and/or air
- n) odour
- o) vehicular access and traffic; and
- p) proximity of generating plants to the renewable energy source.

67. The principle of the proposed development is readily supported by both national and local policy, including adopted local policy support for renewable energy generation provided there are no unacceptable impacts.
68. In accordance with the NPPF, the adverse impacts of renewable energy generation need to be addressed satisfactorily. It is the impacts of proposals for renewable energy generation that need to be considered rather than the principle of such development. Renewable energy proposals need to be considered favourably within the context that even if a proposal provides no local benefits, the energy produced should be considered a national benefit that can be shared by all communities and therefore this national benefit is a material consideration which should be given significant weight. There is strong in principle support for the proposed renewable energy development. This needs to be considered against the impacts of the proposal and the two are weighed which is a planning judgement subject to other material considerations and assessed below.

#### Green Belt/ Landscape/ visual impact

69. The site is located within the Green Belt, the purpose of which as set out in the NPPF is in part to prevent urban sprawl by keeping land permanently open (para 142 of the NPPF).
70. Paragraph 143 of the NPPF sets out the 5 purposes that the Green Belt serves:
- a) to check the unrestricted sprawl of large built-up areas
  - b) to prevent neighbouring towns merging into one another
  - c) to assist in safeguarding the countryside from encroachment
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling of derelict and
  - f) other urban land.
71. It is accepted that the development does encroach into the countryside but for the reasons set out below it is accepted that very special circumstances do exist to justify this countryside location.
72. The NPPF states that the construction of new buildings in the Green Belt is regarded as inappropriate development, subject to the exceptions as set out in paragraphs 154 and 155. It is considered that the proposal does not fall within



the exceptions set out within these paragraphs and therefore would constitute inappropriate development. Therefore, the development should not be approved except in very special circumstances.

### Very special circumstances

73. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Para 152 of the NPPF). Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (paragraph 154 of the NPPF). This national policy advice is reinforced within policy 21 of the LPP2, which states that applications for development within the Green Belt should be determined in line with the NPPF.
74. In respect of spatial openness, the applicant has provided a “Statement of Very Special Circumstances” which outlines the reasoning for proposing the development in this location.
75. During the life of the application, additional information has been submitted which outlines the benefits of the scheme which consist of the following;
- a) Form a low carbon development which will assist in balancing grid capacity and reduce carbon dioxide emissions by up to 25,271 metric tonnes annually. This is stated to be the equivalent of taking 9,423 cars off the road at an average of 10,000 miles per annum per vehicle
  - b) The proposed development has the capacity to store and supply up to 328,500,000kWh of electricity per year as an enabling technology for renewable generation and a replacement for gas fired power generation in providing rapid response power to satisfy peak demand
  - c) Support the operation of existing and development of proposed renewable energy projects, essential to delivering the Net Zero Strategy of decarbonising the electricity grid by 2035 and meeting the nations carbon reduction targets
  - d) Contribute to moving electricity to a low carbon future, thereby contributing to the objectives set out in the NPPF including the wider environmental benefits associated with increased production of energy from renewable sources
  - e) Provide a significant contribution towards compliance with the Rushcliffe Borough Council published Climate Change Strategy 2021-2030 which has an overarching aim of working with communities and partners towards making Rushcliffe a carbon neutral borough and address the biodiversity crisis.
76. The alternate site assessment outlines the search criteria undertaken by the applicant to “identify how and why the site has been chosen and not a different site within a settlement or within a brownfield site”. The assessment identifies that locational constraints exist and the following 3 criteria need to be fulfilled:
- Located on part of the electricity network that has available capacity
  - Located at a strategic substation
  - Location at a substation with available demand capacity.

77. In addition the applicant has expanded on the viability issues centered around site selection and explains at 4.10 of the Alternative Site Assessment that;
78. *'The site of the energy storage facility itself must be in close proximity to the point of connection, since locations which are distant from the connection point are unlikely to be viable due to the additional infrastructure costs of laying cables, the complexity of easement rights and system losses over longer distances would render a connection that is further away unviable. A site needs to be within a 1km radius of the PoC as this is the normally accepted, most economically viable distance from the substation for a development It must also be large enough to accommodate the equipment required for the development, in this case a 300MW (600MWhrs) connection'.*
79. The submitted planning statement acknowledges the existence of the LDO which was adopted 13<sup>th</sup> July 2023. Following discussions with the case officer additional information has been submitted in relation to the LDO site as an alternative to the application site. Within this document it is explained that there are a limited number of grid connections available from this site, with the offers made prior to the submission of this planning application. It has been stated that there are no further connections available at the LDO site at present, and as such this has been ruled out by the applicant as an alternative site.
80. In addition to this, it is worthy to note that the primary purpose of the LDO site is to facilitate 7000-8000 jobs based around advanced manufacturing and energy uses. The proposed development would not in itself generate high levels of employment. While an element of energy generation and energy storage is envisioned for the LDO site, the scale of the proposed development in terms of area required is greater than of that envisioned to be incorporated within the LDO site given the primary emphasis on manufacturing and employment generating development.
81. Furthermore, by virtue of the scale of the proposed development it is stated that there are only 2 other substations which can accommodate a 300Mw development within a 20Km radius. These are Stoke Bardolph and Willington East, both of which are classed as Grid Supply Points. Notably these locations are outside of the Rushcliffe Borough Boundary and within countryside locations.
82. Overall, the argument made by the applicant is that a project of this proposed scale could not be connected elsewhere on the local network and there are no preferentially more desirable locations for the proposed development.
83. As part of the overall development landscaping is proposed along the boundaries of the site with an attenuation pond at the southern end. Additional photomontages have been supplied which show how the proposed landscaping would soften the visual impact of the proposed development from key vantage points.
84. In respect of how the proposed development would affect the visual openness of the Green Belt, the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) in order to assess the visual and landscape impacts of the proposals. The conclusions (in part) inform the consideration of visual openness on the Green Belt.

