

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 17th 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 13th 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 5th 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

LTP 5371 V1 01 01 REV B EXISTING ACCESS VISIBILITY
SPLAYS 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 5th December 2023, Plan Ref. UG_1933_LAN_SL_DRW_03 P06 soft landscaping 2/3 received 5th December 2023 and Plan Ref. UG_1933_LAN_SL_DRW_04 P06 soft landscaping 3/3 received 5th 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 5th 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 4th 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 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. 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.

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.