85. In relation to the visual effects, the appraisal considers 18 views in and around the site. The number and location of views are considered acceptable and to provide a thorough appraisal of the site.
86. The LVIA concludes that the proposal would have 'moderate adverse effects on the local Green Belt designation. The LVIA comments that the site is contained especially in views from the north and to the east, views are primarily available from West Leake Lane, Remembrance Way and Winking Hill Farm complex to the south and west. The site also does not form an integral part of the wider swathe of the Green Belt to the east of Ratcliffe-on-Soar.
87. In terms of the land levels the LVIA sets out that the overall profile of the site would largely remain. The effects on the landform are anticipated to be localised but long term and of overall minor adverse significance.
88. It is noted that the RBC Landscape Officer is in agreement with the conclusions made within the submitted LVIA.
89. For the above reasons, it is considered that the proposals would result in harm to the Green Belt, as it constitutes inappropriate development in the Green Belt and will reduce its openness (spatially) and harm its openness (visually), contrary to the purpose of including land within the Green Belt. The overall harm has been assessed as being an moderate adverse impact, with minor adverse impact on landscape character and land form. This has a negative effect in the overall planning balance.
90. However, there is also clear policy support for renew energy projects along with added associated benefits of the significant reduction in carbon dioxide emissions, increased energy security and assist with the move to a low carbon future. Furthermore, it is considered that the applicant has been successful in demonstrating that there are no other available sites within the Borough with the appropriate connection point for a development of this scale, which would be less harmful. These factors weigh positively in favour of the proposed development.
91. Any other harms will be considered below.

#### Amenity of nearby properties and impact on health

92. In terms of the impact on the amenity of nearby properties and impact on health Policy 10 (Design and Enhancing Local Identity) of the LPP1 states that development will be assessed in terms of its treatment of the impact on the amenity of nearby residents.
93. Policy 1 (Development Requirements) of the LPP2 states that permission for new development will be granted where "there is no significant adverse effect upon the amenity, particularly residential amenity and adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated".
94. Policy 39 (Health Impacts of Development) of the LPP2 states that "the potential for achieving positive health outcomes will be taken into account

when considering development proposals. Where any significant adverse impacts are identified, the applicant will be expected to demonstrate how these will be addressed and mitigated."

95. Policy 40 (Pollution and Land Contamination) of the LPP2 states that "permission will not be granted for development which would result in an unacceptable level of pollution or is likely to result in unacceptable exposure of sources of pollution or risks to safety".
96. The closest residential property to the application site is approximately 350m to the south west (Winking Hill Farm). The submitted noise assessment concludes that the level of exceedance is not considered significant and absolute noise levels are considered sufficiently low.' The Environmental Health officer has reviewed the submitted assessment and is satisfied with the methodologies. Furthermore, it is noted that Environmental Health Officer acknowledges the changes to the scheme including the levels of the site, shielding provided and line of sight removal, distribution of the battery units across the site, change in battery specification, and higher proportion of soft ground between source and receiver all contributing to a lower noise impact over the original proposed scheme. Moreover there are no mitigation measures required or recommended by the Environmental Health Officer.
97. With regards to contamination concerns, the application is supported by a Phase I Geo-environmental Site Assessment report prepared by E3P. The report indicates that due to the proposed development of a battery storage area, no permanent enclosed structures are proposed, and therefore risk of ground gas is considered to be negligible. The Environmental Health officer has had regard to this report and is satisfied with the conclusions made. The recommended conditions put forward in relation to need for a site investigation and remediation scheme are considered appropriate to attach to any grant of planning permission.
98. The comments of the Fire Authority in regard to contamination including the use of Suds water are noted. A condition requiring a Risk Management Plan and Emergency Response Plan in the event of a fire has been suggested by the applicant and the Fire Authority are supportive of such a condition. Such a condition would allow a scheme to come forward with the known exact technical specification of the batteries to be used on site, and with the appropriate contingency measures in place.
99. It is also noted that while the Environment Agency has not raised any objection to the proposed development, the comments submitted acknowledge that Battery Storage scheme have the potential to pollute in abnormal and emergency situations. The Environment Agency also highlights the producer Responsibility Regulations and the obligations under these regulations including methods of disposal of batteries. While these regulations are controlled by separate legislation outside of the planning remit, it is considered appropriate to highlight these comments by way of an informative should planning permission be granted. A condition requiring methodology during the decommissioning is also considered appropriate to attach to any grant of planning permission.

100. In light of the above, it is considered that with the appropriate conditions in place the proposed development would be acceptable from an amenity perspective and comply with the relevant aims of policies 1, 10, 16, 39 and 40 of the Local Plan Part 2.

#### Vehicular access and traffic

101. With regard to vehicular access and traffic, Paragraph 115 of the NPPF states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
102. Policy 15 (Transport Infrastructure Priorities) of the LPP1 states that "new development, singly or in combination with other proposed development, must include a sufficient package of measures to ensure that... residual car trips will not severely impact on the wider transport system in terms of its effective operation."
103. Policy 1 (Development Requirements) of the LPP2 states that permission for new development will be granted where "a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority".
104. Policy 16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms of vehicular access and traffic.
105. The proposal has been reviewed by both County Highway colleagues and given the proximity of the A453, part of the strategic road network National Highway colleagues.
106. Further information has been requested by both parties to ensure that the proposed development would not result in highway safety concerns. NCC colleagues requested further clarification regarding visibility spays at the entrance to the site. National Highways colleagues requested further information in relation to construction trip generation to better understand the average or maximum daily and hourly HGV movements during peak construction.
107. As per the National Highways comments a revised Transport Statement and Construction Traffic Management Plan (both dated September 2023) have been submitted and inform that the construction period is expected to be 50 weeks as opposed to 12 -18 months as previously advised. During this time, approximately 2,516 two-way HGV movements (arrivals and departures) are anticipated to be generated. The CTMP informs that the development will consist of a 300MW capacity BESS (600MW in previous application). Table 1 in the CTMP provides a breakdown of the daily/weekly/total 2-way vehicle movements expected to arrive/depart the site throughout the construction period. It does not include any specific peak hour data however the daily figures suggest that peak periods will have no adverse impact on the SRN (2-way max no of HGV's per day 19, max no of cars per day 30 with HGV's avoiding the busiest hours). In addition, traffic management measures are to be implemented to minimise the effects of traffic travelling to and from the site

during the construction period, which include amongst other items, parking and manoeuvring provision, promoting car sharing amongst staff, signing strategy.

108. Following the submission of the requested information, the Highway Authority and National Highways have confirmed that there are no objections raised on highway safety grounds subject to conditions.
109. It is therefore considered that the proposed development would be acceptable from a safety perspective and accord with policies 1 and 16 of the Local Plan Part 2 and guidance contained within the NPPF.

### Ecology and biodiversity

110. Policy 17 (Biodiversity) of the LPP1 states "the biodiversity of Rushcliffe will be increased by:
  - a) protecting, restoring, expanding and enhancing existing areas of biodiversity interest, including areas and networks of priority habitats and species listed in the UK and Nottinghamshire Local Biodiversity Action Plans
  - b) ensuring that fragmentation of the Green Infrastructure network is avoided wherever possible and improvements to the network benefit biodiversity, including at a landscape scale, through the incorporation of existing habitats and the creation of new habitats
  - c) seeking to ensure new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate
  - d) supporting the need for the appropriate management and maintenance of existing and created habitats through the use of planning conditions, planning obligations and management agreements; and
  - e) ensuring that where harm to biodiversity is unavoidable, and it has been demonstrated that no alternative sites or scheme designs are suitable, development should as a minimum firstly mitigate and if not possible compensate at a level equivalent to the biodiversity value of the habitat lost.
111. The policy goes on to protect designated national and local sites of biological and geological importance for nature conservation and states that development on or affecting other, non-designated sites or wildlife corridors with biodiversity value will only be permitted where overriding need for the development.
112. Policy 1 (Development Requirements) of the LPP2 states that permission for new development will be granted where there are no significant adverse effects on important wildlife interests and where possible, the application demonstrates net gains in biodiversity.
113. Policy 16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms of ecology and biodiversity.
114. Policy 38 (non-designated biodiversity assets and the wider ecological network) of the LPP2 advises that:
  - 1) Where appropriate, all developments will be expected to preserve, restore and re-create priority habitats and the protection and recovery of priority species in order to achieve net gains in biodiversity
  - 2) Developments that significantly affect a priority habitat or species should avoid, mitigate or as a last resort compensate any loss or effects

- 3) In order to ensure Rushcliffe's ecological network is preserved and enhanced, development within Biodiversity Opportunity Areas should:
    - a) retain and sympathetically incorporate locally valued and important habitats, including wildlife corridors and stepping stones; and
    - b) be designed in order to minimise disturbance to habitats and species
  - 4) Outside of the Biodiversity Opportunity Areas developments should, where appropriate, seek to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
115. The application has been supported by a preliminary ecological appraisal, an eDNA GCN survey and a Biodiversity net gain assessment. The proposal has been reviewed by the borough ecologist who has advised that no nationally or locally designated sites are likely to be affected by the proposal and no protected species were recorded on the site. Recommendations within the surveys are made in relation to mitigation and enhancement, which should be secured by condition to any grant of planning permission. A recommendation has also been made to consider the promotion of calcareous grassland rather than the creation of a wildflower meadow given the likely presence of underlying gypsum and again this could be secured by a suitably worded condition.
116. Further information has been supplied in relation Biodiversity Net Gain (BNG) which demonstrates a gain of 2.46 biodiversity units (24.98%), 3.93 Hedgerow Units (128.06%) and 0.06 Watercourse units (144.46%) meeting current policy requirements. The BNG has been assessed as being carried out in accordance with good practice.
117. The proposal, subject to conditions, is considered acceptable in relation to ecology and protected species and would accord with policy 17 of the LPP1, 16 and 38 of the LPP2 and the NPPF.

### The Historic Environment

118. Chapter 16 of the NPPF addresses the historic environment. It identifies heritage assets as 'an irreplaceable resource' and notes that "they should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".
119. Policy 11 (Historic Environment) of LPP1 states that "proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance." It goes on to state that elements of particular importance include Registered Parks and Gardens and prominent Listed Buildings.
120. Policy 1 (Development Requirements) of the LPP1 states that permission for new development will be granted where "there is no significant adverse effect on any historic sites and their settings including listed buildings, buildings of local interest, conservation areas, scheduled ancient monuments, and historic parks and gardens".

121. Policy 16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms the historic environment. Policy 28 (Conserving and Enhancing Heritage Assets) of the LPP2 states that "proposals that affect heritage assets will be required to demonstrate an understanding of the significance of the assets and their settings, identify the impact of the development upon them and provide a clear justification for the development in order that a decision can be made as to whether the merits of the proposals for the site bring public benefits which decisively outweigh any harm arising from the proposals." It then goes on to set out the criteria against which proposals affecting a heritage asset will be considered, including the significance of the asset and whether the proposals would be sympathetic to the character and appearance of the heritage asset.
122. The proposal has been reviewed by the conservation officer and county archaeology colleagues. There are no listed building present on the site and the site is not situated within a conservation area. Therefore, it is considered that the proposal would not result in any harm to the significance of the Listed Building or it's setting particularly given the distance and screening from the heritage asset. Given the previous use of the site there is also not considered to be any potential archaeological interest.
123. As such, development of the site would not result in harm to the significance of any designated heritage assets. It is therefore, considered that the proposal confirms with policy 1 of the LPP1 and 11 and 16 of the LPP2, the NPPF within chapter 16 (Conserving and enhancing the historic environment) and the Local Plan in this regard. The development is assessed as in accordance with the Planning (Listed Building and Conservation Areas) Act 1990 sections 66 and 72.

#### Best and most versatile agricultural land

124. Paragraph 157 of the NPPF states that renewable and low energy carbon energy and associated infrastructure should be supported. In addition, Paragraph 163 of the NPPF outlines that local planning authorities should approve renewable and low carbon development applications if its impacts are or can be made acceptable.
125. Policy 1 (Development Requirements) of the LPP1 states that permission for new development will be granted where "development should have regard to the best and most versatile agricultural classification of the land, with a preference for the use of lower quality over higher quality agricultural land." Criterion 12 of LPP2 Policy 1 states that "development should have regard to the best and most versatile agricultural classification of the land, with a preference for the use of lower quality over higher quality agricultural land. Development should also aim to minimise soil disturbance as far as possible".
126. Policy 16 (Renewable Energy) of the LPP2 states that renewable energy schemes must be acceptable in terms of best and most versatile agricultural land.
127. The "best and most versatile' (BMV) agricultural land is defined as land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system. The site has been used as a compound during the construction phase of the widened



A453. Although it should have been restored back to its previous condition after the use ceased this does not appear to have been the case. As such, it is concluded that the proposal would not have an unacceptable impact upon the agricultural land. It is considered that the proposal complies with the LPP1 Policy 1; LPP2 Policy 1 and 16 and the NPPF paragraph 157 and 162 in relation to renewable developments and agricultural land.

### Flood Risk

128. Policy 2 (Climate Change) of the LPP1 states that "Development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere and where possible reduce flood risk, adopting the precautionary principle to development, will be supported."
129. Policy 17 (Managing Flood Risk) of the LPP2 states that "planning permission will be granted for development in areas where a risk of flooding or problems of surface water disposal exists provided that the sequential test and exception test are applied and satisfied in accordance with the NPPF and NPPG [and] development does not increase the risk of flooding on the site, or elsewhere" amongst other things. It goes on to state that "development proposals in areas of flood risk will only be considered when accompanied by a site-specific flood risk assessment. Proposals will be expected to include mitigation measures which protected the site and manage any residual flood risk".
130. Policy 18 (Surface Water Management) of the LPP2 states that "to increase the levels of water attenuation, storage and water quality, and where appropriate, development must, at an early stage in the design process, identify opportunities to incorporate a range of deliverable Sustainable Drainage Systems, appropriate to the size and type of development. The choice of drainage systems should comply with the drainage hierarchy." It goes on to state "planning permission will be granted for development which is appropriate located taking account of the level of flood risk and which promote the incorporation of appropriate mitigation measures into new development, such as sustainable drainage systems" amongst other things.
131. The entirety application site lies within Flood Zone 1, defined as land having low probability of flooding (i.e. less than 1 in 1000 annual probability of river or sea flooding). The Environment Agency have been consulted and have no comments to make on the application and the same response has been received from the Lead Local Flood Authority.
132. The proposal has been supported by a flood risk and drainage assessment and an attenuation pond is proposed in the southern element of the site. Recommendations are made within the submitted report in relation to surface water management and maintenance and subject to condition to secure the recommendations detailed in the report, together with the requirements of the Airport Safeguarding Team, the proposal is considered to be acceptable in relation to surface water management and flood risk and would accord with Local planning policy and National Guidance.

### Air Quality

133. In relation to air pollution, Policy 41 (Air Quality) of the LPP2 states that "planning permission will not be granted for development proposals that have the potential to adversely impact on air quality, unless measures to mitigate or offset their emissions and impacts have been incorporated."
134. The nature of the proposed development mean that no odour or harmful emissions would be generated during the operational stage, therefore, the proposed development is considered in alignment with Policy 41 of the LPP2 regarding air quality.

#### East Midlands Airport

135. With regard to matters relating to airport safety The East Midlands Airport Safeguarding team have been consulted and have not raised an objection to the proposal but requested a number of informatives and conditions to ensure compliance with aerodrome safeguarding of aircraft.

#### Fire Safety

136. The issue of Fire safety has been central to other development schemes for battery storage. It is acknowledged that this type of development represents a relatively new technology which relies on lithium batteries being used to store electricity. The lithium batteries get very hot and so need to be kept cool constantly to prevent the build-up of excessive heat and risk of fire. In the event that the batteries catch alight, they give off toxic fumes and as they do not respond to water, cannot successfully be put out.
137. Accordingly, the comments from the Fire Safety Officer have been sought on this matter. A number of consultation responses have been received by the Fire Safety Officer which required further information to be supplied.
138. In response to this, the applicant has put forward a suggested condition which requires the submission of a Risk Management Plan and Emergency Response Plan. The suggested condition requires the plan to be developed in conjunction with the Nottinghamshire Rescue service using the best practice guidance as detailed and required in the published Grid Scale Battery Storage Energy Storage planning - Guidance for FRS published by NFCC National Fire Chiefs.
139. The Fire Safety Officer has confirmed that the suggested condition is appropriate and would invite a further consultation once precise details are available in order to work with the applicant on the production of an emergency response plan.
140. In light of the above, it is considered that with the attachment of the described condition, the issue of fire safety would be satisfactorily addressed.

#### Decommissioning And Reinstatement of Land

141. Policy 16 Renewable Energy of the LPP2 which states that "proposals for renewable energy schemes will be granted planning permission where they are acceptable in terms of... the decommissioning and reinstatement of land at the end of the operational life of the development.

142. . The submitted planning statement details that decommissioning would include removal of any elements secured through the BESS permission and the applicant would be willing to accept a condition to secure decommissioning and restoration of the site. The proposal would therefore accord with Policy 16 Renewable Energy of the LPP2.

### Cumulative impact

143. It is acknowledged that the application site is located in close proximity to the LDO site which includes the redevelopment of the Ratcliffe on Soar Power Station, a previously developed site, and an area of land on the opposite side of the A453.
144. There is the potential for the proposed development to be viewed in conjunction with development within the LDO site and there to be a cumulative impact to the Green Belt and wider area.
145. However, to also put this impact into perspective the LDO site is vast in size in comparison to the application site, measuring 265 hectares bisected into two areas by Remembrance Way (A453); the Northern Area covers 155 ha and the Southern Area covers 110 ha. Furthermore the approved layout plans for LDO site show large shed structures within the southern area of the LDO, which, in terms of built form and visual appearance, would dwarf the structures within the application site.
146. In comparison, the application site covers 4.6 hectare in total with the majority of structures being less than 4m in height.
147. As discussed previously, the application site is relatively well contained due to topography of the site with the only main vantage points possible from the adjoining highways.
148. In light of the above, it is considered that the cumulative impact would be minor in nature.
149. PLANNING BALANCE
150. In accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. In this instance, Policy 2 (Climate Change) of LPP1 and Policy 16 (Renewable Energy) of the LPP2 broadly supporting the principle of renewable energy, policy 21 (Green Belt) of the LPP2 states that "Applications for development in the Green Belt will be determined in accordance with the National Planning Policy Framework." Therefore, the National Green Belt policy is set out in Section 13 of the NPPF provides the key criteria to assessment the application against.
151. The NPPF states that many renewable energy projects in the Green Belt will comprise inappropriate development, and in such cases, developers will need to demonstrate very special circumstances which could include the wider

environmental benefits associated with the increased production of energy from renewable sources. Whilst this lends support for renewable projects in the Green Belt, it does not mean proposals of this nature are automatically approved, instead the effects of the proposed development must take into account a broad range of planning considerations in the context of the general presumption against inappropriate development, and the resultant harm conveyed to the Green Belt by this.

152. In considering the application as a whole, the benefits of the proposal need to be weighed against the harm of the proposal, in order to determine whether very special circumstances exist and therefore whether the development can be permitted.
153. The overall harm of the proposal can be summarised as including the development of inappropriate development in the Green Belt, which is by definition, harmful to the Green Belt. Furthermore there is the harm caused by the loss of openness of the Green Belt in visual terms by virtue of the industrialisation of the site through the erection of large number of industrial style buildings/structures in an otherwise open and undeveloped field. This has been assessed as resulting in an overall moderate adverse impact on the landscape.
154. The very special circumstances put forward by the applicant are acknowledged and given significant weight. The proposed development would provide a low carbon development which will assist in balancing grid capacity and reduce carbon dioxide emissions by up to 25,271 metric tonnes annually, as well as the capacity to store and supply up to 328,500,000kWh of electricity per year as an enabling technology for renewable generation and a replacement for gas fired power.
155. Furthermore, when taking account of the clearly explained locational requirements of the proposed development, in terms of the proximity to a point of connection to the grid which has the appropriate capacity requirements, it is considered that the applicant has successfully demonstrated that there are no other alternative sites within the district which would be less harmful.
156. In summary, it is therefore considered that when assessing the planning balance of the application as a whole, the very special circumstances described above as well as the undisputed urgent need for this form of development to assist in national and local targets for moving towards a low carbon future, would clearly outweigh the identified harm to the Green Belt by way of inappropriateness and the identified impact on the landscape that has been identified

## Conclusion

157. The introduction of a new development of an industrial style appearance, hard surfacing and level changes would constitute inappropriate development in the Green Belt and would reduce the spatial and visual openness of the Green Belt, resulting in harm to the Green Belt. It is also acknowledged that there is a moderate adverse impact on landscape character resulting from the proposed development.

158. Accordingly, very special circumstances are required in order for the proposed development to be approved in line with the guidance within Para 152 of the NPPF. Para 156 of the NPPF sets out that such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
159. The very special circumstances presented by the applicant in relation to the benefits of the proposal in providing a renewable energy storage facility, together with the associated substantial reduction in carbon dioxide, increased energy security and enabling technology for renewables are acknowledged and afforded significant weight. The applicant has also been successful in demonstrating that there would no other alternative sites for the proposed development of this scale within the Borough which would be less harmful.
160. Taken collectively, along with the significant need for renewable energy, it is considered that there are very special circumstances which exist that would clearly outweigh the identified harm to the Green Belt and landscape character.
161. The applicants have also satisfactorily addressed initial concerns raised in relation to highway safety, noise management and fire safety through the submission of additional and revised details during the life of the application. The proposed development is also considered acceptable in all other respects.
162. These factors, mean that the planning balance (and when considered in the context of the tests under Section 38(6) Planning and Compulsory Purchase Act 2004) is weighted in favour of the proposed development.
163. Accordingly, it is considered that when assessed as a whole the proposed development would be inline with guidance within the NPPF and the Council's own local planning policies and planning permission is recommended to be granted.
164. The proposal was the subject of pre-application discussions and the agent was made aware of the relevant planning policy and impacts of the development. Discussions have been had during the assessment of the application and amendments have been made to the proposal, and further information has been provided, to address relevant planning policy and the identified impacts, thereby resulting in a more acceptable scheme and a recommendation to grant planning permission.

## **RECOMMENDATION**

It is **RECOMMENDED** that planning permission be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004]

2. The development hereby permitted must be carried out strictly in accordance with the following approved plan(s)/drawings/documents:

Plan Ref. UG\_1933\_LAN\_SL\_DRW\_04 P06 General Arrangement received 5<sup>th</sup> December 2023

Plan Ref. JS - PL - NG110LG – 201 ELEVATIONS\_AA REV D received 28th November 2023

Plan Ref. JS - PL - NG110LG - 201ELEVATIONS\_BB REV D received 28th November 2023

Plan Ref JS - PL - NG110LG – 201 ELEVATIONS\_CC REV D received 28th November 2023

Plan Ref. S - PL - NG110LG – 201 ELEVATIONS\_DD REV D received 28th November 2023

Plan Ref. JS - PL - NG110LG - 201PROPOSED PLAN REV D 1-500 received 28th November 2023

Plan Ref. JS - PL - NG110LG - 201 PROPOSED PLAN\_DIMS\_REV D received 28th November 2023

Plan Ref. JS - PL - NG110LG - 201 SECTIONS\_EE REV D received 28th November 2023

Plan Ref. JS - PL - NG110LG – 201 SECTIONS\_FF REV D received 28th November 2023

Plan Ref. UG\_1933\_LAN\_SL\_DRW\_02 P06 soft landscaping 1/3 received 5th December 2023

Plan Ref. UG\_1933\_LAN\_SL\_DRW\_03 P06 soft landscaping 2/3 received 5th December 2023

Plan Ref. UG\_1933\_LAN\_SL\_DRW\_04 P06 soft landscaping 3/3 received 5th December 2023

Plan Ref. REV B - AILV EXITING SITE SPA received 24th November 2023

Plan Ref. REV C - FIRE TENDER SPA SHEET 1 OF 2 received 24th November 2023

Plan Ref. REV C - FIRE TENDER SPA SHEET 2 OF 2. received 24th November 2023

Ecology report by Urban Green Ref. G\_1933\_ECO\_BNG\_05\_COMPRESSED received 5th December 2023

LTP 5371 T1 02 01 REV A 16.5M ARTIC ENTERING SITE SPA received 17th November 2023

LTP 5371 T1 02 02 REV A 16.5M ARTIC EXITING SITE SPA received 17th November 2023

Construction Traffic Management Plan by Local Transport Projects Ref.  
LTP/23/5371 dated September 2023

Transport Assessment by Local Transport Projects Ref. LTP/23/5371 dated  
September 2023.

Noise Impact Assessment report (Ref: 50-923-R1-2; dated 19th September  
2023

[For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local  
Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part  
2: Land and Planning Policies (2019)]

3. The development hereby approved shall operate for a period of 40 years from first operation, after which the electrical storage development shall cease. The site operator shall provide a minimum 4 weeks notice in writing to the Local Planning Authority, of the date of commissioning of the facility.

Within 6 months following the operational use of the site hereby approved commencing, a Decommissioning Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include the timing for decommissioning of all the electrical storage containers if they cease to be operational, along with the measures, and a timetable for their completion, to secure the removal of battery storage and associated equipment.

The subsequent decommissioning of the site shall be carried out in accordance with the agreed details within 6 months of the expiry of this permission or within 6 months of the cessation of the storage of electricity use at the site (whichever is sooner). The applicant should provide the Local Planning Authority with not less than one week's notice in writing of the cessation of the storage of electricity and the intended date for commencement of decommissioning works under the terms of this permission.

[In the interests of the character and appearance of the area and to comply with policies 16 (Renewable Energy) and 21 (Green Belt) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

4. The soft landscaping shown on the submitted drawing Plan Ref. UG\_1933\_LAN\_SL\_DRW\_02 P06 soft landscaping 1/3 received 5<sup>th</sup> December 2023, Plan Ref. UG\_1933\_LAN\_SL\_DRW\_03 P06 soft landscaping 2/3 received 5<sup>th</sup> December 2023 and Plan Ref. UG\_1933\_LAN\_SL\_DRW\_04 P06 soft landscaping 3/3 received 5<sup>th</sup> December 2023 must be carried out and completed in accordance with those approved details not later than the first planting season (October - March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved LS is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the

same place during the next planting season following its removal.

[To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework.

5. The development hereby approved shall not commence on site until a Construction Traffic Management Plan, having regard to the revised Transport Statement and Construction Traffic Management Plan (both dated September 2023), has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Statement shall address the following:

- the routing of deliveries and construction vehicles to site
- details of arrangements for coordinating and controlling delivery vehicles
- parking arrangements for site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- on-site turning facilities for all vehicles
- wheel washing facilities
- manoeuvring provision
- promoting car sharing amongst staff
- signing strategy.

[The condition needs to be discharged before development commences on site as this information was not included in the application and it is important to agree these details in the interests of highway safety, and to minimise disruption to users of the public highway.having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

6. The development hereby approved shall not be brought into use until the visibility splays as detailed on the Access Visibility Splays plan Dwg. No. LTP/5371/V1/01.01 Rev B have been provided. The visibility splays shall thereafter be maintained for the duration of the construction period.

[To ensure sufficient visibility is provided at the site access in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)

7. No construction works, other than works to the access track shall commence on site until the access track is constructed in a hard bound material for a minimum distance of 15metres to the rear of the highway boundary. The hard bound surfacing shall thereafter be retained for the life of the development.

[The condition needs to be discharged before development commences on site as this information was not included in the application and it is important to agree these details to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) having regard to Policy 1



(Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)

8. No construction works, other than works to the access track shall commence on site until the access track is constructed with provision to prevent the unregulated discharge of surface water from the access track to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

[The condition needs to be discharged before development commences on site as this information was not included in the application and to ensure surface water from the site is not deposited on the public highway causing dangers to road users.] having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)

9. Prior to the development hereby approved being first brought into use, the ecological enhancements shall be carried out in accordance with the recommendations within Ecology report by Urban Green Ref. G\_1933\_ECO\_BNG\_05\_COMPRESSED received 5<sup>th</sup> December 2023

[To ensure the development contributes to the enhancements of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) Policy 38 (Non Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) Chapter 15 Conserving and enhancing the natural environment of the National Planning Policy Framework 2023.]

10. Prior to the use of the development hereby approved commencing a Biodiversity Habitat Management and monitoring Plan, to cover the net gains along with any ecological mitigation and compensation approved by condition 9, over a 30 year period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall then be reviewed every 5 years, with the review being submitted in writing to the Local Planning Authority, and any required improvements undertaken.

To ensure the development contributes to the enhancements of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) Policy 38 (Non Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) Chapter 15 Conserving and enhancing the natural environment of the National Planning Policy Framework 2023

11. Prior to the development hereby approved being first brought into use, a Risk Management Plan and Emergency Response Plan shall be submitted to and approved in writing by the Local Planning Authority. These plans shall be developed in conjunction with Nottinghamshire Rescue Service using the best practice guidance as detailed and required in the published Grid Scale Battery Energy Storage System planning - Guidance for FRS published by NFCC National Fire Chiefs Council. Once approved, these plans shall be implemented thereafter and for the duration of the lifetime of the development. [The condition needs to be discharged before development commences on site as this information was not included in the application and it is important to

agree these details in the interests of public safety and ensuring any risks associated with the proposed development are suitably identified and mitigated..having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

12. a) Notwithstanding the Phase I Geo-environmental Site Assessment report prepared by E3P (Ref: 16-113-R1-2; dated June 2023) received 4<sup>th</sup> July 2023 , the development hereby permitted must not commence until a written report of the findings of an exploratory Site Investigation (SI) with either a generic and/or detailed quantitative risk assessment of those findings has been submitted to and approved in writing by the Local Planning Authority. The SI must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework February 2019) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM).

b) Where the findings of the submitted SI identifies unacceptable risks to human health and/or the environment, the development (excluding any demolition) hereby permitted must not commence until a detailed Remediation Scheme (RS) has been submitted to and approved in writing by the Local Planning Authority.

The submitted RS must include:

- full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken;
- the proposed remediation objectives and criteria; and,
- a verification plan. The RS must demonstrate that as a minimum the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.

c) The development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.

[To ensure that a satisfactory assessment of any land contamination and an appropriate strategy for its remediation from the site is carried out to ensure that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and the National Planning Policy Framework]

13. Prior to any external flood/security lighting being brought into first use, a lighting assessment (together with a lux plot of the estimated illuminance) shall be submitted to and approved by the Local Planning Authority. Any such assessment should consider the potential for light spill and/or glare, in

accordance with the Institute of Lighting Professionals (ILP) Guidance Note for the Reduction of Obtrusive Light 01/21).

[In order to protect the amenities of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

14. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.

[In the interests of flight safety and to prevent distraction and confusion to pilots using East Midlands Airport and having regard to Para 110 of the NPPF which recognises the importance of maintaining a national network of general aviation airfields and the Government's General Aviation Strategy]

15. Development shall not commence until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the LPA in consultation with the aerodrome safeguarding authority for East Midlands Airport. The submitted plan shall include details of:
  - a) how the pond will be designed to prevent species of birds that are hazardous to aircraft;
  - b) monitoring of the whole site which may be attractive to nesting, roosting and "loafing" birds;
  - c) monitoring of and disturbance of any roof loafing/nesting activity during construction and in perpetuity, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site.

[In order to prevent any increase in the number of hazardous birds in the vicinity of East Midlands Airport (EMA) that would increase the risk of a Birdstrike to aircraft using EMA and having regard to Para 110 of the NPPF which recognises the importance of maintaining a national network of general aviation airfields and the Government's General Aviation Strategy]

16. No development shall take place until full details of the materials and their reflective properties are submitted to and approved by the Borough Council. Thereafter the development shall be carried out in accordance with the approved details and in consultation with the aerodrome safeguarding authority for East Midlands Airport (EMA).

[To ensure the development does not endanger the safe movement of aircraft or the operation of East Midlands Airport by creating an ocular hazard to pilots or air traffic controllers and having regard to Para 110 of the NPPF which recognises the importance of maintaining a national network of general aviation airfields and the Government's General Aviation Strategy]

17. Measures to minimise and manage the creation of dust and smoke should be implemented for the full duration of all construction works, including demolition and excavation, in accordance with the advice of East Midlands Airport and the Civil Aviation Authority.

[In the interests of aviation safety Flight safety – dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers and having regard to Para 110 of the NPPF which recognises the importance of maintaining a national network of general aviation airfields and the Government’s General Aviation Strategy]

18. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

[This is a pre-commencement condition as drainage is required to be implemented as part of the construction phase. To ensure that the development addresses water attenuation/storage on the site and minimises the risk of flooding elsewhere having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 163 and 165 of the National Planning Policy Framework (July 2021)]

19. Prior to the commencement of development all existing hedgerows on the site identified as being retained shall be protected by fencing that accords with BS5837:2012, and the protection shall remain throughout the duration of the development.

[This is pre-commencement to ensure the adequate protection of the existing trees and hedgerows on or with root protection areas on the site during the construction of the development having regard to regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 37 (Trees and Woodlands) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework]

20. Prior to the development being brought into use precise details of the boundary treatments to the site including heights, positions, design, materials and type of boundary treatment shall be submitted to and approved in writing by the Borough Council. Thereafter the development shall be carried out in accordance with approved details.

[To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development

Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework (February 2019).]

21. The development shall be carried out in accordance with E3P Noise Impact Assessment report (Ref: 50-923-R1-2; dated 19th September 2023).

22.

[To protect nearby residential properties from unacceptable fumes or smells having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)]

### **Notes to applicant**

Planning consent is not approval to work on or adjacent to the public highway, therefore prior to any works commencing on site including demolition works you must contact Highways Network Management at [licences@viaem.co.uk](mailto:licences@viaem.co.uk) to ensure all necessary licences and permissions are in place.

Permission to erect signs in the public highway should be sought from the Highway Authority's agent, Via East Midlands. Please contact VIA East Midlands on 0300 500 8080 or email [contactus@viaem.co.uk](mailto:contactus@viaem.co.uk). Fees may apply.

The use of radio frequency/Electromagnetic emitters in this location have the potential to interfere with East Midlands Airport's Communication, navigation, and surveillance (CNS) equipment. Emitting devices/equipment are to be approved by East Midlands Airport prior to energisation.

The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see: <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>.

National Highways manages the movement our Abnormal Indivisible Loads (AILs) through our Abnormal Loads Team. Further information can be obtained by contacting: [Abnormalloads@nationalhighways.co.uk](mailto:Abnormalloads@nationalhighways.co.uk).

Battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation. This creates additional lifecycle liabilities which must be understood and factored into project costs, but on the positive side, the regime also creates opportunities for battery recyclers and related businesses. Operators of battery storage facilities should be aware of the Producer Responsibility Regulations. Under the Regulations, industrial battery producers are obliged to:

- take back waste industrial batteries from end users or waste disposal authorities free of charge and provide certain information for end users
- ensure all batteries taken back are delivered and accepted by an approved treatment and recycling operator
- keep a record of the amount of tonnes of batteries placed on the market and taken back.

Fire Authority Guidance to be attached.

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